

Senator Curtis S. Bramble proposes the following substitute bill:

RECIPROCAL PROFESSIONAL LICENSING

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill addresses reciprocal professional licensing and certification by certain state agencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts the Interstate Teacher Mobility Compact;
- ▶ enacts the PA Licensure Compact;
- ▶ creates a process for the following state agencies to issue certain professional

licenses and certificates by endorsement:

- the Department of Agriculture and Food;
- the Pete Suazo Utah Athletic Commission within the Department of Cultural and Community Engagement;
- the Department of Commerce;
- the Department of Environmental Quality;
- the Department of Health and Human Services;
- the Utah State Office of Rehabilitation within the Department of Workforce



26 Services;

- 27 • the Labor Commission;
- 28 • the State Board of Education; and
- 29 • the Department of Transportation;
- 30 ▶ provides administrative rulemaking authority; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 [58-1-301.5](#), as last amended by Laws of Utah 2022, Chapters 221, 438 and 466

39 [58-1-302](#), as last amended by Laws of Utah 2022, Chapter 415

40 [58-70a-302](#), as last amended by Laws of Utah 2021, Chapter 312

41 ENACTS:

42 [4-1-112](#), Utah Code Annotated 1953

43 [9-23-301.5](#), Utah Code Annotated 1953

44 [13-1-17](#), Utah Code Annotated 1953

45 [19-1-208](#), Utah Code Annotated 1953

46 [26B-3-102](#), Utah Code Annotated 1953

47 [35A-13-606.5](#), Utah Code Annotated 1953

48 [40-2-403](#), Utah Code Annotated 1953

49 [53E-6-205](#), Utah Code Annotated 1953

50 [53E-6-1100](#), Utah Code Annotated 1953

51 [53E-6-1101](#), Utah Code Annotated 1953

52 [53E-6-1102](#), Utah Code Annotated 1953

53 [53E-6-1103](#), Utah Code Annotated 1953

54 [53E-6-1104](#), Utah Code Annotated 1953

55 [53E-6-1105](#), Utah Code Annotated 1953

56 [53E-6-1106](#), Utah Code Annotated 1953

- 57 [53E-6-1107](#), Utah Code Annotated 1953
- 58 [53E-6-1108](#), Utah Code Annotated 1953
- 59 [53E-6-1109](#), Utah Code Annotated 1953
- 60 [53E-6-1110](#), Utah Code Annotated 1953
- 61 [53E-6-1111](#), Utah Code Annotated 1953
- 62 [53E-6-1112](#), Utah Code Annotated 1953
- 63 [58-70a-301.1](#), Utah Code Annotated 1953
- 64 [58-70c-101](#), Utah Code Annotated 1953
- 65 [58-70c-102](#), Utah Code Annotated 1953
- 66 [58-70c-103](#), Utah Code Annotated 1953
- 67 [58-70c-104](#), Utah Code Annotated 1953
- 68 [58-70c-105](#), Utah Code Annotated 1953
- 69 [58-70c-106](#), Utah Code Annotated 1953
- 70 [58-70c-107](#), Utah Code Annotated 1953
- 71 [58-70c-108](#), Utah Code Annotated 1953
- 72 [58-70c-109](#), Utah Code Annotated 1953
- 73 [58-70c-110](#), Utah Code Annotated 1953
- 74 [58-70c-111](#), Utah Code Annotated 1953
- 75 [58-70c-112](#), Utah Code Annotated 1953
- 76 [58-70c-113](#), Utah Code Annotated 1953
- 77 [58-70c-201](#), Utah Code Annotated 1953
- 78 [72-9-602.5](#), Utah Code Annotated 1953



80 *Be it enacted by the Legislature of the state of Utah:*

81 Section 1. Section **4-1-112** is enacted to read:

82 **4-1-112. License by endorsement.**

83 (1) As used in this section, "license" means an authorization that permits the holder to
84 engage in the practice of a profession regulated under this title.

85 (2) Subject to Subsections (4) through (7), the department shall issue a license to an
86 applicant who has been licensed in another state, district, or territory of the United States if:

87 (a) the department determines that the license issued by the other state, district, or

88 territory encompasses a similar scope of practice as the license sought in this state;

89 (b) the applicant has at least one year of experience practicing under the license issued
90 in the other state, district, or territory; and

91 (c) the applicant's license is in good standing in the other state, district, or territory.

92 (3) Subject to Subsections (4) through (7), the department may issue a license to an
93 applicant who:

94 (a) has been licensed in another state, district, or territory of the United States, or in a
95 jurisdiction outside of the United States, if:

96 (i) (A) the department determines that the applicant's education, experience, and skills
97 demonstrate competency in the profession for which licensure is sought in this state; and

98 (B) the applicant has at least one year of experience practicing under the license issued
99 in the other state, district, territory, or jurisdiction; or

100 (ii) the department determines that the licensure requirements of the other state,
101 district, territory, or jurisdiction at the time the license was issued were substantially similar to
102 the requirements for the license sought in this state; or

103 (b) has never been licensed in a state, district, or territory of the United States, or in a
104 jurisdiction outside of the United States, if:

105 (i) the applicant was educated in or obtained relevant experience in a state, district, or
106 territory of the United States, or a jurisdiction outside of the United States; and

107 (ii) the department determines that the education or experience was substantially
108 similar to the education or experience requirements for the license sought in this state.

109 (4) The department may refuse to issue a license to an applicant under this section if:

110 (a) the department determines that there is reasonable cause to believe that the
111 applicant is not qualified to receive the license in this state; or

112 (b) the applicant has a previous or pending disciplinary action related to the applicant's
113 other license.

114 (5) Before the department issues a license to an applicant under this section, the
115 applicant shall:

116 (a) pay a fee determined by the department under Section [63J-1-504](#); and

117 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
118 standing in the profession for which licensure is sought in this state.

119 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah
120 Administrative Rulemaking Act, prescribing the administration and requirements of this
121 section.

122 (7) This section is subject to and may be supplemented or altered by licensure
123 endorsement provisions or multistate licensure compacts in specific chapters of this title.

124 Section 2. Section **9-23-301.5** is enacted to read:

125 **9-23-301.5. License by endorsement.**

126 (1) As used in this section, "license" means an authorization that permits the holder to
127 engage in the practice of a profession regulated under this chapter.

128 (2) Subject to Subsections (4) through (6), the commission shall issue a license to an
129 applicant who has been licensed in another state, district, or territory of the United States if:

130 (a) the commission determines that the license issued by the other state, district, or
131 territory encompasses a similar scope of practice as the license sought in this state;

132 (b) the applicant has at least one year of experience practicing under the license issued
133 in the other state, district, or territory; and

134 (c) the applicant's license is in good standing in the other state, district, or territory.

135 (3) Subject to Subsections (4) through (6), the commission may issue a license to an
136 applicant who:

137 (a) has been licensed in another state, district, or territory of the United States, or in a
138 jurisdiction outside of the United States, if:

139 (i) (A) the commission determines that the applicant's education, experience, and skills
140 demonstrate competency in the profession for which licensure is sought in this state; and

141 (B) the applicant has at least one year of experience practicing under the license issued
142 in the other state, district, territory, or jurisdiction; or

143 (ii) the commission determines that the licensure requirements of the other state,
144 district, territory, or jurisdiction at the time the license was issued were substantially similar to
145 the requirements for the license sought in this state; or

146 (b) has never been licensed in a state, district, or territory of the United States, or in a
147 jurisdiction outside of the United States, if:

148 (i) the applicant was educated in or obtained relevant experience in a state, district, or
149 territory of the United States, or a jurisdiction outside of the United States; and

150 (ii) the commission determines that the education or experience was substantially
151 similar to the education or experience requirements for the license sought in this state.

152 (4) The commission may refuse to issue a license to an applicant under this section if:

153 (a) the commission determines that there is reasonable cause to believe that the
154 applicant is not qualified to receive the license in this state; or

155 (b) the applicant has a previous or pending disciplinary action related to the applicant's
156 other license.

157 (5) Before the commission issues a license to an applicant under this section, the
158 applicant shall:

159 (a) pay a fee determined by the commission under Section [63J-1-504](#); and

160 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
161 standing in the profession for which licensure is sought in this state.

162 (6) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
163 Administrative Rulemaking Act, prescribing the administration and requirements of this
164 section.

165 Section 3. Section **13-1-17** is enacted to read:

166 **13-1-17. License by endorsement.**

167 (1) As used in this section:

168 (a) "License" means, except as provided in Subsection (1)(b), an authorization that
169 permits the holder to engage in the practice of a profession regulated under this title.

170 (b) "License" does not include an authorization that permits the holder to engage in the
171 practice of a profession regulated by the Division of Real Estate under Title 61, Securities
172 Division - Real Estate Division, or the Division of Professional Licensing under Title 58,
173 Occupations and Professions.

174 (2) Subject to Subsections (4) through (7), the department shall issue a license to an
175 applicant who has been licensed in another state, district, or territory of the United States if:

176 (a) the department determines that the license issued by the other state, district, or
177 territory encompasses a similar scope of practice as the license sought in this state;

178 (b) the applicant has at least one year of experience practicing under the license issued
179 in the other state, district, or territory; and

180 (c) the applicant's license is in good standing in the other state, district, or territory.

181 (3) Subject to Subsections (4) through (7), the department may issue a license to an
182 applicant who:

183 (a) has been licensed in another state, district, or territory of the United States, or in a
184 jurisdiction outside of the United States, if:

185 (i) (A) the department determines that the applicant's education, experience, and skills
186 demonstrate competency in the profession for which licensure is sought in this state; and

187 (B) the applicant has at least one year of experience practicing under the license issued
188 in the other state, district, territory, or jurisdiction; or

189 (ii) the department determines that the licensure requirements of the other state,
190 district, territory, or jurisdiction at the time the license was issued were substantially similar to
191 the requirements for the license sought in this state; or

192 (b) has never been licensed in a state, district, or territory of the United States, or in a
193 jurisdiction outside of the United States, if:

194 (i) the applicant was educated in or obtained relevant experience in a state, district, or
195 territory of the United States, or a jurisdiction outside of the United States; and

196 (ii) the department determines that the education or experience was substantially
197 similar to the education or experience requirements for the license sought in this state.

198 (4) The department may refuse to issue a license to an applicant under this section if:

199 (a) the department determines that there is reasonable cause to believe that the
200 applicant is not qualified to receive the license in this state; or

201 (b) the applicant has a previous or pending disciplinary action related to the applicant's
202 other license.

203 (5) Before the department issues a license to an applicant under this section, the
204 applicant shall:

205 (a) pay a fee determined by the department under Section [63J-1-504](#); and

206 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
207 standing in the profession for which licensure is sought in this state.

208 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah
209 Administrative Rulemaking Act, prescribing the administration and requirements of this
210 section.

211 (7) This section is subject to and may be supplemented or altered by licensure

212 endorsement provisions or multistate licensure compacts in specific chapters of this title.

213 Section 4. Section **19-1-208** is enacted to read:

214 **19-1-208. License by endorsement.**

215 (1) As used in this section, "license" means an authorization that permits the holder to
216 engage in the practice of a profession regulated under this title.

217 (2) Subject to Subsections (4) through (7), the department shall issue a license to an
218 applicant who has been licensed in another state, district, or territory of the United States if:

219 (a) the department determines that the license issued by the other state, district, or
220 territory encompasses a similar scope of practice as the license sought in this state;

221 (b) the applicant has at least one year of experience practicing under the license issued
222 in the other state, district, or territory; and

223 (c) the applicant's license is in good standing in the other state, district, or territory.

224 (3) Subject to Subsections (4) through (7), the department may issue a license to an
225 applicant who:

226 (a) has been licensed in another state, district, or territory of the United States, or in a
227 jurisdiction outside of the United States, if:

228 (i) (A) the department determines that the applicant's education, experience, and skills
229 demonstrate competency in the profession for which licensure is sought in this state; and

230 (B) the applicant has at least one year of experience practicing under the license issued
231 in the other state, district, territory, or jurisdiction; or

232 (ii) the department determines that the licensure requirements of the other state,
233 district, territory, or jurisdiction at the time the license was issued were substantially similar to
234 the requirements for the license sought in this state; or

235 (b) has never been licensed in a state, district, or territory of the United States, or in a
236 jurisdiction outside of the United States, if:

237 (i) the applicant was educated in or obtained relevant experience in a state, district, or
238 territory of the United States, or a jurisdiction outside of the United States; and

239 (ii) the department determines that the education or experience was substantially
240 similar to the education or experience requirements for the license sought in this state.

241 (4) The department may refuse to issue a license to an applicant under this section if:

242 (a) the department determines that there is reasonable cause to believe that the

243 applicant is not qualified to receive the license in this state; or

244 (b) the applicant has a previous or pending disciplinary action related to the applicant's
245 other license.

246 (5) Before the department issues a license to an applicant under this section, the
247 applicant shall:

248 (a) pay a fee determined by the department under Section [63J-1-504](#); and

249 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
250 standing in the profession for which licensure is sought in this state.

251 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah
252 Administrative Rulemaking Act, prescribing the administration and requirements of this
253 section.

254 (7) This section is subject to and may be supplemented or altered by licensure
255 endorsement provisions or multistate licensure compacts in specific chapters of this title.

256 Section 5. Section **26B-3-102** is enacted to read:

257 **26B-3-102. License by endorsement.**

258 (1) As used in this section, "license" means an authorization that permits the holder to
259 engage in the practice of a profession regulated under this title.

260 (2) Subject to Subsections (4) through (7), the department shall issue a license to an
261 applicant who has been licensed in another state, district, or territory of the United States if:

262 (a) the department determines that the license issued by the other state, district, or
263 territory encompasses a similar scope of practice as the license sought in this state;

264 (b) the applicant has at least one year of experience practicing under the license issued
265 in the other state, district, or territory; and

266 (c) the applicant's license is in good standing in the other state, district, or territory.

267 (3) Subject to Subsections (4) through (7), the department may issue a license to an
268 applicant who:

269 (a) has been licensed in another state, district, or territory of the United States, or in a
270 jurisdiction outside of the United States, if:

271 (i) (A) the department determines that the applicant's education, experience, and skills
272 demonstrate competency in the profession for which licensure is sought in this state; and

273 (B) the applicant has at least one year of experience practicing under the license issued

274 in the other state, district, territory, or jurisdiction; or
275 (ii) the department determines that the licensure requirements of the other state,
276 district, territory, or jurisdiction at the time the license was issued were substantially similar to
277 the requirements for the license sought in this state; or
278 (b) has never been licensed in a state, district, or territory of the United States, or in a
279 jurisdiction outside of the United States, if:
280 (i) the applicant was educated in or obtained relevant experience in a state, district, or
281 territory of the United States, or a jurisdiction outside of the United States; and
282 (ii) the department determines that the education or experience was substantially
283 similar to the education or experience requirements for the license sought in this state.
284 (4) The department may refuse to issue a license to an applicant under this section if:
285 (a) the department determines that there is reasonable cause to believe that the
286 applicant is not qualified to receive the license in this state; or
287 (b) the applicant has a previous or pending disciplinary action related to the applicant's
288 other license.
289 (5) Before the department issues a license to an applicant under this section, the
290 applicant shall:
291 (a) pay a fee determined by the department under Section [63J-1-504](#); and
292 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
293 standing in the profession for which licensure is sought in this state.
294 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah
295 Administrative Rulemaking Act, prescribing the administration and requirements of this
296 section.
297 (7) This section is subject to and may be supplemented or altered by licensure
298 endorsement provisions or multistate licensure compacts in specific chapters of this title.
299 Section 6. Section **35A-13-606.5** is enacted to read:
300 **35A-13-606.5. Certificate by endorsement.**
301 (1) As used in this section, "license" means an authorization that permits the holder to
302 engage in the practice of a profession described in Section [35A-13-605](#).
303 (2) Subject to Subsections (3) through (5), the director may issue a certificate described
304 in Section [35A-13-605](#) to an applicant who has been licensed in another state, district, or

305 territory of the United States, or in a jurisdiction outside of the United States, if:

306 (a) the director determines that the applicant's education, experience, and skills
307 demonstrate competency in the profession for which certification is sought; or

308 (b) the director determines that the licensure requirements of the other state, district,
309 territory, or jurisdiction at the time the license was issued were substantially similar to the
310 requirements for the certificate.

311 (3) The director may refuse to issue a certificate to an applicant under this section if:

312 (a) the director determines that there is reasonable cause to believe that the applicant is
313 not qualified to receive the certificate; or

314 (b) the applicant has a previous or pending disciplinary action related to the applicant's
315 other license.

316 (4) Before the director issues a certificate to an applicant under this section, the
317 applicant shall:

318 (a) pay a fee determined by the director under Section [35A-13-606](#); and

319 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
320 standing in the profession for which certification is sought.

321 (5) The director may make rules in accordance with Title 63G, Chapter 3, Utah
322 Administrative Rulemaking Act, prescribing the administration and requirements of this
323 section.

324 Section 7. Section **40-2-403** is enacted to read:

325 **40-2-403. Certificate by endorsement.**

326 (1) As used in this section, "license" means an authorization that permits the holder to
327 engage in the practice of an occupation described in Section [40-2-402](#).

328 (2) Subject to Subsections (4) through (6), the commission shall issue a certificate
329 described in Section [40-2-401](#) to an applicant who has been licensed in another state, district,
330 or territory of the United States if:

331 (a) the commission determines that the license issued by the other state, district, or
332 territory encompasses a similar scope of practice as the certificate;

333 (b) the applicant has at least one year of experience practicing under the license issued
334 in the other state, district, or territory; and

335 (c) the applicant's license is in good standing in the other state, district, or territory.

336 (3) Subject to Subsections (4) through (6), the commission may issue a certificate
337 described in Section 40-2-401 to an applicant who:

338 (a) has been licensed in another state, district, or territory of the United States, or in a
339 jurisdiction outside of the United States, if:

340 (i) (A) the commission determines that the applicant's education, experience, and skills
341 demonstrate competency in the occupation for which certification is sought; and

342 (B) the applicant has at least one year of experience practicing under the license issued
343 in the other state, district, territory, or jurisdiction; or

344 (ii) the commission determines that the licensure requirements of the other state,
345 district, territory, or jurisdiction at the time the license was issued were substantially similar to
346 the requirements for the certificate; or

347 (b) has never been licensed in a state, district, or territory of the United States, or in a
348 jurisdiction outside of the United States, if:

349 (i) the applicant was educated in or obtained relevant experience in a state, district, or
350 territory of the United States, or a jurisdiction outside of the United States; and

351 (ii) the commission determines that the education or experience was substantially
352 similar to the education or experience requirements for the certificate.

353 (4) The commission may refuse to issue a certificate to an applicant under this section
354 if:

355 (a) the commission determines that there is reasonable cause to believe that the
356 applicant is not qualified to receive the certificate; or

357 (b) the applicant has a previous or pending disciplinary action related to the applicant's
358 other license.

359 (5) Before the commission issues a certificate to an applicant under this section, the
360 applicant shall:

361 (a) pay a fee determined by the commission under Section 63J-1-504; and

362 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
363 standing in the occupation for which certification is sought.

364 (6) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
365 Administrative Rulemaking Act, prescribing the administration and requirements of this
366 section.

367 Section 8. Section **53E-6-205** is enacted to read:

368 **53E-6-205. License by endorsement.**

369 (1) Subject to Subsections (3) through (6), the state board shall issue a license to an
370 applicant who has been issued a certificate in another state, district, or territory of the United
371 States if:

372 (a) the state board determines that the certificate encompasses a similar scope of
373 practice as the license sought in this state;

374 (b) the applicant has at least one year of experience practicing under the certificate; and

375 (c) the applicant's certificate is in good standing in the other state, district, or territory.

376 (2) Subject to Subsections (3) through (6), the state board may issue a license to an
377 applicant who:

378 (a) has been issued a certificate in another state, district, or territory of the United
379 States, or in a jurisdiction outside of the United States, if:

380 (i) (A) the state board determines that the applicant's education, experience, and skills
381 demonstrate competency in the profession for which licensure is sought in this state; and

382 (B) the applicant has at least one year of experience practicing under the certificate; or

383 (ii) the state board determines that the certification requirements of the other state,
384 district, territory, or jurisdiction at the time the certificate was issued were substantially similar
385 to the requirements for the license sought in this state; or

386 (b) has never been issued a certificate in a state, district, or territory of the United
387 States, or in a jurisdiction outside of the United States, if:

388 (i) the applicant was educated in or obtained relevant experience in a state, district, or
389 territory of the United States, or a jurisdiction outside of the United States; and

390 (ii) the state board determines that the education or experience was substantially
391 similar to the education or experience requirements for the license sought in this state.

392 (3) The state board may refuse to issue a license to an applicant under this section if:

393 (a) the state board determines that there is reasonable cause to believe that the applicant
394 is not qualified to receive the license in this state; or

395 (b) the applicant has a previous or pending disciplinary action related to the applicant's
396 certificate.

397 (4) Before the state board issues a license to an applicant under this section, the

398 applicant shall:

399 (a) pay a fee determined by the state board under Section 63J-1-504; and

400 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
401 standing in the profession for which licensure is sought in this state.

402 (5) The state board may make rules in accordance with Title 63G, Chapter 3, Utah
403 Administrative Rulemaking Act, prescribing the administration and requirements of this
404 section.

405 (6) This section is subject to and may be supplemented or altered by licensure
406 endorsement provisions or multistate licensure compacts in specific parts of this chapter.

407 Section 9. Section **53E-6-1100** is enacted to read:

408 **Part 11. Interstate Teacher Mobility Compact**

409 **53E-6-1100. Article I -- Purpose.**

410 (1) The purpose of this compact is to facilitate the mobility of teachers across the
411 member states, with the goal of supporting teachers through a new pathway to licensure.
412 Through this compact, the member states seek to establish a collective regulatory framework
413 that expedites and enhances the ability of teachers to move across state lines.

414 (2) This compact is intended to achieve the following objectives and should be
415 interpreted accordingly. The member states hereby ratify the same intentions by subscribing
416 hereto:

417 (a) create a streamline pathway to licensure mobility for teachers;

418 (b) support the relocation of eligible military spouses;

419 (c) facilitate and enhance the exchange of licensure, investigative, and disciplinary
420 information between the member states;

421 (d) enhance the power of state and district level education officials to hire qualified,
422 competent teachers by removing barriers to the employment of out-of-state teachers;

423 (e) support the retention of teachers in the profession by removing barriers to
424 relicensure in a new state; and

425 (f) maintain state sovereignty in the regulation of the teaching profession.

426 Section 10. Section **53E-6-1101** is enacted to read:

427 **53E-6-1101. Article II -- Definitions.**

428 (1) As used in this compact, and except as otherwise provided, the following

429 definitions shall govern the terms herein:

430 (a) "Active military member" means any person with full-time duty status in the
431 uniformed service of the United States, including members of the National Guard and Reserve;

432 (b) "Adverse action" means any limitation or restriction imposed by a member state's
433 licensing authority, such as revocation, suspension, reprimand, probation, or limitation on the
434 licensee's ability to work as a teacher;

435 (c) "Bylaws" means those bylaws established by the commission;

436 (d) "Career and technical education license" means a current, valid authorization issued
437 by a member state's licensing authority allowing an individual to serve as a teacher in P-12
438 public educational settings in a specific career and technical education area;

439 (e) "Charter member states" means a member state that has enacted legislation to adopt
440 this compact where such legislation predates the initial meeting of the commission after the
441 effective date of the compact;

442 (f) "Commission" means the interstate administrative body which membership consists
443 of delegates of all states that have enacted this compact, and which is known as the Interstate
444 Teacher Mobility Compact Commission;

445 (g) "Commissioner" means the delegate of a member state;

446 (h) "Eligible license" means a license to engage in the teaching profession which
447 requires at least a bachelor's degree and the completion of a state approved program for teacher
448 licensure;

449 (i) "Eligible military spouse" means the spouse of an individual in full-time duty status
450 in the active uniformed service of the United States including members of the National Guard
451 and Reserve on active duty moving as a result of a military mission or military career
452 progression requirements or are on their terminal move as a result of separation or retirement,
453 to include surviving spouses of deceased military members;

454 (j) "Executive committee" means a group of commissioners elected or appointed to act
455 on behalf of, and within the powers granted to them by, the commission as provided for herein;

456 (k) "Licensing authority" means an official, agency, board, or other entity of a state that
457 is responsible for the licensing and regulation of teachers authorized to teach in P-12 public
458 educational settings;

459 (l) "Member state" means any state that has adopted this compact, including all

460 agencies and officials of such a state;

461 (m) "Receiving state" means any state where a teacher has applied for licensure under
462 this compact;

463 (n) "Rule" means any regulation promulgated by the commission in accordance with
464 Section 53E-6-1107, which shall have the force of law as a rule promulgated in accordance
465 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and which shall be binding in
466 each member state;

467 (o) "State" means a state, territory, or possession of the United States, and the District
468 of Columbia;

469 (p) "State practice laws" means a member state's laws, rules, and regulations that
470 govern the teaching profession, define the scope of such profession, and create the methods and
471 grounds for imposing discipline;

472 (q) "State specific requirements" means a requirement for licensure covered in
473 coursework or examination that include content of unique interest to the state;

474 (r) "Teacher" means an individual who currently holds an authorization from a member
475 state that forms the basis for employment in the P-12 public schools of the state to provide
476 instruction in a specific subject area, grade level, or student population; and

477 (s) "Unencumbered license" means a current, valid authorization issued by a member
478 state's licensing authority allowing an individual to serve as a teacher in P-12 public
479 educational settings. An unencumbered license is not a restricted, probationary, provisional,
480 substitute, or temporary credential.

481 (2) The definitions described in Section 53E-1-102 do not apply to this compact.

482 Section 11. Section 53E-6-1102 is enacted to read:

483 **53E-6-1102. Article III -- Licensure under the compact.**

484 (1) Licensure under this compact pertains only to the initial grant of a license by the
485 receiving state. Nothing herein applies to any subsequent or ongoing compliance requirements
486 that a receiving state might require for teachers.

487 (2) Each member state shall, in accordance with the rules of the commission, define,
488 compile, and update as necessary, a list of eligible licenses and career and technical educational
489 licenses that the member state is willing to consider for equivalency under this compact and
490 provide the list to the commission. The list shall include those licenses that a receiving state is

491 willing to grant to teachers from other member states, pending a determination of equivalency
492 by the receiving state's licensing authority.

493 (3) Upon the receipt of an application for licensure by a teacher holding an
494 unencumbered eligible license, the receiving state shall determine which of the receiving state's
495 eligible licenses the teacher is qualified to hold and shall grant such a license or licenses to the
496 applicant. Such a determination shall be made in the sole discretion of the receiving state's
497 licensing authority and may include a determination that the applicant is not eligible for any of
498 the receiving state's eligible licenses. For all teachers who hold an unencumbered license, the
499 receiving state shall grant one or more unencumbered license(s) that, in the receiving state's
500 sole discretion, are equivalent to the license(s) held by the teacher in any other member state.

501 (4) For active military members and eligible military spouses who hold a license that is
502 not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the
503 receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in
504 any other member state, except where the receiving state does not have an equivalent license.

505 (5) For a teacher holding an unencumbered career and technical education license, the
506 receiving state shall grant an unencumbered license equivalent to the career and technical
507 education license held by the applying teacher and issued by another member state, as
508 determined by the receiving state in its sole discretion, except where a career and technical
509 education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's
510 degree for licenses to teach career and technical education. A receiving state may require career
511 and technical education teachers to meet state industry recognized requirements, if required by
512 law in the receiving state.

513 Section 12. Section **53E-6-1103** is enacted to read:

514 **53E-6-1103. Article IV -- Licensure not under the compact.**

515 (1) Except as provided in Section [53E-6-1105](#), nothing in this compact shall be
516 construed to limit or inhibit the power of a member state to regulate licensure or endorsements
517 overseen by the member state's licensing authority.

518 (2) When a teacher is required to renew a license received pursuant to this compact, the
519 state granting such a license may require the teacher to complete state specific requirements as
520 a condition of licensure renewal or advancement in that state.

521 (3) For the purposes of determining compensation, a receiving state may require

522 additional information from teachers receiving a license under the provisions of this compact.

523 (4) Nothing in this compact shall be construed to limit the power of a member state to
524 control and maintain ownership of its information pertaining to teachers, or limit the
525 application of a member state's laws or regulations governing the ownership, use, or
526 dissemination of information pertaining to teachers.

527 (5) Nothing in this compact shall be construed to invalidate or alter any existing
528 agreement or other cooperative arrangement which a member state may already be a party to, or
529 limit the ability of a member state to participate in any future agreement or other cooperative
530 arrangement to:

531 (a) award teaching licenses or other benefits based on additional professional
532 credentials, including, but not limited to National Board Certification;

533 (b) participate in the exchange of names of teachers whose license has been subject to
534 an adverse action by a member state; or

535 (c) participate in any agreement or cooperative arrangement with a nonmember state.

536 Section 13. Section **53E-6-1104** is enacted to read:

537 **53E-6-1104. Article V -- Teacher qualifications and requirements for licensure**
538 **under the compact.**

539 (1) Except as provided for active military members or eligible military spouses in
540 Subsection [53E-6-1102\(4\)](#), a teacher may only be eligible to receive a license under this
541 compact where that teacher holds an unencumbered license in a member state.

542 (2) A teacher eligible to receive a license under this compact shall, unless otherwise
543 provided for herein:

544 (a) upon their application to receive a license under this compact, undergo a criminal
545 background check in the receiving state in accordance with the laws and regulations of the
546 receiving state; and

547 (b) provide the receiving state with the information in addition to the information
548 required for licensure for the purposes of determining compensation, if applicable.

549 Section 14. Section **53E-6-1105** is enacted to read:

550 **53E-6-1105. Article VI -- Discipline and adverse actions.**

551 (1) Nothing in this Compact shall be deemed or construed to limit the authority of a
552 member state to investigate or impose disciplinary measures on teachers according to the state

553 practice laws thereof.

554 (2) Member states shall be authorized to receive, and shall provide, files and
555 information regarding the investigation and discipline, if any, of teachers in other member
556 states upon request. Any member state receiving such information or files shall protect and
557 maintain the security and confidentiality thereof, in at least the same manner that it maintains
558 its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary
559 or investigatory information received from another member state, the disclosing state shall
560 communicate its intention and purpose for such disclosure to the member state which originally
561 provided that information.

562 Section 15. Section **53E-6-1106** is enacted to read:

563 **53E-6-1106. Article VII -- Establishment of the Interstate Teacher Mobility**
564 **Compact Commission.**

565 (1) The interstate compact member states hereby create and establish a joint public
566 agency known as the Interstate Teacher Mobility Compact Commission:

567 (a) the commission is a joint interstate governmental agency comprised of states that
568 have enacted the Interstate Teacher Mobility Compact; and

569 (b) nothing in this interstate compact shall be construed to be a waiver of sovereign
570 immunity.

571 (2) (a) Each member state shall have and be limited to one delegate to the commission,
572 who shall be given the title of commissioner.

573 (b) The commissioner shall be the primary administrative officer of the state licensing
574 authority or their designee.

575 (c) Any commissioner may be removed or suspended from office as provided by the
576 law of the state from which the commissioner is appointed.

577 (d) The member state shall fill any vacancy occurring in the commission within 90
578 days.

579 (e) Each commissioner shall be entitled to one vote about the promulgation of rules
580 and creation of bylaws and shall otherwise have an opportunity to participate in the business
581 and affairs of the commission. A commissioner shall vote in person or by such other means as
582 provided in the bylaws. The bylaws may provide for commissioners' participation in meetings
583 by telephone or other means of communication.

584 (f) The commission shall meet at least once during each calendar year. Additional
585 meetings shall be held as set forth in the bylaws.

586 (g) The commission shall establish by rule a term of office for commissioners.

587 (3) The commission shall have the following powers and duties:

588 (a) establish a code of ethics for the commission;

589 (b) establish the fiscal year of the commission;

590 (c) establish bylaws for the commission;

591 (d) maintain its financial records in accordance with the bylaws of the commission;

592 (e) meet and take such actions as are consistent with the provisions of this interstate
593 compact, the bylaws, and rules of the commission;

594 (f) promulgate uniform rules to implement and administer this interstate compact. The
595 rules shall have the force and effect of law and shall be binding in all member states. In the
596 event the commission exercises its rulemaking authority in a manner that is beyond the scope
597 of the purposes of the compact, or the powers granted hereunder, then such an action by the
598 commission shall be invalid and have no force and effect of law;

599 (g) bring and prosecute legal proceedings or actions in the name of the commission,
600 provided that the standing of any member state licensing authority to sue or be sued under
601 applicable law shall not be affected;

602 (h) purchase and maintain insurance and bonds;

603 (i) borrow, accept, or contract for services of personnel, including, but not limited to,
604 employees of a member state, or an associated nongovernmental organization that is open to
605 membership by all states;

606 (j) hire employees, elect, or appoint officers, fix compensation, define duties, grant
607 such individuals appropriate authority to carry out the purposes of the compact, and establish
608 the commission's personnel policies and programs relating to conflicts of interest,
609 qualifications of personnel, and other related personnel matters;

610 (k) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
611 improve, or use, any property, real, personal or mixed, provided that at all times the
612 commission shall avoid any appearance of impropriety;

613 (l) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
614 any property real, personal, or mixed;

- 615 (m) establish a budget and make expenditures;
616 (n) borrow money;
617 (o) appoint committees, including standing committees composed of members and
618 such other interested persons as may be designated in this interstate compact, rules, or bylaws;
619 (p) provide and receive information from, and cooperate with, law enforcement
620 agencies;
621 (q) establish and elect an executive committee;
622 (r) establish and develop a charter for an Executive Information Governance
623 Committee to advise on facilitating exchange of information; use of information, data privacy,
624 and technical support needs, and provide reports as needed;
625 (s) perform such other functions as may be necessary or appropriate to achieve the
626 purposes of this interstate compact consistent with the state regulation of teacher licensure; and
627 (t) determine whether a state's adopted language is materially different from the model
628 compact language such that the state would not qualify for participation in the compact.
629 (4) (a) The executive committee of the Interstate Teacher Mobility Compact
630 Commission shall have the power to act on behalf of the commission according to the terms of
631 this interstate compact.
632 (b) The executive committee shall be composed of eight voting members:
633 (i) the commission chair, vice chair, and treasurer; and
634 (ii) five members who are elected by the commission from the current membership:
635 (A) four voting members representing geographic regions in accordance with
636 commission rules; and
637 (B) one at large voting member in accordance with commission rules.
638 (c) The commission may add or remove members of the executive committee as
639 provided in commission rules.
640 (d) The executive committee shall meet at least once annually.
641 (e) The executive committee shall have the following duties and responsibilities:
642 (i) recommend to the entire commission changes to the rules or bylaws, changes to the
643 compact legislation, fees paid by interstate compact member states such as annual dues, and
644 any compact fee charged by the member states on behalf of the commission;
645 (ii) ensure commission administration services are appropriately provided, contractual

646 or otherwise;

647 (iii) prepare and recommend the budget;

648 (iv) maintain financial records on behalf of the commission;

649 (v) monitor compliance of member states and provide reports to the commission; and

650 (vi) perform other duties as provided in rules or bylaws.

651 (f) (i) All meetings of the commission shall be open to the public, and public notice of
652 meetings shall be given in accordance with commission bylaws.

653 (ii) The commission or the executive committee or other committees of the
654 commission may convene in a closed, nonpublic meeting if the commission or executive
655 committee or other committees of the commission must discuss:

656 (A) non-compliance of a Member State with its obligations under the compact;

657 (B) the employment, compensation, discipline or other matters, practices or procedures
658 related to specific employees or other matters related to the commission's internal personnel
659 practices and procedures;

660 (C) current, threatened, or reasonably anticipated litigation;

661 (D) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
662 estate;

663 (E) accusing any person of a crime or formally censuring any person;

664 (F) disclosure of trade secrets or commercial or financial information that is privileged
665 or confidential;

666 (G) disclosure of information of a personal nature where disclosure would constitute a
667 clearly unwarranted invasion of personal privacy;

668 (H) disclosure of investigative records compiled for law enforcement purposes;

669 (I) disclosure of information related to any investigative reports prepared by or on
670 behalf of or for use of the commission or other committee charged with responsibility of
671 investigation or determination of compliance issues pursuant to the compact;

672 (J) matters specifically exempted from disclosure by federal or member state statute;

673 and

674 (K) other matters as set forth by commission bylaws and rules.

675 (iii) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
676 commission's legal counsel or designee shall certify that the meeting may be closed and shall

677 reference each relevant exempting provision.

678 (iv) The commission shall keep minutes of commission meetings and shall provide a
679 full and accurate summary of actions taken, and the reasons therefore, including a description
680 of the views expressed. All documents considered in connection with an action shall be
681 identified in such minutes. All minutes and documents of a closed meeting shall remain under
682 seal, subject to release by a majority vote of the commission or order of a court of competent
683 jurisdiction.

684 (g) (i) The commission shall pay, or provide for the payment of, the reasonable
685 expenses of its establishment, organization, and ongoing activities.

686 (ii) The commission may accept all appropriate donations and grants of money,
687 equipment, supplies, materials, and services, and receive, utilize, and dispose of the same,
688 provided that at all times the commission shall avoid any appearance of impropriety or conflict
689 of interest.

690 (iii) The commission may levy on and collect an annual assessment from each member
691 state or impose fees on other parties to cover the cost of the operations and activities of the
692 commission, in accordance with the commission rules.

693 (iv) The commission shall not incur obligations of any kind prior to securing the funds
694 adequate to meet the same; nor shall the commission pledge the credit of any of the member
695 states, except by and with the authority of the member state.

696 (v) The commission shall keep accurate accounts of all receipts and disbursements.
697 The receipts and disbursements of the commission shall be subject to accounting procedures
698 established under commission bylaws. All receipts and disbursements of funds of the
699 commission shall be reviewed annually in accordance with commission bylaws, and a report of
700 the review shall be included in and become part of the annual report of the commission.

701 (h) (i) The members, officers, executive director, employees and representatives of the
702 commission shall be immune from suit and liability, either personally or in their official
703 capacity, for any claim for damage to or loss of property or personal injury or other civil
704 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
705 that the person against whom the claim is made had a reasonable basis for believing occurred
706 within the scope of commission employment, duties or responsibilities; provided that nothing
707 in this paragraph shall be construed to protect any such person from suit or liability for any

708 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
709 that person.

710 (ii) The commission shall defend any member, officer, executive director, employee, or
711 representative of the commission in any civil action seeking to impose liability arising out of
712 any actual or alleged act, error, or omission that occurred within the scope of commission
713 employment, duties, or responsibilities, or that the person against whom the claim is made had
714 a reasonable basis for believing occurred within the scope of commission employment, duties,
715 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
716 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
717 omission did not result from that person's intentional or willful or wanton misconduct.

718 (iii) The commission shall indemnify and hold harmless any member, officer,
719 executive director, employee, or representative of the commission for the amount of any
720 settlement or judgment obtained against that person arising out of any actual or alleged act,
721 error or omission that occurred within the scope of commission employment, duties, or
722 responsibilities, or that such person had a reasonable basis for believing occurred within the
723 scope of commission employment, duties, or responsibilities, provided that the actual or
724 alleged act, error, or omission did not result from the intentional or willful or wanton
725 misconduct of that person.

726 Section 16. Section **53E-6-1107** is enacted to read:

727 **53E-6-1107. Article VIII -- Rulemaking.**

728 (1) The commission shall exercise its rulemaking powers pursuant to the criteria set
729 forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall
730 become binding as of the date specified in each rule or amendment.

731 (2) The commission shall promulgate reasonable rules to achieve the intent and
732 purpose of this interstate compact. In the event the commission exercises its rulemaking
733 authority in a manner that is beyond purpose and intent of this interstate compact, or the
734 powers granted hereunder, then such an action by the commission shall be invalid and have no
735 force and effect of law in the member states.

736 (3) If a majority of the legislatures of the member states rejects a rule, by enactment of
737 a statute or resolution in the same manner used to adopt the compact within four years of the
738 date of adoption of the rule, then such rule shall have no further force and effect in any member

739 state.

740 (4) Rules or amendments to the rules shall be adopted or ratified at a regular or special
741 meeting of the commission in accordance with commission rules and bylaws.

742 (5) Upon determination that an emergency exists, the commission may consider and
743 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the
744 usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably
745 possible, in no event later than ninety days after the effective date of the rule. For the purposes
746 of this provision, an emergency rule is one that must be adopted immediately in order to:

747 (a) meet an imminent threat to public health, safety, or welfare;

748 (b) prevent a loss of Commission or Member State funds;

749 (c) meet a deadline for the promulgation of an administrative rule that is established by
750 federal law or rule; or

751 (d) protect public health and safety.

752 Section 17. Section **53E-6-1108** is enacted to read:

753 **53E-6-1108. Article IX -- Facilitating information exchange.**

754 (1) The commission shall provide for facilitating the exchange of information to
755 administer and implement the provisions of this compact in accordance with the rules of the
756 commission, consistent with generally accepted data protection principles.

757 (2) Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the
758 power of a member state to control and maintain ownership of its licensee information or alter,
759 limit, or inhibit the laws or regulations governing licensee information in the member state.

760 Section 18. Section **53E-6-1109** is enacted to read:

761 **53E-6-1109. Article X -- Oversight, dispute resolution, and enforcement.**

762 (1) (a) The executive and judicial branches of state government in each member state
763 shall enforce this compact and take all actions necessary and appropriate to effectuate the
764 compact's purposes and intent. The provisions of this compact shall have standing as statutory
765 law.

766 (b) Venue is proper and judicial proceedings by or against the commission shall be
767 brought solely and exclusively in a court of competent jurisdiction where the principal office of
768 the commission is located. The commission may waive venue and jurisdictional defenses to the
769 extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing

770 herein shall affect or limit the selection or propriety of venue in any action against a licensee
771 for professional malpractice, misconduct or any such similar matter.

772 (c) All courts and all administrative agencies shall take judicial notice of the compact,
773 the rules of the commission, and any information provided to a member state pursuant thereto
774 in any judicial or quasijudicial proceeding in a member state pertaining to the subject matter of
775 this compact, or which may affect the powers, responsibilities, or actions of the commission.

776 (d) The commission shall be entitled to receive service of process in any proceeding
777 regarding the enforcement or interpretation of the compact and shall have standing to intervene
778 in such a proceeding for all purposes. Failure to provide the commission service of process
779 shall render a judgment or order void as to the commission, this compact, or promulgated rules.

780 (2) (a) If the commission determines that a member state has defaulted in the
781 performance of its obligations or responsibilities under this compact or the promulgated rules,
782 the commission shall:

783 (i) provide written notice to the defaulting state and other member states of the nature
784 of the default, the proposed means of curing the default or any other action to be taken by the
785 commission; and

786 (ii) provide remedial training and specific technical assistance regarding the default.

787 (3) If a state in default fails to cure the default, the defaulting state may be terminated
788 from the compact upon an affirmative vote of a majority of the commissioners of the member
789 states, and all rights, privileges and benefits conferred on that state by this compact may be
790 terminated on the effective date of termination. A cure of the default does not relieve the
791 offending state of obligations or liabilities incurred during the period of default.

792 (4) Termination of membership in the compact shall be imposed only after all other
793 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
794 shall be given by the commission to the governor, the majority and minority leaders of the
795 defaulting state's legislature, the state licensing authority and each of the member states.

796 (5) A state that has been terminated is responsible for all assessments, obligations, and
797 liabilities incurred through the effective date of termination, including obligations that extend
798 beyond the effective date of termination.

799 (6) The commission shall not bear any costs related to a state that is found to be in
800 default or that has been terminated from the compact, unless agreed upon in writing between

801 the commission and the defaulting state.

802 (7) The defaulting state may appeal the action of the commission by petitioning the
803 U.S. District Court for the District of Columbia or the federal district where the commission
804 has its principal offices. The prevailing party shall be awarded all costs of such litigation,
805 including reasonable attorney fees.

806 (8) (a) Upon request by a member state, the commission shall attempt to resolve
807 disputes related to the compact that arise among member states and between member and
808 nonmember states.

809 (b) The commission shall promulgate a rule providing for both binding and nonbinding
810 alternative dispute resolutions for disputes as appropriate.

811 (9) (a) The commission, in the reasonable exercise of its discretion, shall enforce the
812 provisions and rules of this compact.

813 (b) By majority vote, the commission may initiate legal action in the U.S. District
814 Court for the District of Columbia or the federal district where the commission has its principal
815 offices against a member state in default to enforce compliance with the provisions of the
816 compact and its promulgated rules and bylaws. The relief sought may include both injunctive
817 relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be
818 awarded all costs of such litigation, including reasonable attorney fees. The remedies herein
819 shall not be the exclusive remedies of the commission. The commission may pursue any other
820 remedies available under federal or state law.

821 Section 19. Section **53E-6-1110** is enacted to read:

822 **53E-6-1110. Article XI -- Effectuation, withdrawal, and amendment.**

823 (1) The compact shall come into effect on the date on which the compact statute is
824 enacted into law in the tenth member state.

825 (a) On or after the effective date of the compact, the commission shall convene and
826 review the enactment of each of the charter member states to determine if the statute enacted by
827 each such charter member state is materially different from the model compact statute.

828 (b) A charter member state whose enactment is found to be materially different from
829 the model Compact statute shall be entitled to the default process set forth in Section
830 [53E-6-1109](#).

831 (c) Member states enacting the compact subsequent to the charter member states shall

832 be subject to the process set forth in Subsection 53E-6-1106(3)(t) to determine if their
833 enactments are materially different from the model compact statute and whether they qualify
834 for participation in the compact.

835 (2) If any member state is later found to be in default, or is terminated or withdraws
836 from the compact, the commission shall remain in existence and the compact shall remain in
837 effect even if the number of member States should be less than 10.

838 (3) Any state that joins the compact after the commission's initial adoption of the rules
839 and bylaws shall be subject to the rules and bylaws as they exist on the date on which the
840 compact becomes law in that state. Any rule that has been previously adopted by the
841 commission shall have the full force and effect of law on the day the compact becomes law in
842 that state, as the rules and bylaws may be amended as provided in this compact.

843 (4) (a) Any member state may withdraw from this compact by enacting a statute
844 repealing the same.

845 (b) A member state's withdrawal shall not take effect until six months after enactment
846 of the repealing statute.

847 (c) Withdrawal shall not affect the continuing requirement of the withdrawing state's
848 licensing authority to comply with the investigative and adverse action reporting requirements
849 of this act prior to the effective date of withdrawal.

850 (5) This compact may be amended by the member states. No amendment to this
851 compact shall become effective and binding upon any member state until it is enacted into the
852 laws of all member states.

853 Section 20. Section 53E-6-1111 is enacted to read:

854 **53E-6-1111. Article XII -- Construction and severability.**

855 (1) This compact shall be liberally construed to effectuate the purposes thereof.

856 (2) The provisions of this compact shall be severable and if any phrase, clause,
857 sentence, or provision of this compact is declared to be contrary to the constitution of any
858 member state or a state seeking membership in the compact, or of the United States or the
859 applicability thereof to any other government, agency, person or circumstance is held invalid,
860 the validity of the remainder of this compact and the applicability thereof to any government,
861 agency, person, or circumstance shall not be affected thereby.

862 (3) If this compact shall be held contrary to the constitution of any member state, the

863 compact shall remain in full force and effect as to the remaining member states and in full force
864 and effect as to the member state affected as to all severable matters.

865 Section 21. Section **53E-6-1112** is enacted to read:

866 **53E-6-1112. Article XIII -- Consistent effect and conflict with other state laws.**

867 (1) Nothing herein shall prevent or inhibit the enforcement of any other law of a
868 member state that is not inconsistent with the compact.

869 (2) Any laws, statutes, regulations, or other legal requirements in a member state in
870 conflict with the compact are superseded to the extent of the conflict.

871 (3) All permissible agreements between the commission and the member states are
872 binding in accordance with their terms.

873 Section 22. Section **58-1-301.5** is amended to read:

874 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

875 (1) The division shall have direct access to local files maintained by the Bureau of
876 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification,
877 for background screening of individuals who are applying for licensure, licensure renewal,
878 licensure reinstatement, or relicensure, as required in:

879 (a) Section [58-17b-307](#);

880 (b) Sections [58-24b-302](#) and [58-24b-302.1](#);

881 (c) Section [58-31b-302](#);

882 (d) Sections [58-42a-302](#) and [58-42a-302.1](#), of Chapter 42a, Occupational Therapy
883 Practice Act;

884 (e) Section [58-44a-302.1](#);

885 (f) Section [58-47b-302](#);

886 (g) Section [58-55-302](#), as Section [58-55-302](#) applies to alarm companies and alarm
887 company agents;

888 (h) Sections [58-60-103.1](#), [58-60-205](#), [58-60-305](#), and [58-60-405](#), of Chapter 60, Mental
889 Health Professional Practice Act;

890 (i) Sections [58-61-304](#) and [58-61-304.1](#);

891 (j) Section [58-63-302](#);

892 (k) Section [58-64-302](#);

893 (l) Sections [58-67-302](#) and [58-67-302.1](#); [~~and~~]

894 (m) Sections 58-68-302 and 58-68-302.1~~[-];~~ and

895 (n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant
896 Act.

897 (2) The division's access to criminal background information under this section:

898 (a) shall meet the requirements of Section 53-10-108; and

899 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
900 held in abeyance, dismissed charges, and charges without a known disposition.

901 (3) The division may not disseminate outside of the division any criminal history
902 record information that the division obtains from the Bureau of Criminal Identification or the
903 Federal Bureau of Investigation under the criminal background check requirements of this
904 section.

905 Section 23. Section **58-1-302** is amended to read:

906 **58-1-302. License by endorsement.**

907 (1) As used in this section, "license" means an authorization that permits the holder to
908 engage in the practice of a profession regulated under this title.

909 (2) Subject to Subsections [~~(3) through (6);~~] (4) through (7), the division shall issue a
910 license to [~~a person~~] an applicant who has been licensed in [~~a~~] another state, district, or territory
911 of the United States if:

912 (a) the division determines that the license issued in the other state, district, or territory
913 encompasses a similar scope of practice as the license sought in this state;

914 (b) [~~after being licensed outside of this state, the person~~] the applicant has at least one
915 year of experience practicing under the license issued in the other state, district, or territory [~~of~~
916 ~~the United States~~] [~~where the license was issued~~]; and

917 [~~(b)~~] (c) the [~~person's~~] applicant's license is in good standing in the other state, district,
918 or territory [~~of the United States~~] where the license was issued~~[-and]~~.

919 [~~(c) the division determines that the license issued by the state, district, or territory of~~
920 ~~the United States encompasses a similar scope of practice as the license sought in this state.~~]

921 [~~(2)~~] (3) Subject to Subsections [~~(3) through (6);~~] (4) through (7), the division may
922 issue a license to [~~a person~~] an applicant who:

923 (a) has been licensed in [~~a~~] another state, district, or territory of the United States, or in
924 a jurisdiction outside of the United States, if:

925 (i) (A) the division determines that the applicant's education, experience, and skills
926 demonstrate competency in the profession for which the licensure is sought in this state; and

927 (B) [after being licensed, the person] the applicant has at least one year of experience
928 practicing under the license issued in the other state, district, territory, or jurisdiction [where
929 the license was issued]; [and] or

930 [(B) the division determines that the person's education, experience, and skills
931 demonstrate competency in the occupation or profession for which the person seeks licensure;
932 or]

933 (ii) the division determines that the licensure requirements of the other state, district,
934 territory, or jurisdiction at the time the license was issued were substantially similar to the
935 current [licensure] requirements [of] for the license sought in this state; or

936 (b) has never been licensed in a state, district, or territory of the United States, or in a
937 jurisdiction outside of the United States, if:

938 (i) the [person] applicant was educated in or obtained relevant experience in a state,
939 district, or territory of the United States, or a jurisdiction outside of the United States; and

940 (ii) the division determines that the education or experience was substantially similar to
941 the current education or experience requirements for [licensure] the license sought in this state.

942 ~~[(3) The division, in consultation with the applicable licensing board, may make rules~~
943 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the~~
944 ~~administration and requirements of this section.]~~

945 (4) The division may refuse to issue a license to [a person under the provisions of] an
946 applicant under this section if:

947 (a) the division determines that there is reasonable cause to believe that the [person]
948 applicant is not qualified to receive [a] the license in this state; or

949 (b) the [person] applicant has a previous or pending disciplinary action related to the
950 [person's] applicant's license.

951 (5) Before [a person may be issued] the division issues a license to an applicant under
952 this section, the [person] applicant shall:

953 (a) pay a fee determined by the department under Section [63J-1-504](#); and

954 (b) produce satisfactory evidence of the [person's] applicant's identity, qualifications,
955 and good standing in the [occupation or] profession for which licensure is sought in this state.

956 (6) The division, in consultation with the applicable licensing board, may make rules in
957 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the
958 administration and requirements of this section.

959 ~~[(6)]~~ (7) In accordance with Section 58-1-107, licensure endorsement provisions in this
960 section are subject to and may be supplemented or altered by licensure endorsement provisions
961 or multistate licensure compacts in specific chapters of this title.

962 ~~[(7) On or before October 1, 2022, the division shall provide a written report to the~~
963 ~~Business and Labor Interim Committee regarding the effectiveness and sufficiency of the~~
964 ~~provisions of this section at ensuring that persons receiving a license without examination~~
965 ~~under the provisions of this section are qualified to receive a license in this state.]~~

966 Section 24. Section 58-70a-301.1 is enacted to read:

967 **58-70a-301.1. Criminal background check.**

968 (1) An applicant for licensure under this chapter who requires a criminal background
969 check shall:

970 (a) submit fingerprint cards in a form acceptable to the division at the time the license
971 application is filed; and

972 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
973 Identification and the Federal Bureau of Investigation regarding the application.

974 (2) The division shall:

975 (a) in addition to other fees authorized by this chapter, collect from each applicant
976 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
977 Identification is authorized to collect for the services provided under Section 53-10-108 and the
978 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
979 obtaining federal criminal history record information;

980 (b) submit from each applicant the fingerprint card and the fees described in
981 Subsection (2)(a) to the Bureau of Criminal Identification; and

982 (c) obtain and retain in division records a signed waiver approved by the Bureau of
983 Criminal Identification in accordance with Section 53-10-108 for each applicant.

984 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
985 Section 53-10-108:

986 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state

987 and regional criminal records databases;

988 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
989 criminal history background check; and

990 (c) provide the results from the state, regional, and nationwide criminal history
991 background checks to the division.

992 (4) For purposes of conducting a criminal background check required under this
993 section, the division shall have direct access to criminal background information maintained
994 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

995 (5) The division may not:

996 (a) disseminate outside of the division any criminal history record information that the
997 division obtains from the Bureau of Criminal Identification or the Federal Bureau of
998 Investigation under the criminal background check requirements of this section; or

999 (b) issue a letter of qualification to participate in the PA Licensure Compact under
1000 Chapter 70c, PA Licensure Compact, until the criminal background check described in this
1001 section is completed.

1002 Section 25. Section **58-70a-302** is amended to read:

1003 **58-70a-302. Qualifications for licensure.**

1004 Each applicant for licensure as a physician assistant shall:

1005 (1) submit an application in a form prescribed by the division;

1006 (2) pay a fee determined by the department under Section [63J-1-504](#);

1007 (3) have successfully completed a physician assistant program accredited by:

1008 (a) the Accreditation Review Commission on Education for the Physician Assistant; or

1009 (b) if prior to January 1, 2001, either the:

1010 (i) Committee on Accreditation of Allied Health Education Programs; or

1011 (ii) Committee on Allied Health Education and Accreditation;

1012 (4) have passed the licensing examinations required by division rule made in

1013 collaboration with the board; [~~and~~]

1014 (5) meet with the board and representatives of the division, if requested, for the
1015 purpose of evaluating the applicant's qualifications for licensure[-]; and

1016 (6) if the applicant is applying to participate in the PA Licensure Compact under
1017 Chapter 70c, PA Licensure Compact, consent to a criminal background check in accordance

1018 with Section 58-70a-301.1 and any requirements established by division rule made in
1019 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1020 Section 26. Section **58-70c-101** is enacted to read:

1021 **CHAPTER 70c. PA LICENSURE COMPACT**

1022 **Part 1. Compact Text**

1023 **58-70c-101. Section 1 -- Purpose.**

1024 In order to strengthen access to Medical Services, and in recognition of the advances in
1025 the delivery of Medical Services, the Participating States of the PA Licensure Compact have
1026 allied in common purpose to develop a comprehensive process that complements the existing
1027 authority of State Licensing Boards to license and discipline PAs and seeks to enhance the
1028 portability of a License to practice as a PA while safeguarding the safety of patients. This
1029 Compact allows Medical Services to be provided by PAs, via the mutual recognition of the
1030 Licenses Qualifying License by other Compact Participating States. This Compact also adopts
1031 the prevailing standard for PA licensure and affirms that the practice and delivery of Medical
1032 Services by the PA occurs where the patient is located at the time of the patient encounter, and
1033 therefore requires the PA to be under the jurisdiction of the State Licensing Board where the
1034 patient is located. State Licensing Boards that participate in this Compact retain the jurisdiction
1035 to impose Adverse Action against a Compact Privilege in that State issued to a PA through the
1036 procedures of this Compact. The PA Licensure Compact will alleviate burdens for military
1037 families by allowing active duty military personnel and their spouses to obtain a Compact
1038 Privilege based on having an unrestricted License in good standing from a Participating State.

1039 Section 27. Section **58-70c-102** is enacted to read:

1040 **58-70c-102. Section 1 -- Definitions.**

1041 In this Compact:

1042 A. "Adverse Action" means any administrative, civil, equitable, or criminal action
1043 permitted by a State's laws which is imposed by a Licensing Board or other authority against a
1044 PA License or License application or Compact Privilege such as License denial, censure,
1045 revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's
1046 practice.

1047 B. "Compact Privilege" means the authorization granted by a Remote State to allow a
1048 Licensee from another Participating State to practice as a PA to provide Medical Services and

1049 other licensed activity to a patient located in the Remote State under the Remote State's laws
1050 and regulations.

1051 C. "Conviction" means a finding by a court that an individual is guilty of a felony or
1052 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge
1053 by the offender.

1054 D. "Criminal Background Check" means the submission of fingerprints or other
1055 biometric-based information for a License applicant for the purpose of obtaining that
1056 applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the
1057 State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

1058 E. "Data System" means the repository of information about Licensees, including but
1059 not limited to License status and Adverse Actions, which is created and administered under the
1060 terms of this Compact.

1061 F. "Executive Committee" means a group of directors and ex-officio individuals elected
1062 or appointed pursuant to Section 7.F.2.

1063 G. "Impaired Practitioner" means a PA whose practice is adversely affected by
1064 health-related condition(s) that impact their ability to practice.

1065 H. "Investigative Information" means information, records, or documents received or
1066 generated by a Licensing Board pursuant to an investigation.

1067 I. "Jurisprudence Requirement" means the assessment of an individual's knowledge of
1068 the laws and Rules governing the practice of a PA in a State.

1069 J. "License" means current authorization by a State, other than authorization pursuant to
1070 a Compact Privilege, for a PA to provide Medical Services, which would be unlawful without
1071 current authorization.

1072 K. "Licensee" means an individual who holds a License from a State to provide
1073 Medical Services as a PA.

1074 L. "Licensing Board" means any State entity authorized to license and otherwise
1075 regulate PAs.

1076 M. "Medical Services" means health care services provided for the diagnosis,
1077 prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a
1078 State's laws and regulations.

1079 N. "Model Compact" means the model for the PA Licensure Compact on file with The

1080 Council of State Governments or other entity as designated by the Commission.

1081 O. "Participating State" means a State that has enacted this Compact.

1082 P. "PA" means an individual who is licensed as a physician assistant in a State. For
1083 purposes of this Compact, any other title or status adopted by a State to replace the term
1084 "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer
1085 the same rights and responsibilities to the Licensee under the provisions of this Compact at the
1086 time of its enactment.

1087 Q. "PA Licensure Compact Commission," "Compact Commission," or "Commission"
1088 mean the national administrative body created pursuant to Section 7.A of this Compact.

1089 R. "Qualifying License" means an unrestricted License issued by a Participating State to
1090 provide Medical Services as a PA.

1091 S. "Remote State" means a Participating State where a Licensee who is not licensed as a
1092 PA is exercising or seeking to exercise the Compact Privilege.

1093 T. "Rule" means a regulation promulgated by an entity that has the force and effect of
1094 law.

1095 U. "Significant Investigative Information" means Investigative Information that a
1096 Licensing Board, after an inquiry or investigation that includes notification and an opportunity
1097 for the PA to respond if required by State law, has reason to believe is not groundless and, if
1098 proven true, would indicate more than a minor infraction.

1099 V. "State" means any state, commonwealth, district, or territory of the United States.

1100 Section 28. Section **58-70c-103** is enacted to read:

1101 **58-70c-103. Section 3 -- State Participation in this Compact.**

1102 A. To participate in this Compact, a Participating State shall:

1103 1. License PAs.

1104 2. Participate in the Compact Commission's Data System.

1105 3. Have a mechanism in place for receiving and investigating complaints against
1106 Licensees and License applicants.

1107 4. Notify the Commission, in compliance with the terms of this Compact and
1108 Commission Rules, of any Adverse Action against a Licensee or License applicant and the
1109 existence of Significant Investigative Information regarding a Licensee or License applicant.

1110 5. Fully implement a Criminal Background Check requirement, within a time frame

1111 established by Commission Rule, by its Licensing Board receiving the results of a Criminal
1112 Background Check and reporting to the Commission whether the License applicant has been
1113 granted a License.

1114 6. Comply with the Rules of the Compact Commission.

1115 7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a
1116 requirement for PA licensure.

1117 8. Grant the Compact Privilege to a holder of a Qualifying License in a Participating
1118 State.

1119 B. Nothing in this Compact prohibits a Participating State from charging a fee for
1120 granting the Compact Privilege.

1121 Section 29. Section **58-70c-104** is enacted to read:

1122 **58-70c-104. Section 4 -- Compact Privilege.**

1123 A. To exercise the Compact Privilege, a Licensee must:

1124 1. Have graduated from a PA program accredited by the Accreditation Review
1125 Commission on Education for the Physician Assistant, Inc. or other programs authorized by
1126 Commission Rule.

1127 2. Hold current NCCPA certification.

1128 3. Have no felony or misdemeanor Conviction.

1129 4. Have never had a controlled substance license, permit, or registration suspended or
1130 revoked by a State or by the United States Drug Enforcement Administration.

1131 5. Have a unique identifier as determined by Commission Rule.

1132 6. Hold a Qualifying License.

1133 7. Have had no revocation of a License or limitation or restriction on any License
1134 currently held due to an adverse action.

1135 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege
1136 due to an Adverse Action, two years must have elapsed from the date on which the License or
1137 Compact Privilege is no longer limited or restricted due to the Adverse Action.

1138 9. If a Compact Privilege has been revoked or is limited or restricted in a Participating
1139 State for conduct that would not be a basis for disciplinary action in a Participating State in
1140 which the Licensee is practicing or applying to practice under a Compact Privilege, that
1141 Participating State shall have the discretion not to consider such action as an Adverse Action

1142 requiring the denial or removal of a Compact Privilege in that State.

1143 10. Notify the Compact Commission that the Licensee is seeking the Compact Privilege
1144 in a Remote State.

1145 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is
1146 seeking to practice under the Compact Privilege and pay any fees applicable to satisfying the
1147 Jurisprudence Requirement.

1148 12. Report to the Commission any Adverse Action taken by a non-participating State
1149 within thirty (30) days after the action is taken.

1150 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying
1151 License unless terminated pursuant to an Adverse Action. The Licensee must also comply with
1152 all of the requirements of Subsection A above to maintain the Compact Privilege in a Remote
1153 State. If the Participating State takes Adverse Action against a Qualifying License, the Licensee
1154 shall lose the Compact Privilege in any Remote State in which the Licensee has a Compact
1155 Privilege until all of the following occur:

1156 1. The License is no longer limited or restricted; and

1157 2. Two (2) years have elapsed from the date on which the License is no longer limited
1158 or restricted due to the Adverse Action.

1159 C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and
1160 2, the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege in
1161 any Remote State.

1162 D. For each Remote State in which a PA seeks authority to prescribe controlled
1163 substances, the PA shall satisfy all requirements imposed by such State in granting or renewing
1164 such authority.

1165 Section 30. Section **58-70c-105** is enacted to read:

1166 **58-70c-105. Section 5 -- Designation of the State from Which Licensee is Applying**
1167 **for a Compact Privilege.**

1168 A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to
1169 the Commission the Participating State from which the Licensee is applying, in accordance
1170 with applicable Rules adopted by the Commission, and subject to the following requirements:

1171 1. When applying for a Compact Privilege, the Licensee shall provide the Commission
1172 with the address of the Licensee's primary residence and thereafter shall immediately report to

1173 the Commission any change in the address of the Licensee's primary residence.

1174 2. When applying for a Compact Privilege, the Licensee is required to consent to accept
1175 service of process by mail at the Licensee's primary residence on file with the Commission
1176 with respect to any action brought against the Licensee by the Commission or a Participating
1177 State, including a subpoena, with respect to any action brought or investigation conducted by
1178 the Commission or a Participating State.

1179 Section 31. Section **58-70c-106** is enacted to read:

1180 **58-70c-106. Section 6 -- Adverse Actions.**

1181 A. A Participating State in which a Licensee is licensed shall have exclusive power to
1182 impose Adverse Action against the Qualifying License issued by that Participating State.

1183 B. In addition to the other powers conferred by State law, a Remote State shall have the
1184 authority, in accordance with existing State due process law, to do all of the following:

1185 1. Take Adverse Action against a PA's Compact Privilege within that State to remove a
1186 Licensee's Compact Privilege or take other action necessary under applicable law to protect the
1187 health and safety of its citizens.

1188 2. Issue subpoenas for both hearings and investigations that require the attendance and
1189 testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing
1190 Board in a Participating State for the attendance and testimony of witnesses or the production
1191 of evidence from another Participating State shall be enforced in the latter State by any court of
1192 competent jurisdiction, according to the practice and procedure of that court applicable to
1193 subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness
1194 fees, travel expenses, mileage and other fees required by the service statutes of the State in
1195 which the witnesses or evidence are located.

1196 3. Notwithstanding paragraph 1, subpoenas may not be issued by a Participating State
1197 to gather evidence of conduct in another State that is lawful in that other State for the purpose
1198 of taking Adverse Action against a Licensee's Compact Privilege or application for a Compact
1199 Privilege in that Participating State.

1200 4. Nothing in this Compact authorizes a Participating State to impose discipline against
1201 a PA's Compact Privilege or to deny an application for a Compact Privilege in that
1202 Participating State for the individual's otherwise lawful practice in another State.

1203 C. For purposes of taking Adverse Action, the Participating State which issued the

1204 Qualifying License shall give the same priority and effect to reported conduct received from
1205 any other Participating State as it would if the conduct had occurred within the Participating
1206 State which issued the Qualifying License. In so doing, that Participating State shall apply its
1207 own State laws to determine appropriate action.

1208 D. A Participating State, if otherwise permitted by State law, may recover from the
1209 affected PA the costs of investigations and disposition of cases resulting from any Adverse
1210 Action taken against that PA.

1211 E. A Participating State may take Adverse Action based on the factual findings of a
1212 Remote State, provided that the Participating State follows its own procedures for taking the
1213 Adverse Action.

1214 F. Joint Investigations.

1215 1. In addition to the authority granted to a Participating State by its respective State PA
1216 laws and regulations or other applicable State law, any Participating State may participate with
1217 other Participating States in joint investigations of Licensees.

1218 2. Participating States shall share any investigative, litigation, or compliance materials
1219 in furtherance of any joint or individual investigation initiated under this Compact.

1220 G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact
1221 Privilege in all Remote States shall be deactivated until two (2) years have elapsed after all
1222 restrictions have been removed from the State License. All disciplinary orders by the
1223 Participating State which issued the Qualifying License that impose Adverse Action against a
1224 PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all
1225 Participating States during the pendency of the order.

1226 H. If any Participating State takes Adverse Action, it promptly shall notify the
1227 administrator of the Data System.

1228 Section 32. Section **58-70c-107** is enacted to read:

1229 **58-70c-107. Section 7 -- Establishment of the PA Licensure Compact**
1230 **Commission.**

1231 A. The Participating States hereby create and establish a joint government agency and
1232 national administrative body known as the PA Licensure Compact Commission. The
1233 Commission is an instrumentality of the Compact States acting jointly and not an
1234 instrumentality of any one State. The Commission shall come into existence on or after the

1235 effective date of the Compact as set forth in Section 11.A.

1236 B. Membership, Voting, and Meetings

1237 1. Each Participating State shall have and be limited to one (1) delegate selected by that
1238 Participating State's Licensing Board or, if the State has more than one Licensing Board,
1239 selected collectively by the Participating State's Licensing Boards.

1240 2. The delegate shall be either:

1241 a. A current PA, physician or public member of a Licensing Board or PA
1242 Council/Committee; or

1243 b. An administrator of a Licensing Board.

1244 3. Any delegate may be removed or suspended from office as provided by the laws of
1245 the State from which the delegate is appointed.

1246 4. The Participating State Licensing Board shall fill any vacancy occurring in the
1247 Commission within sixty (60) days.

1248 5. Each delegate shall be entitled to one (1) vote on all matters voted on by the
1249 Commission and shall otherwise have an opportunity to participate in the business and affairs
1250 of the Commission. A delegate shall vote in person or by such other means as provided in the
1251 bylaws. The bylaws may provide for delegates' participation in meetings by
1252 telecommunications, video conference, or other means of communication.

1253 6. The Commission shall meet at least once during each calendar year. Additional
1254 meetings shall be held as set forth in this Compact and the bylaws.

1255 7. The Commission shall establish by Rule a term of office for delegates.

1256 C. The Commission shall have the following powers and duties:

1257 1. Establish a code of ethics for the Commission;

1258 2. Establish the fiscal year of the Commission;

1259 3. Establish fees;

1260 4. Establish bylaws;

1261 5. Maintain its financial records in accordance with the bylaws;

1262 6. Meet and take such actions as are consistent with the provisions of this Compact and
1263 the bylaws;

1264 7. Promulgate Rules to facilitate and coordinate implementation and administration of
1265 this Compact. The Rules shall have the force and effect of law and shall be binding in all

1266 Participating States;

1267 8. Bring and prosecute legal proceedings or actions in the name of the Commission,
1268 provided that the standing of any State Licensing Board to sue or be sued under applicable law
1269 shall not be affected;

1270 9. Purchase and maintain insurance and bonds;

1271 10. Borrow, accept, or contract for services of personnel, including, but not limited to,
1272 employees of a Participating State;

1273 11. Hire employees and engage contractors, elect or appoint officers, fix compensation,
1274 define duties, grant such individuals appropriate authority to carry out the purposes of this
1275 Compact, and establish the Commission's personnel policies and programs relating to conflicts
1276 of interest, qualifications of personnel, and other related personnel matters;

1277 12. Accept any and all appropriate donations and grants of money, equipment, supplies,
1278 materials and services, and receive, utilize and dispose of the same, provided that at all times
1279 the Commission shall avoid any appearance of impropriety or conflict of interest;

1280 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
1281 improve or use, any property, real, personal or mixed, provided that at all times the
1282 Commission shall avoid any appearance of impropriety;

1283 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
1284 any property real, personal, or mixed;

1285 15. Establish a budget and make expenditures;

1286 16. Borrow money;

1287 17. Appoint committees, including standing committees composed of members, State
1288 regulators, State legislators or their representatives, and consumer representatives, and such
1289 other interested persons as may be designated in this Compact and the bylaws;

1290 18. Provide and receive information from, and cooperate with, law enforcement
1291 agencies;

1292 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
1293 Commission as provided in the Commission's bylaws;

1294 20. Reserve for itself, in addition to those reserved exclusively to the Commission
1295 under the Compact, powers that the Executive Committee may not exercise;

1296 21. Approve or disapprove a State's participation in the Compact based upon its

1297 determination as to whether the State's Compact legislation departs in a material manner from
1298 the Model Compact language;

1299 22. Prepare and provide to the Participating States an annual report; and

1300 23. Perform such other functions as may be necessary or appropriate to achieve the
1301 purposes of this Compact consistent with the State regulation of PA licensure and practice.

1302 D. Meetings of the Commission

1303 1. All meetings of the Commission that are not closed pursuant to this subsection shall
1304 be open to the public. Notice of public meetings shall be posted on the Commission's website
1305 at least thirty (30) days prior to the public meeting.

1306 2. Notwithstanding subsection D.1 of this section, the Commission may convene a
1307 public meeting by providing at least twenty-four (24) hours prior notice on the Commission's
1308 website, and any other means as provided in the Commission's Rules, for any of the reasons it
1309 may dispense with notice of proposed rulemaking under Section 9.L.

1310 3. The Commission may convene in a closed, non-public meeting or non-public part of
1311 a public meeting to receive legal advice or to discuss.

1312 a. Non-compliance of a Participating State with its obligations under this Compact;

1313 b. The employment, compensation, discipline or other matters, practices or procedures
1314 related to specific employees or other matters related to the Commission's internal personnel
1315 practices and procedures;

1316 c. Current, threatened, or reasonably anticipated litigation;

1317 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
1318 estate;

1319 e. Accusing any person of a crime or formally censuring any person;

1320 f. Disclosure of trade secrets or commercial or financial information that is privileged
1321 or confidential;

1322 g. Disclosure of information of a personal nature where disclosure would constitute a
1323 clearly unwarranted invasion of personal privacy;

1324 h. Disclosure of investigative records compiled for law enforcement purposes;

1325 i. Disclosure of information related to any investigative reports prepared by or on behalf
1326 of or for use of the Commission or other committee charged with responsibility of investigation
1327 or determination of compliance issues pursuant to this Compact;

1328 j. Legal advice; or

1329 k. Matters specifically exempted from disclosure by federal or Participating States'
1330 statutes.

1331 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of
1332 the meeting or the chair's designee shall certify that the meeting or portion of the meeting may
1333 be closed and shall reference each relevant exempting provision.

1334 5. The Commission shall keep minutes that fully and clearly describe all matters
1335 discussed in a meeting and shall provide a full and accurate summary of actions taken,
1336 including a description of the views expressed. All documents considered in connection with
1337 an action shall be identified in such minutes. All minutes and documents of a closed meeting
1338 shall remain under seal, subject to release by a majority vote of the Commission or order of a
1339 court of competent jurisdiction.

1340 E. Financing of the Commission

1341 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
1342 its establishment, organization, and ongoing activities.

1343 2. The Commission may accept any and all appropriate revenue sources, donations, and
1344 grants of money, equipment, supplies, materials, and services.

1345 3. The Commission may levy on and collect an annual assessment from each
1346 Participating State and may impose Compact Privilege fees on Licensees of Participating States
1347 to whom a Compact Privilege is granted to cover the cost of the operations and activities of the
1348 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
1349 as approved by the Commission each year for which revenue is not provided by other sources.
1350 The aggregate annual assessment amount levied on Participating States shall be allocated based
1351 upon a formula to be determined by Commission Rule.

1352 a. A Compact Privilege expires when the Licensee's Qualifying License in the
1353 Participating State from which the Licensee applied for the Compact Privilege expires.

1354 b. If the Licensee terminates the Qualifying License through which the Licensee applied
1355 for the Compact Privilege before its scheduled expiration, and the Licensee has a Qualifying
1356 License in another Participating State, the Licensee shall inform the Commission that it is
1357 changing to that Participating State the Participating State through which it applies for a
1358 Compact Privilege and pay to the Commission any Compact Privilege fee required by

1359 Commission Rule.

1360 4. The Commission shall not incur obligations of any kind prior to securing the funds
1361 adequate to meet the same; nor shall the Commission pledge the credit of any of the
1362 Participating States, except by and with the authority of the Participating State.

1363 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
1364 receipts and disbursements of the Commission shall be subject to the financial review and
1365 accounting procedures established under its bylaws. All receipts and disbursements of funds
1366 handled by the Commission shall be subject to an annual financial review by a certified or
1367 licensed public accountant, and the report of the financial review shall be included in and
1368 become part of the annual report of the Commission.

1369 F. The Executive Committee

1370 1. The Executive Committee shall have the power to act on behalf of the Commission
1371 according to the terms of this Compact and Commission Rules.

1372 2. The Executive Committee shall be composed of nine (9) members:

1373 a. Seven voting members who are elected by the Commission from the current
1374 membership of the Commission;

1375 b. One ex-officio, nonvoting member from a recognized national PA professional
1376 association; and

1377 c. One ex-officio, nonvoting member from a recognized national PA certification
1378 organization.

1379 3. The ex-officio members will be selected by their respective organizations.

1380 4. The Commission may remove any member of the Executive Committee as provided
1381 in its bylaws.

1382 5. The Executive Committee shall meet at least annually.

1383 6. The Executive Committee shall have the following duties and responsibilities:

1384 a. Recommend to the Commission changes to the Commission's Rules or bylaws,
1385 changes to this Compact legislation, fees to be paid by Compact Participating States such as
1386 annual dues, and any Commission Compact fee charged to Licensees for the Compact
1387 Privilege;

1388 b. Ensure Compact administration services are appropriately provided, contractual or
1389 otherwise;

- 1390 c. Prepare and recommend the budget;
- 1391 d. Maintain financial records on behalf of the Commission;
- 1392 e. Monitor Compact compliance of Participating States and provide compliance reports
- 1393 to the Commission;
- 1394 f. Establish additional committees as necessary;
- 1395 g. Exercise the powers and duties of the Commission during the interim between
- 1396 Commission meetings, except for issuing proposed rulemaking or adopting Commission Rules
- 1397 or bylaws, or exercising any other powers and duties exclusively reserved to the Commission
- 1398 by the Commission's Rules; and
- 1399 h. Perform other duties as provided in the Commission's Rules or bylaws.
- 1400 7. All meetings of the Executive Committee at which it votes or plans to vote on
- 1401 matters in exercising the powers and duties of the Commission shall be open to the public and
- 1402 public notice of such meetings shall be given as public meetings of the Commission are given.
- 1403 8. The Executive Committee may convene in a closed, non-public meeting for the same
- 1404 reasons that the Commission may convene in a non-public meeting as set forth in Section 7.D.3
- 1405 and shall announce the closed meeting as the Commission is required to under Section 7.D.4
- 1406 and keep minutes of the closed meeting as the Commission is required to under Section 7.D.5.
- 1407 G. Qualified Immunity, Defense, and Indemnification
- 1408 1. The members, officers, executive director, employees and representatives of the
- 1409 Commission shall be immune from suit and liability, both personally and in their official
- 1410 capacity, for any claim for damage to or loss of property or personal injury or other civil
- 1411 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
- 1412 or that the person against whom the claim is made had a reasonable basis for believing
- 1413 occurred within the scope of Commission employment, duties or responsibilities; provided that
- 1414 nothing in this paragraph shall be construed to protect any such person from suit or liability for
- 1415 any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct
- 1416 of that person. The procurement of insurance of any type by the Commission shall not in any
- 1417 way compromise or limit the immunity granted hereunder.
- 1418 2. The Commission shall defend any member, officer, executive director, employee,
- 1419 and representative of the Commission in any civil action seeking to impose liability arising out
- 1420 of any actual or alleged act, error, or omission that occurred within the scope of Commission

1421 employment, duties, or responsibilities, or as determined by the commission that the person
1422 against whom the claim is made had a reasonable basis for believing occurred within the scope
1423 of Commission employment, duties, or responsibilities, provided that nothing herein shall be
1424 construed to prohibit that person from retaining their own counsel at their own expense, and
1425 provided further, that the actual or alleged act, error, or omission did not result from that
1426 person's intentional or willful or wanton misconduct.

1427 3. The Commission shall indemnify and hold harmless any member, officer, executive
1428 director, employee, and representative of the Commission for the amount of any settlement or
1429 judgment obtained against that person arising out of any actual or alleged act, error, or
1430 omission that occurred within the scope of Commission employment, duties, or
1431 responsibilities, or that such person had a reasonable basis for believing occurred within the
1432 scope of Commission employment, duties, or responsibilities, provided that the actual or
1433 alleged act, error, or omission did not result from the intentional or willful or wanton
1434 misconduct of that person.

1435 4. Venue is proper and judicial proceedings by or against the Commission shall be
1436 brought solely and exclusively in a court of competent jurisdiction where the principal office of
1437 the Commission is located. The Commission may waive venue and jurisdictional defenses in
1438 any proceedings as authorized by Commission Rules.

1439 5. Nothing herein shall be construed as a limitation on the liability of any Licensee for
1440 professional malpractice or misconduct, which shall be governed solely by any other applicable
1441 State laws.

1442 6. Nothing herein shall be construed to designate the venue or jurisdiction to bring
1443 actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil
1444 action pertaining to the practice of a PA. All such matters shall be determined exclusively by
1445 State law other than this Compact.

1446 7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a
1447 Participating State's state action immunity or state action affirmative defense with respect to
1448 antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
1449 anticompetitive law or regulation.

1450 8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
1451 the Participating States or by the Commission.

1452 Section 33. Section **58-70c-108** is enacted to read:

1453 **58-70c-108. Section 8 -- Data System.**

1454 A. The Commission shall provide for the development, maintenance, operation, and
1455 utilization of a coordinated data and reporting system containing licensure, Adverse Action,
1456 and the reporting of the existence of Significant Investigative Information on all licensed PAs
1457 and applicants denied a License in Participating States.

1458 B. Notwithstanding any other State law to the contrary, a Participating State shall
1459 submit a uniform data set to the Data System on all PAs to whom this Compact is applicable
1460 (utilizing a unique identifier) as required by the Rules of the Commission, including:

1461 1. Identifying information;

1462 2. Licensure data;

1463 3. Adverse Actions against a License or Compact Privilege;

1464 4. Any denial of application for licensure, and the reason(s) for such denial (excluding
1465 the reporting of any Criminal history record information where prohibited by law);

1466 5. The existence of Significant Investigative Information; and

1467 6. Other information that may facilitate the administration of this Compact, as
1468 determined by the Rules of the Commission.

1469 C. Significant Investigative Information pertaining to a Licensee in any Participating
1470 State shall only be available to other Participating States.

1471 D. The Commission shall promptly notify all Participating States of any Adverse
1472 Action taken against a Licensee or an individual applying for a License that has been reported
1473 to it. This Adverse Action information shall be available to any other Participating State.

1474 E. Participating States contributing information to the Data System may, in accordance
1475 with State or federal law, designate information that may not be shared with the public without
1476 the express permission of the contributing State. Notwithstanding any such designation, such
1477 information shall be reported to the Commission through the Data System.

1478 F. Any information submitted to the Data System that is subsequently expunged
1479 pursuant to federal law or the laws of the Participating State contributing the information shall
1480 be removed from the Data System upon reporting of such by the Participating State to the
1481 Commission.

1482 G. The records and information provided to a Participating State pursuant to this

1483 Compact or through the Data System, when certified by the Commission or an agent thereof,
1484 shall constitute the authenticated business records of the Commission, and shall be entitled to
1485 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
1486 proceedings in a Participating State.

1487 Section 34. Section **58-70c-109** is enacted to read:

1488 **58-70c-109. Section 9 -- Rulemaking.**

1489 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set
1490 forth in this Section and the Rules adopted thereunder. Commission Rules shall become
1491 binding as of the date specified by the Commission for each Rule.

1492 B. The Commission shall promulgate reasonable Rules in order to effectively and
1493 efficiently implement and administer this Compact and achieve its purposes. A Commission
1494 Rule shall be invalid and have not force or effect only if a court of competent jurisdiction holds
1495 that the Rule is invalid because the Commission exercised its rulemaking authority in a manner
1496 that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or
1497 based upon another applicable standard of review.

1498 C. The Rules of the Commission shall have the force of law in each Participating State,
1499 provided however that where the Rules of the Commission conflict with the laws of the
1500 Participating State that establish the medical services a PA may perform in the Participating
1501 State, as held by a court of competent jurisdiction, the Rules of the Commission shall be
1502 ineffective in that State to the extent of the conflict.

1503 D. If a majority of the legislatures of the Participating States rejects a Commission
1504 Rule, by enactment of a statute or resolution in the same manner used to adopt this Compact
1505 within four (4) years of the date of adoption of the Rule, then such Rule shall have no further
1506 force and effect in any Participating State or to any State applying to participate in the
1507 Compact.

1508 E. Commission Rules shall be adopted at a regular or special meeting of the
1509 Commission.

1510 F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and
1511 at least thirty (30) days in advance of the meeting at which the Rule will be considered and
1512 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1513 1. On the website of the Commission or other publicly accessible platform; and

1514 2. To persons who have requested notice of the Commission's notices of proposed
1515 rulemaking, and

1516 3. In such other way(s) as the Commission may by Rule specify.

1517 G. The Notice of Proposed Rulemaking shall include:

1518 1. The time, date, and location of the public hearing on the proposed Rule and the
1519 proposed time, date and location of the meeting in which the proposed Rule will be considered
1520 and voted upon;

1521 2. The text of the proposed Rule and the reason for the proposed Rule;

1522 3. A request for comments on the proposed Rule from any interested person and the
1523 date by which written comments must be received; and

1524 4. The manner in which interested persons may submit notice to the Commission of
1525 their intention to attend the public hearing or provide any written comments.

1526 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit
1527 written data, facts, opinions, and arguments, which shall be made available to the public.

1528 I. If the hearing is to be held via electronic means, the Commission shall publish the
1529 mechanism for access to the electronic hearing.

1530 1. All persons wishing to be heard at the hearing shall as directed in the Notice of
1531 Proposed Rulemaking, not less than five (5) business days before the scheduled date of the
1532 hearing, notify the Commission of their desire to appear and testify at the hearing.

1533 2. Hearings shall be conducted in a manner providing each person who wishes to
1534 comment a fair and reasonable opportunity to comment orally or in writing.

1535 3. All hearings shall be recorded. A copy of the recording and the written comments,
1536 data, facts, opinions, and arguments received in response to the proposed rulemaking shall be
1537 made available to a person upon request.

1538 4. Nothing in this section shall be construed as requiring a separate hearing on each
1539 proposed Rule. Proposed Rules may be grouped for the convenience of the Commission at
1540 hearings required by this section.

1541 J. Following the public hearing the Commission shall consider all written and oral
1542 comments timely received.

1543 K. The Commission shall, by majority vote of all delegates, take final action on the
1544 proposed Rule and shall determine the effective date of the Rule, if adopted, based on the

1545 Rulemaking record and the full text of the Rule.

1546 1. If adopted, the Rule shall be posted on the Commission's website.

1547 2. The Commission may adopt changes to the proposed Rule provided the changes do
1548 not enlarge the original purpose of the proposed Rule.

1549 3. The Commission shall provide on its website an explanation of the reasons for
1550 substantive changes made to the proposed Rule as well as reasons for substantive changes not
1551 made that were recommended by commenters.

1552 4. The Commission shall determine a reasonable effective date for the Rule. Except for
1553 an emergency as provided in subsection L, the effective date of the Rule shall be no sooner
1554 than thirty (30) days after the Commission issued the notice that adopted the Rule.

1555 L. Upon determination that an emergency exists, the Commission may consider and
1556 adopt an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for
1557 comment, or hearing, provided that the usual rulemaking procedures provided in this Compact
1558 and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in
1559 no event later than ninety (90) days after the effective date of the Rule. For the purposes of this
1560 provision, an emergency Rule is one that must be adopted immediately by the Commission in
1561 order to:

1562 1. Meet an imminent threat to public health, safety, or welfare;

1563 2. Prevent a loss of Commission or Participating State funds;

1564 3. Meet a deadline for the promulgation of a Commission Rule that is established by
1565 federal law or Rule; or

1566 4. Protect public health and safety.

1567 M. The Commission or an authorized committee of the Commission may direct
1568 revisions to a previously adopted Commission Rule for purposes of correcting typographical
1569 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
1570 revisions shall be posted on the website of the Commission. The revision shall be subject to
1571 challenge by any person for a period of thirty (30) days after posting. The revision may be
1572 challenged only on grounds that the revision results in a material change to a Rule. A challenge
1573 shall be made as set forth in the notice of revisions and delivered to the Commission prior to
1574 the end of the notice period. If no challenge is made, the revision will take effect without
1575 further action. If the revision is challenged, the revision may not take effect without the

1576 approval of the Commission.

1577 N. No Participating State's rulemaking requirements shall apply under this Compact.

1578 Section 35. Section **58-70c-110** is enacted to read:

1579 **58-70c-110. Section 10 -- Oversight, Dispute Resolution, and Enforcement.**

1580 A. Oversight

1581 1. The executive and judicial branches of State government in each Participating State
1582 shall enforce this Compact and take all actions necessary and appropriate to implement the
1583 Compact.

1584 2. Venue is proper and judicial proceedings by or against the Commission shall be
1585 brought solely and exclusively in a court of competent jurisdiction where the principal office of
1586 the Commission is located. The Commission may waive venue and jurisdictional defenses to
1587 the extent it adopts or consents to participate in alternative dispute resolution proceedings.
1588 Nothing herein shall affect or limit the selection or propriety of venue in any action against a
1589 licensee for professional malpractice, misconduct or any such similar matter.

1590 3. The Commission shall be entitled to receive service of process in any proceeding
1591 regarding the enforcement or interpretation of the Compact or the Commission's Rules and
1592 shall have standing to intervene in such a proceeding for all purposes. Failure to provide the
1593 Commission with service of process shall render a judgment or order in such proceeding void
1594 as to the Commission, this Compact, or Commission Rules.

1595 B. Default, Technical Assistance, and Termination

1596 1. If the Commission determines that a Participating State has defaulted in the
1597 performance of its obligations or responsibilities under this Compact or the Commission Rules,
1598 the Commission shall provide written notice to the defaulting State and other Participating
1599 States. The notice shall describe the default, the proposed means of curing the default and any
1600 other action that the Commission may take and shall offer remedial training and specific
1601 technical assistance regarding the default.

1602 2. If a State in default fails to cure the default, the defaulting State may be terminated
1603 from this Compact upon an affirmative vote of a majority of the delegates of the Participating
1604 States, and all rights, privileges and benefits conferred by this Compact upon such State may be
1605 terminated on the effective date of termination. A cure of the default does not relieve the
1606 offending State of obligations or liabilities incurred during the period of default.

1607 3. Termination of participation in this Compact shall be imposed only after all other
1608 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
1609 shall be given by the Commission to the governor, the majority and minority leaders of the
1610 defaulting State's legislature, and to the Licensing Board(s) of each of the Participating States.

1611 4. A State that has been terminated is responsible for all assessments, obligations, and
1612 liabilities incurred through the effective date of termination, including obligations that extend
1613 beyond the effective date of termination.

1614 5. The Commission shall not bear any costs related to a State that is found to be in
1615 default or that has been terminated from this Compact, unless agreed upon in writing between
1616 the Commission and the defaulting State.

1617 6. The defaulting State may appeal its termination from the Compact by the
1618 Commission by petitioning the U.S. District Court for the District of Columbia or the federal
1619 district where the Commission has its principal offices. The prevailing member shall be
1620 awarded all costs of such litigation, including reasonable attorney's fees.

1621 7. Upon the termination of a State's participation in the Compact, the State shall
1622 immediately provide notice to all Licensees within that State of such termination:

1623 a. Licensees who have been granted a Compact Privilege in that State shall retain the
1624 Compact Privilege for one hundred eighty (180) days following the effective date of such
1625 termination.

1626 b. Licensees who are licensed in that State who have been granted a Compact Privilege
1627 in a Participating State shall retain the Compact Privilege for one hundred eighty (180) days
1628 unless the Licensee also has a Qualifying License in a Participating State or obtains a
1629 Qualifying License in a Participating State before the one hundred eighty (180)-day period
1630 ends, in which case the Compact Privilege shall continue.

1631 C. Dispute Resolution

1632 1. Upon request by a Participating State, the Commission shall attempt to resolve
1633 disputes related to this Compact that arise among Participating States and between participating
1634 and non-Participating States.

1635 2. The Commission shall promulgate a Rule providing for both mediation and binding
1636 dispute resolution for disputes as appropriate.

1637 D. Enforcement.

1638 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
1639 provisions of this Compact and Rules of the Commission.

1640 2. If compliance is not secured after all means to secure compliance have been
1641 exhausted, by majority vote, the Commission may initiate legal action in the United States
1642 District Court for the District of Columbia or the federal district where the Commission has its
1643 principal offices, against a Participating State in default to enforce compliance with the
1644 provisions of this Compact and the Commission's promulgated Rules and bylaws. The relief
1645 sought may include both injunctive relief and damages. In the event judicial enforcement is
1646 necessary, the prevailing party shall be awarded all costs of such litigation, including
1647 reasonable attorney's fees.

1648 3. The remedies herein shall not be the exclusive remedies of the Commission. The
1649 Commission may pursue any other remedies available under federal or State law.

1650 E. Legal Action Against the Commission

1651 1. A Participating State may initiate legal action against the Commission in the U.S.
1652 District Court for the District of Columbia or the federal district where the Commission has its
1653 principal offices to enforce compliance with the provisions of the Compact and its Rules. The
1654 relief sought may include both injunctive relief and damages. In the event judicial enforcement
1655 is necessary, the prevailing party shall be awarded all costs of such litigation, including
1656 reasonable attorney's fees.

1657 2. No person other than a Participating State shall enforce this Compact against the
1658 Commission.

1659 Section 36. Section **58-70c-111** is enacted to read:

1660 **58-70c-111. Section 11 -- Date of Implementation of the PA Licensure Compact**
1661 **Commission.**

1662 A. This Compact shall come into effect on the date on which this Compact statute is
1663 enacted into law in the seventh Participating State.

1664 1. On or after the effective date of the Compact, the Commission shall convene and
1665 review the enactment of each of the States that enacted the Compact prior to the Commission
1666 convening ("Charter Participating States") to determine if the statute enacted by each such
1667 Charter Participating State is materially different than the Model Compact.

1668 a. A Charter Participating State whose enactment is found to be materially different

1669 from the Model Compact shall be entitled to the default process set forth in Section 10.B.

1670 b. If any Participating State later withdraws from the Compact or its participation is
1671 terminated, the Commission shall remain in existence and the Compact shall remain in effect
1672 even if the number of Participating States should be less than seven. Participating States
1673 enacting the Compact subsequent to the Commission convening shall be subject to the process
1674 set forth in Section 7.C.21 to determine if their enactments are materially different from the
1675 Model Compact and whether they qualify for participation in the Compact.

1676 2. Participating States enacting the Compact subsequent to the seven initial Charter
1677 Participating States shall be subject to the process set forth in Section 7.C.21 to determine if
1678 their enactments are materially different from the Model Compact and whether they qualify for
1679 participation in the Compact.

1680 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
1681 of the administration of the Compact prior to the effective date of the Compact or the
1682 Commission coming into existence shall be considered to be actions of the Commission unless
1683 specifically repudiated by the Commission.

1684 B. Any State that joins this Compact shall be subject to the Commission's Rules and
1685 bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule
1686 that has been previously adopted by the Commission shall have the full force and effect of law
1687 on the day this Compact becomes law in that State.

1688 C. Any Participating State may withdraw from this Compact by enacting a statute
1689 repealing the same.

1690 1. A Participating State's withdrawal shall not take effect until one hundred eighty (180)
1691 days after enactment of the repealing statute. During this one hundred eighty (180) day-period,
1692 all Compact Privileges that were in effect in the withdrawing State and were granted to
1693 Licensees licensed in the withdrawing State shall remain in effect. If any Licensee licensed in
1694 the withdrawing State is also licensed in another Participating State or obtains a license in
1695 another Participating State within the one hundred eighty (180) days, the Licensee's Compact
1696 Privileges in other Participating States shall not be affected by the passage of the one hundred
1697 eighty (180) days.

1698 2. Withdrawal shall not affect the continuing requirement of the State Licensing
1699 Board(s) of the withdrawing State to comply with the investigative, and Adverse Action

1700 reporting requirements of this Compact prior to the effective date of withdrawal.

1701 3. Upon the enactment of a statute withdrawing a State from this Compact, the State
1702 shall immediately provide notice of such withdrawal to all Licensees within that State. Such
1703 withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for
1704 a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

1705 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
1706 PA licensure agreement or other cooperative arrangement between Participating States and
1707 between a Participating State and non-Participating State that does not conflict with the
1708 provisions of this Compact.

1709 E. This Compact may be amended by the Participating States. No amendment to this
1710 Compact shall become effective and binding upon any Participating State until it is enacted
1711 materially in the same manner into the laws of all Participating States as determined by the
1712 Commission.

1713 Section 37. Section **58-70c-112** is enacted to read:

1714 **58-70c-112. Section 12 -- Construction and Severability.**

1715 A. This Compact and the Commission's rulemaking authority shall be liberally
1716 construed so as to effectuate the purposes, and the implementation and administration of the
1717 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of
1718 Rules shall not be construed to limit the Commission's rulemaking authority solely for those
1719 purposes.

1720 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
1721 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the
1722 constitution of any Participating State, a State seeking participation in the Compact, or of the
1723 United States, or the applicability thereof to any government, agency, person or circumstance is
1724 held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of
1725 this Compact and the applicability thereof to any other government, agency, person or
1726 circumstance shall not be affected thereby.

1727 C. Notwithstanding subsection B or this section, the Commission may deny a State's
1728 participation in the Compact or, in accordance with the requirements of Section 10.B, terminate
1729 a Participating State's participation in the Compact, if it determines that a constitutional
1730 requirement of a Participating State is, or would be with respect to a State seeking to

1731 participate in the Compact, a material departure from the Compact. Otherwise, if this Compact
1732 shall be held to be contrary to the constitution of any Participating State, the Compact shall
1733 remain in full force and effect as to the remaining Participating States and in full force and
1734 effect as to the Participating State affected as to all severable matters.

1735 Section 38. Section **58-70c-113** is enacted to read:

1736 **58-70c-113. Section 13 -- Binding Effect of Compact.**

1737 A. Nothing herein prevents the enforcement of any other law of a Participating State
1738 that is not inconsistent with this Compact.

1739 B. Any laws in a Participating State in conflict with this Compact are superseded to the
1740 extent of the conflict.

1741 C. All agreements between the Commission and the Participating States are binding in
1742 accordance with their terms.

1743 Section 39. Section **58-70c-201** is enacted to read:

1744 **Part 2. Division Implementation**

1745 **58-70c-201. Rulemaking authority -- State authority over scope of practice.**

1746 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1747 Administrative Rulemaking Act, to implement this chapter.

1748 (2) Notwithstanding any provision in Sections [58-70c-101](#) through [58-70c-113](#),
1749 Sections [58-70c-101](#) through [58-70c-113](#) do not supersede state law related to an individual's
1750 scope of practice under this title.

1751 Section 40. Section **72-9-602.5** is enacted to read:

1752 **72-9-602.5. Certificate by endorsement.**

1753 (1) As used in this section, "license" means an authorization that permits the holder to
1754 engage in the practice of a profession described in Section [72-9-602](#).

1755 (2) Subject to Subsections (4) through (6), the department shall issue a certificate
1756 described in Section [72-9-602](#) to an applicant who has been licensed in another state, district,
1757 or territory of the United States if:

1758 (a) the department determines that the license issued by the other state, district, or
1759 territory encompasses a similar scope of practice as the certificate;

1760 (b) the applicant has at least one year of experience practicing under the license issued
1761 in the other state, district, or territory; and

1762 (c) the applicant's license is in good standing in the other state, district, or territory.

1763 (3) Subject to Subsections (4) through (6), the department may issue a certificate
1764 described in Section [72-9-602](#) to an applicant who:

1765 (a) has been licensed in another state, district, or territory of the United States, or in a
1766 jurisdiction outside of the United States, if:

1767 (i) (A) the department determines that the applicant's education, experience, and skills
1768 demonstrate competency in the occupation for which certification is sought; and

1769 (B) the applicant has at least one year of experience practicing under the license issued
1770 in the other state, district, territory, or jurisdiction; or

1771 (ii) the department determines that the licensure requirements of the other state,
1772 district, territory, or jurisdiction at the time the license was issued were substantially similar to
1773 the requirements for the certificate; or

1774 (b) has never been licensed in a state, district, or territory of the United States, or in a
1775 jurisdiction outside of the United States, if:

1776 (i) the applicant was educated in or obtained relevant experience in a state, district, or
1777 territory of the United States, or a jurisdiction outside of the United States; and

1778 (ii) the department determines that the education or experience was substantially
1779 similar to the education or experience requirements for the certificate.

1780 (4) The department may refuse to issue a certificate to an applicant under this section
1781 if:

1782 (a) the department determines that there is reasonable cause to believe that the
1783 applicant is not qualified to receive the certificate; or

1784 (b) the applicant has a previous or pending disciplinary action related to the applicant's
1785 other license.

1786 (5) Before the department issues a certificate to an applicant under this section, the
1787 applicant shall:

1788 (a) pay a fee determined by the department under Section [63J-1-504](#); and

1789 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good
1790 standing in the occupation for which certification is sought.

1791 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah
1792 Administrative Rulemaking Act, prescribing the administration and requirements of this

1793 section.