

1 A bill to be entitled
2 An act relating to health and human services;
3 providing a short title; amending s. 395.1055, F.S.;
4 removing obsolete provisions; amending s. 401.411,
5 F.S.; authorizing the Department of Health to deny,
6 suspend, or revoke a license, certificate, or permit
7 or reprimand, fine, or take adverse action against an
8 emergency medical technician or paramedic under
9 certain circumstances; amending s. 401.25, F.S.;
10 providing exemption from licensure for emergency
11 medical technicians or paramedics under certain
12 circumstances; requiring the Department of Health to
13 appoint a state delegate for the Interstate Compact
14 Commission for EMS Personnel Practice; creating s.
15 401.466, F.S.; enacting the Emergency Medical Services
16 Personnel Licensure Interstate Compact; providing
17 purpose; providing definitions; providing requirements
18 for home state licensure and practice of EMS
19 personnel; requiring compact states meet certain
20 criteria to participate in the compact; authorizing
21 EMS personnel to practice in other member states under
22 certain circumstances; providing that authority over
23 EMS personnel licenses remains with the home state;
24 providing guidelines and requirements for EMS
25 personnel to practice in a remote state; providing

26 | that certain terms and provisions of the Emergency
27 | Management Assistance Compact apply in specified
28 | circumstances; requiring member states to take
29 | specified actions related to veterans, active duty
30 | servicemembers, and their spouses; providing
31 | requirements for adverse actions against EMS
32 | personnel; providing requirements and limitations on
33 | EMS personnel who have an adverse action; requiring
34 | member states report adverse actions and specified
35 | occurrences to the Interstate Commission for EMS
36 | Personnel Practice; providing additional powers
37 | invested in a member state's EMS authority;
38 | establishing the Interstate Commission for EMS
39 | Personnel Practice; providing for the jurisdiction and
40 | venue for court proceedings; providing membership,
41 | duties, and powers of the commission; authorizing the
42 | commission to adopt rules; providing immunity to
43 | specified individuals; providing requirements relating
44 | to delegates; requiring compact states to participate
45 | in a coordinated data and reporting system; providing
46 | for the development of a database, reporting
47 | procedures, and the exchange of certain information
48 | between compact states; providing rulemaking
49 | procedures; providing for state enforcement of the
50 | compact; providing for the termination of compact

51 membership; providing procedures for the resolution of
52 certain disputes; providing for the implementation of
53 the compact; providing requirements to withdraw from
54 the compact; providing compact amendment procedures;
55 providing construction and severability; amending s.
56 409.814, F.S.; revising eligibility requirements for
57 the Florida Kidcare program; amending s. 409.818,
58 F.S.; revising administrative duties of the agency;
59 amending s. 409.902, F.S.; revising eligibility
60 requirements for certain medical assistance payments;
61 amending s. 409.90201, F.S.; revising recipient
62 information required for Medicaid eligibility;
63 amending s. 409.904, F.S.; revising the time period in
64 which the agency will retroactively make payments to
65 Medicaid-covered services for certain persons;
66 amending s. 409.905, F.S.; prohibiting the agency from
67 making a payment to a prohibited entity; creating s.
68 414.321, F.S.; providing eligibility requirements for
69 food assistance; creating s. 414.332, F.S.; requiring
70 the Department of Children and Families develop and
71 implement a food assistance payment accuracy
72 improvement plan; providing requirements for the plan;
73 requiring the department to submit the plan to the
74 Governor and the Legislature by a specified date;
75 requiring the department, by a specified date, to

76 submit certain quarterly progress reports to the
77 Governor and the Legislature; providing for future
78 repeal; amending s. 414.455, F.S.; revising
79 requirements for participation in an employment and
80 training program to receive food assistance from the
81 Supplemental Nutrition Assistance Program; requiring
82 the Department of Children and Families to apply for
83 and comply with certain work requirements in
84 accordance with federal law for food assistance;
85 amending s. 456.0575, F.S.; requiring a health care
86 practitioner to provide a patient with a certain
87 notification in writing upon referring the patient to
88 certain providers; authorizing a practitioner to
89 confirm network status; requiring disciplinary action
90 against a health care practitioner under certain
91 conditions; amending s. 456.073, F.S.; revising the
92 significant investigation information the Department
93 of Health is required to report relating to certain
94 physician assistants, emergency medical technicians or
95 paramedics, and clinical social workers; amending s.
96 456.076, F.S.; requiring the terms of the monitoring
97 contracts for certain physician assistants, emergency
98 medical technicians or paramedics, and clinical social
99 workers to include withdrawal from all practice under
100 certain circumstances; creating s. 456.66, F.S.;

101 enacting the Physician Assistant Licensure Compact;
102 providing purpose; providing definitions; providing
103 requirements for compact states to participate in the
104 compact; providing criteria that a physician assistant
105 must satisfy to practice under the compact;
106 maintaining that authority over a physician
107 assistant's license remains with the home state but
108 authorizing remote states to define the scope of and
109 act on a physician assistant's authority to practice
110 in the compact state under the compact; prohibiting a
111 physician assistant from practicing under the compact
112 if his or her authority to do so has been acted on by
113 any compact state; requiring compact states to report
114 to the Physician Assistant Licensure Compact
115 Commission adverse actions taken against a physician
116 assistant; establishing the Physician Assistant
117 Licensure Compact Commission; providing jurisdiction
118 and venue for court proceedings; providing membership,
119 duties, and powers; authorizing the commission to
120 adopt rules; providing immunity to specified
121 individuals; requiring compact states to participate
122 in a coordinated data and reporting system; providing
123 for the development of a data system, reporting
124 procedures, and exchange of certain information
125 between compact states; providing rulemaking

126 | procedures; providing for state enforcement of the
127 | compact; providing for the termination of compact
128 | membership; providing procedures for the resolution of
129 | certain disputes; providing compact amendment
130 | procedures; authorizing nonparty states to participate
131 | in commission activities before adoption of the
132 | compact; providing construction and severability;
133 | amending s. 458.307, F.S.; requiring the Board of
134 | Medicine and the Board of Osteopathic Medicine to
135 | jointly appoint an individual to serve as the state's
136 | delegate on the Physician Assistant Licensure Compact
137 | Commission; amending ss. 458.347 and 459.022, F.S.;;
138 | revising the number of physician assistants a
139 | physician may supervise; authorizing the Board of
140 | Medicine and the Board of Osteopathic Medicine to take
141 | adverse action against a physician assistant's
142 | privilege to practice under the Physician Assistant
143 | Licensure Compact and to deny, suspend, or revoke the
144 | licensure of a physician assistant who violates the
145 | compact; providing an exemption from licensure for
146 | certain physician assistants; amending s. 464.0123,
147 | F.S.; revising practice requirements for an autonomous
148 | advanced practice registered nurse; authorizing an
149 | autonomous advanced practice registered nurse to
150 | perform certain acts; amending s. 466.017, F.S.;

151 authorizing a dental hygienist to prescribe,
152 administer, and dispense certain agents and administer
153 local anesthesia under certain circumstances; amending
154 s. 466.024, F.S.; revising the remediable and
155 delegable duties of a dentist; creating s. 491.022,
156 F.S.; creating the Social Work Licensure Interstate
157 Compact; providing purposes, objectives, and
158 definitions; specifying requirements for state
159 participation in the compact and duties of member
160 states; specifying that the compact does not affect an
161 individual's ability to apply for, and a member
162 state's ability to grant, a single state license
163 pursuant to the laws of that state; providing for
164 recognition of compact privilege in member states;
165 specifying criteria a licensee must meet for compact
166 privilege; providing for the expiration and renewal of
167 compact privilege; specifying that a licensee with
168 compact privilege in a remote state must adhere to the
169 laws and rules of that state; authorizing member
170 states to act on a licensee's compact privilege under
171 certain circumstances; specifying the consequences and
172 parameters of practice for a licensee whose compact
173 privilege has been acted upon or whose home state
174 license is encumbered; specifying that a licensee may
175 hold a home state license in only one member state at

176 a time; specifying requirements and procedures for
177 changing a home state license designation; authorizing
178 active duty military personnel or their spouses to
179 keep their home state designation during active duty;
180 authorizing member states to take adverse actions
181 against licensees and issue subpoenas for hearings and
182 investigations under certain circumstances; providing
183 requirements and procedures for such adverse action;
184 authorizing member states to engage in joint
185 investigations under certain circumstances; providing
186 that a licensee's compact privilege must be
187 deactivated in all member states for the duration of
188 an encumbrance imposed by the licensee's home state;
189 providing for notice to the data system and the
190 licensee's home state of any adverse action taken
191 against a licensee; establishing the Social Work
192 Licensure Compact Commission; providing for
193 jurisdiction and venue for court proceedings;
194 providing for membership and powers of the commission;
195 specifying powers and duties of the commission's
196 executive committee; authorizing the commission to
197 convene in closed, nonpublic meetings under certain
198 circumstances; providing for the financing of the
199 commission; providing specified individuals immunity
200 from civil liability under certain circumstances;

201 providing exceptions; requiring the commission to
202 defend the specified individuals in civil actions
203 under certain circumstances; requiring the commission
204 to indemnify and hold harmless specified individuals
205 for any settlement or judgment obtained in such
206 actions under certain circumstances; providing for the
207 development of the data system, reporting procedures,
208 and the exchange of specified information between
209 member states; requiring the commission to notify
210 member states of any adverse action taken against a
211 licensee or applicant for licensure; authorizing
212 member states to designate as confidential information
213 provided to the data system; requiring the commission
214 to remove information from the data system under
215 certain circumstances; providing rulemaking procedures
216 for the commission; providing for member state
217 enforcement of the compact; authorizing the commission
218 to receive notice of process, and have standing to
219 intervene, in certain proceedings; rendering certain
220 judgments and orders void as to the commission, the
221 compact, or commission rules under certain
222 circumstances; providing for defaults and termination
223 of compact membership; providing procedures for the
224 resolution of certain disputes; providing for
225 commission enforcement of the compact; providing for

226 remedies; providing for implementation of, withdrawal
227 from, and amendment to the compact; specifying that
228 licensees practicing in a remote state under the
229 compact must adhere to the laws and rules of that
230 state; specifying that the compact, commission rules,
231 and commission actions are binding on member states;
232 providing construction; providing for severability;
233 amending s. 491.004, F.S.; requiring the Board of
234 Clinical Social Work, Marriage and Family Therapy, and
235 Mental Health Counseling to appoint an individual to
236 serve as the state's delegate on the commission;
237 amending ss. 491.005 and 491.006, F.S.; exempting
238 certain persons from licensure requirements; amending
239 s. 491.009, F.S.; authorizing certain disciplinary
240 action under the compact for specified prohibited
241 acts; amending s. 627.6471, F.S.; requiring certain
242 health insurers to apply payments for services
243 provided by nonpreferred providers toward insureds'
244 deductibles and out-of-pocket maximums if specified
245 conditions are met; amending s. 768.28, F.S.;

246 designating state delegates of the Physician Assistant
247 Licensure Compact Commission and the Interstate
248 Commission for EMS Personnel Practice and other
249 members or employees of the commissions as state
250 agents for the purpose of applying sovereign immunity

251 and waivers of sovereign immunity; requiring the
252 commissions to pay certain judgments or claims;
253 authorizing the commissions to maintain insurance
254 coverage to pay such judgments or claims; designating
255 the state's delegate and other members or employees of
256 the Social Work Licensure Compact Commission as state
257 agents for the purpose of applying waivers of
258 sovereign immunity; requiring the commission to pay
259 certain claims or judgments; authorizing the
260 commission to maintain insurance coverage to pay such
261 claims or judgments; providing effective dates.

262
263 Be It Enacted by the Legislature of the State of Florida:

264
265 **Section 1.** This act may be cited as the "Big Beautiful
266 Healthcare Frontier Act."

267 **Section 2. Subsections (12) through (19) of section**
268 **395.1055, Florida Statutes, are renumbered as subsections (11)**
269 **through (18), respectively, and subsection (11) and paragraph**
270 **(a) of present subsection (14) of that section are amended to**
271 **read:**

272 395.1055 Rules and enforcement.—

273 ~~(11) The Secretary of Health Care Administration shall~~
274 ~~consult the pediatric cardiac technical advisory panel for an~~
275 ~~advisory recommendation on any certificate of need applications~~

276 ~~to establish pediatric cardiac surgical centers.~~

277 (13) (a) ~~(14) (a)~~ The Secretary of Health Care Administration
278 may request announced or unannounced site visits to any existing
279 pediatric cardiac surgical center or facility seeking licensure
280 as a pediatric cardiac surgical center ~~through the certificate~~
281 ~~of need process~~, to ensure compliance with this section and
282 rules adopted hereunder.

283 **Section 3. Subsection (1) of section 401.411, Florida**
284 **Statutes, is amended, and subsection (9) is added to that**
285 **section, to read:**

286 401.411 Disciplinary action; penalties.—

287 (1) The department may deny, suspend, or revoke a license,
288 certificate, or permit or may reprimand or fine any licensee,
289 certificateholder, or other person operating under this part or
290 s. 401.466, for any of the following grounds:

291 (a) The violation of any rule of the department or any
292 provision of this part.

293 (b) Being found guilty of, or pleading nolo contendere to,
294 regardless of adjudication in any jurisdiction, a crime that
295 relates to practice as an emergency medical technician or
296 paramedic, or to practice in any other occupation, when
297 operating under this part.

298 (c) Addiction to alcohol or any controlled substance.

299 (d) Engaging in or attempting to engage in the possession,
300 except in legitimate duties under the supervision of a licensed

301 physician, or the sale or distribution of any controlled
302 substance as set forth in chapter 893.

303 (e) The conviction in any court in any state or in any
304 federal court of a felony, unless the person's civil rights have
305 been restored.

306 (f) Knowingly making false or fraudulent claims;
307 procuring, attempting to procure, or renewing a certificate,
308 license, or permit by fakery, fraudulent action, or
309 misrepresentation.

310 (g) Unprofessional conduct, including, but not limited to,
311 any departure from or failure to conform to the minimal
312 prevailing standards of acceptable practice under this part,
313 including undertaking activities that the emergency medical
314 technician, paramedic, health care professional, or other
315 professional is not qualified by training or experience to
316 perform.

317 (h) Sexual misconduct with a patient, including inducing
318 or attempting to induce the patient to engage, or engaging or
319 attempting to engage the patient, in sexual activity.

320 (i) The failure to give to the department, or its
321 authorized representative, true information upon request
322 regarding an alleged or confirmed violation of this part or rule
323 of the department.

324 (j) Fraudulent or misleading advertising or advertising in
325 an unauthorized category.

326 (k) Practicing as an emergency medical technician,
327 paramedic, health care professional, or other professional
328 operating under this part without reasonable skill and without
329 regard for the safety of the public by reason of illness,
330 drunkenness, or the use of drugs, narcotics, or chemicals or any
331 other substance or as a result of any mental or physical
332 condition.

333 (l) The failure to report to the department any person
334 known to be in violation of this part. However, a professional
335 known to be operating under this part without reasonable skill
336 and without regard for the safety of the public by reason of
337 illness, drunkenness, or the use of drugs, narcotics, chemicals,
338 or any other type of material, or as a result of a mental or
339 physical condition, may be reported to a consultant operating an
340 impaired practitioner program as described in s. 456.076 rather
341 than to the department.

342 (9) The department may take adverse action against an
343 emergency medical technician's or paramedic's privilege to
344 practice under the Emergency Medical Services Personnel
345 Licensure Interstate Compact pursuant to s. 401.466 and may
346 impose any of the penalties in s. 456.072(2) if the emergency
347 medical technician or paramedic commits an act specified in
348 subsection (1) or s. 456.072(1).

349 **Section 4. Subsections (9) and (10) are added to section**
350 **401.25, Florida Statutes, to read:**

351 401.25 Licensure as a basic life support or an advanced
 352 life support service.—

353 (9) A person licensed as an emergency medical technician
 354 or paramedic in another state who is practicing under the
 355 Emergency Medical Services Personnel Licensure Interstate
 356 Compact pursuant to s. 401.466, and only within the scope
 357 provided therein, is exempt from the licensure requirements of
 358 this section, as applicable.

359 (10) The department shall appoint a person to serve as the
 360 state's delegate on the Interstate Compact Commission for EMS
 361 Personnel Practice, as required under 401.466.

362 **Section 5. Section 401.466, Florida Statutes, is created**
 363 **to read:**

364 401.466 Emergency Medical Services Personnel Licensure
 365 Interstate Compact.—The Emergency Medical Services Personnel
 366 Licensure Interstate Compact is enacted into law and entered
 367 into by this state with all other jurisdictions legally joining
 368 therein in the form substantially as follows:

370 ARTICLE I

371 PURPOSE

372
 373 The purpose of this compact is to protect the public
 374 through verification of competency and ensure accountability for
 375 patient care-related activities of all states' licensed

376 emergency medical services (EMS) personnel, such as emergency
377 medical technicians (EMTs), advanced EMTs, and paramedics. This
378 compact is intended to facilitate the day-to-day movement of EMS
379 personnel across state boundaries in the performance of their
380 EMS duties as assigned by an appropriate authority and authorize
381 state EMS offices to afford immediate legal recognition to EMS
382 personnel licensed in a member state. This compact recognizes
383 that states have a vested interest in protecting the public's
384 health and safety through their licensing and regulation of EMS
385 personnel and that such state regulation shared among the member
386 states will best protect public health and safety. This compact
387 is designed to achieve the following purposes and objectives:
388 (1) Increase public access to EMS personnel.
389 (2) Enhance the states' ability to protect the public's
390 health and safety, especially patient safety.
391 (3) Encourage the cooperation of member states in the
392 areas of EMS personnel licensure and regulation.
393 (4) Support licensing of military members who are
394 separating from active-duty tours and their spouses.
395 (5) Facilitate the exchange of information between member
396 states regarding EMS personnel licensure, adverse action, and
397 significant investigatory information.
398 (6) Promote compliance with the laws governing EMS
399 personnel practice in each member state.
400 (7) Invest all member states with the authority to hold

401 EMS personnel accountable through the mutual recognition of
402 member state licenses.

404 ARTICLE II
405 DEFINITIONS

406
407 As used in this compact, the term:

408 (1) "Advanced emergency medical technician" or "AEMT"
409 means an individual licensed with cognitive knowledge and a
410 scope of practice that corresponds to that level in the National
411 EMS Education Standards and National EMS Scope of Practice
412 Model.

413 (2) "Adverse action" means any administrative, civil,
414 equitable, or criminal action permitted by a state's laws which
415 may be imposed against licensed EMS personnel by a state EMS
416 authority or state court, including, but not limited to, actions
417 against an individual's license such as revocation, suspension,
418 probation, consent agreement, monitoring, or other limitation or
419 encumbrance on the individual's practice, letters of reprimand
420 or admonition, fines, criminal convictions, and state court
421 judgments enforcing adverse actions by the state EMS authority.

422 (3) "Alternative program" means a voluntary,
423 nondisciplinary substance abuse recovery program approved by a
424 state EMS authority.

425 (4) "Certification" means the successful verification of

426 entry-level cognitive and psychomotor competency using a
427 reliable, validated, and legally defensible examination.

428 (5) "Commission" means the national administrative body of
429 which all states that have enacted the compact are members.

430 (6) "Emergency medical technician" or "EMT" means an
431 individual licensed with cognitive knowledge and a scope of
432 practice that corresponds to that level in the National EMS
433 Education Standards and National EMS Scope of Practice Model.

434 (7) "Home state" means a member state where an individual
435 is licensed to practice emergency medical services.

436 (8) "License" means the authorization by a state for an
437 individual to practice as an EMT, AEMT, paramedic, or a level in
438 between EMT and paramedic.

439 (9) "Medical director" means a physician licensed in a
440 member state who is accountable for the care delivered by EMS
441 personnel.

442 (10) "Member state" means a state that has enacted this
443 compact.

444 (11) "Paramedic" means an individual licensed with
445 cognitive knowledge and a scope of practice that corresponds to
446 that level in the National EMS Education Standards and National
447 EMS Scope of Practice Model.

448 (12) "Privilege to practice" means an individual's
449 authority to deliver emergency medical services in remote states
450 as authorized under this compact.

451 (13) "Remote state" means a member state in which an
452 individual is not licensed.

453 (14) "Restricted" means the outcome of an adverse action
454 that limits a license or the privilege to practice.

455 (15) "Rule" means a written statement by the interstate
456 Commission adopted pursuant to Article XII of this compact that
457 is of general applicability; implements, interprets, or
458 prescribes a policy or provision of the compact; or is an
459 organizational, procedural, or practice requirement of the
460 commission and has the force and effect of statutory law in a
461 member state and includes the amendment, repeal, or suspension
462 of an existing rule.

463 (16) "Scope of practice" means defined parameters of
464 various duties or services that may be provided by an individual
465 with specific credentials. Whether regulated by rule, statute,
466 or court decision, it tends to represent the limits of services
467 an individual may perform.

468 (17) "Significant investigatory information" means:

469 (a) Investigative information that a state EMS authority,
470 after a preliminary inquiry that includes notification and an
471 opportunity to respond if required by state law, has reason to
472 believe, if proved true, would result in the imposition of an
473 adverse action on a license or privilege to practice; or

474 (b) Investigative information that indicates that the
475 individual represents an immediate threat to public health and

476 safety regardless of whether the individual has been notified
 477 and had an opportunity to respond.

478 (18) "State" means any state, commonwealth, district, or
 479 territory of the United States.

480 (19) "State EMS authority" means the board, office, or
 481 other agency with the legislative mandate to license EMS
 482 personnel.

484 ARTICLE III

485 HOME STATE LICENSURE

486
 487 (1) Any member state in which an individual holds a
 488 current license shall be deemed a home state for purposes of
 489 this compact.

490 (2) Any member state may require an individual to obtain
 491 and retain a license to be authorized to practice in the member
 492 state under circumstances not authorized by the privilege to
 493 practice under the terms of this compact.

494 (3) A home state's license authorizes an individual to
 495 practice in a remote state under the privilege to practice only
 496 if the home state:

497 (a) Currently requires the use of the National Registry of
 498 Emergency Medical Technicians (NREMT) examination as a condition
 499 of issuing initial licenses at the EMT and paramedic levels.

500 (b) Has a mechanism in place for receiving and

501 investigating complaints about individuals.

502 (c) Notifies the commission, in compliance with the terms
503 herein, of any adverse action or significant investigatory
504 information regarding an individual.

505 (d) No later than 5 years after activation of the compact,
506 requires a criminal background check of all applicants for
507 initial licensure, including the use of the results of
508 fingerprint or other biometric data checks compliant with the
509 requirements of the Federal Bureau of Investigation, with the
510 exception of federal employees who have suitability
511 determination in accordance with 5 C.F.R. s. 731.202 and submit
512 documentation of such as adopted in the rules of the commission.

513 (e) Complies with the rules of the commission.

514

515 ARTICLE IV

516 COMPACT PRIVILEGE TO PRACTICE

517

518 (1) Member states shall recognize the privilege to
519 practice of an individual licensed in another member state that
520 is in conformance with Article III.

521 (2) To exercise the privilege to practice under the terms
522 and provisions of this compact, an individual must:

523 (a) Be at least 18 years of age.

524 (b) Possess a current unrestricted license in a member
525 state as an EMT, AEMT, paramedic, or state recognized and

526 licensed level with a scope of practice and authority between
527 EMT and paramedic.

528 (c) Practice under the supervision of a medical director.

529 (3) An individual providing patient care in a remote state
530 under the privilege to practice shall function within the scope
531 of practice authorized by the home state unless and until
532 modified by an appropriate authority in the remote state as may
533 be defined in the rules of the commission.

534 (4) Except as provided in subsection (3) of this article,
535 an individual practicing in a remote state will be subject to
536 the remote state's authority and laws. A remote state may, in
537 accordance with due process and that state's laws, restrict,
538 suspend, or revoke an individual's privilege to practice in the
539 remote state and may take any other necessary actions to protect
540 the health and safety of its citizens. If a remote state takes
541 action it shall promptly notify the home state and the
542 commission.

543 (5) If an individual's license in any home state is
544 restricted or suspended, the individual is not eligible to
545 practice in a remote state under the privilege to practice until
546 the individual's home state license is restored.

547 (6) If an individual's privilege to practice in any remote
548 state is restricted, suspended, or revoked, the individual is
549 not eligible to practice in any remote state until the
550 individual's privilege to practice is restored.

ARTICLE V

CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

(1) The individual originates a patient transport in a home state and transports the patient to a remote state;

(2) The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

(3) The individual enters a remote state to provide patient care or transport within that remote state;

(4) The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

or

(5) Other conditions as determined by rules adopted by the commission.

ARTICLE VI

RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

576 Upon a member state's Governor's declaration of a state of
577 emergency or disaster that activates the Emergency Management
578 Assistance Compact (EMAC), all relevant terms and provisions of
579 EMAC shall apply and to the extent any terms or provisions of
580 this compact conflicts with EMAC, the terms of EMAC shall
581 prevail with respect to any individual practicing in the remote
582 state in response to such declaration.

583
584 ARTICLE VII

585 VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY MILITARY,
586 AND THEIR SPOUSES

587
588 (1) Member states shall consider a veteran, an active
589 military service member, and a member of the National Guard and
590 Reserves separating from an active-duty tour, and a spouse
591 thereof, who holds a current valid and unrestricted NREMT
592 certification at or above the level of the state license being
593 sought as satisfying the minimum training and examination
594 requirements for such licensure.

595 (2) Member states shall expedite the processing of
596 licensure applications submitted by veterans, active military
597 service members, and members of the National Guard and Reserves
598 separating from an active-duty tour, and spouses thereof.

599 (3) All individuals functioning with a privilege to
600 practice under this article remain subject to the adverse

601 actions provisions of Article VIII.

602

603 ARTICLE VIII

604 ADVERSE ACTIONS

605

606 (1) A home state shall have exclusive power to impose
607 adverse action against an individual's license issued by the
608 home state.

609 (2) If an individual's license in any home state is
610 restricted or suspended, the individual is not eligible to
611 practice in a remote state under the privilege to practice until
612 the individual's home state license is restored.

613 (a) All home state adverse action orders shall include a
614 statement that the individual's compact privileges are inactive.
615 The order may allow the individual to practice in remote states
616 with prior written authorization from both the home state and
617 remote state's EMS authority.

618 (b) An individual currently subject to adverse action in
619 the home state may not practice in any remote state without
620 prior written authorization from both the home state and remote
621 state's EMS authority.

622 (3) A member state shall report adverse actions and any
623 occurrences that the individual's compact privileges are
624 restricted, suspended, or revoked to the commission in
625 accordance with the rules of the commission.

626 (4) A remote state may take adverse action on an
627 individual's privilege to practice within that state.

628 (5) Any member state may take adverse action against an
629 individual's privilege to practice in that state based on the
630 factual findings of another member state, so long as each state
631 follows its own procedures for imposing such adverse action.

632 (6) A home state's EMS authority shall investigate and
633 take appropriate action with respect to reported conduct in a
634 remote state as it would if such conduct had occurred within the
635 home state. In such cases, the home state's law shall control in
636 determining the appropriate adverse action.

637 (7) Nothing in this compact shall override a member
638 state's decision that participation in an alternative program
639 may be used in lieu of adverse action and that such
640 participation shall remain nonpublic if required by the member
641 state's laws. Member states must require individuals who enter
642 any alternative programs to agree not to practice in any other
643 member state during the term of the alternative program without
644 prior authorization from such other member state.

645
646 ARTICLE IX

647 ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY
648

649 A member state's EMS authority, in addition to any other
650 powers granted under state law, is authorized under this compact

651 to:

652 (1) Issue subpoenas for both hearings and investigations
653 that require the attendance and testimony of witnesses and the
654 production of evidence. Subpoenas issued by a member state's EMS
655 authority for the attendance and testimony of witnesses, or the
656 production of evidence from another member state, shall be
657 enforced in the remote state by any court of competent
658 jurisdiction, according to that court's practice and procedure
659 in considering subpoenas issued in its own proceedings. The
660 issuing state EMS authority shall pay any witness fees, travel
661 expenses, mileage, and other fees required by the service
662 statutes of the state where the witnesses or evidence are
663 located.

664 (2) Issue cease and desist orders to restrict, suspend, or
665 revoke an individual's privilege to practice in the state.

666
667 ARTICLE X

668 ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL

669 PRACTICE

670
671 (1) (a) The compact states create and establish a joint
672 public agency known as the Interstate Commission for EMS
673 Personnel Practice.

674 (b) The commission is a body politic and an
675 instrumentality of the compact states.

676 (c) Venue is proper and judicial proceedings by or against
677 the commission shall be brought solely and exclusively in a
678 court of competent jurisdiction where the principal office of
679 the commission is located. The commission may waive venue and
680 jurisdictional defenses to the extent it adopts or consents to
681 participate in alternative dispute resolution proceedings.

682 (d) Nothing in this compact shall be construed to be a
683 waiver of sovereign immunity.

684 (2) (a) Each member state shall have and be limited to one
685 delegate. The responsible official of the state EMS authority or
686 his or her designee shall be the delegate to this compact for
687 each member state. Any delegate may be removed or suspended from
688 office as provided by the law of the state from which the
689 delegate is appointed. Any vacancy occurring in the commission
690 shall be filled in accordance with the laws of the member state
691 in which the vacancy exists. In the event that more than one
692 board, office, or other agency with the legislative mandate to
693 license EMS personnel at and above the level of EMT exists, the
694 Governor of the state will determine which entity will be
695 responsible for assigning the delegate.

696 (b) Each delegate shall be entitled to one vote with
697 regard to the adoption of rules and creation of bylaws and shall
698 otherwise have an opportunity to participate in the business and
699 affairs of the commission. A delegate shall vote in person or by
700 such other means as provided in the bylaws. The bylaws may

701 provide for delegates' participation in meetings by telephone or
702 other means of communication.

703 (c) The commission shall meet at least once during each
704 calendar year. Additional meetings shall be held as set forth in
705 the bylaws.

706 (d) All meetings shall be open to the public, and public
707 notice of meetings shall be given in the same manner as required
708 under the rulemaking provisions in Article XII.

709 (e) The commission may convene in a closed, nonpublic
710 meeting or nonpublic part of a public meeting to receive legal
711 advice or to discuss the following:

712 1. Noncompliance of a member state with its obligations
713 under the compact;

714 2. The employment, compensation, discipline or other
715 personnel matters, practices, or procedures related to specific
716 employees or other matters related to the commission's internal
717 personnel practices and procedures;

718 3. Current, threatened, or reasonably anticipated
719 litigation;

720 4. Negotiation of contracts for the purchase or sale of
721 goods, services, or real estate;

722 5. Accusing any person of a crime or formally censuring
723 any person;

724 6. Disclosure of trade secrets or commercial or financial
725 information that is privileged or confidential;

726 7. Disclosure of information of a personal nature where
727 disclosure would constitute a clearly unwarranted invasion of
728 personal privacy;

729 8. Disclosure of investigatory records compiled for law
730 enforcement purposes;

731 9. Disclosure of information related to any investigatory
732 reports prepared by or on behalf of or for use of the commission
733 or other committee charged with responsibility of investigation
734 or determination of compliance issues pursuant to the compact;

735 10. Legal advice; or

736 11. Matters specifically exempted from disclosure by
737 federal or state statute.

738 (f) If a meeting, or portion of a meeting, is closed
739 pursuant to this provision, the commission's legal counsel or
740 designee shall certify that the meeting may be closed and shall
741 reference each relevant exempting provision. The commission
742 shall keep minutes that fully and clearly describe all matters
743 discussed in a meeting and shall provide a full and accurate
744 summary of actions taken, and the reasons therefor, including a
745 description of the views expressed. All documents considered in
746 connection with an action shall be identified in such minutes.
747 All minutes and documents of a closed meeting shall remain under
748 seal, subject to release by a majority vote of the commission or
749 order of a court of competent jurisdiction.

750 (3) The commission shall, by a majority vote of the

751 delegates, prescribe bylaws or rules to govern its conduct as
752 may be necessary or appropriate to carry out the purposes and
753 exercise the powers of the compact, including, but not limited
754 to:

755 (a) Establishing the fiscal year of the commission.

756 (b) Providing reasonable standards and procedures:

757 1. Establishing and the meetings of other committees.

758 2. Governing any general or specific delegation of any
759 authority or function of the commission.

760 (c) Providing reasonable procedures for calling and
761 conducting meetings of the commission, ensuring reasonable
762 advance notice of all meetings, and providing an opportunity for
763 attendance of such meetings by interested parties, with
764 enumerated exceptions designed to protect the public's interest,
765 the privacy of individuals, and proprietary information,
766 including trade secrets. The commission may meet in closed
767 session only after a majority of the membership votes to close a
768 meeting in whole or in part. As soon as practicable, the
769 commission must make public a copy of the vote to close the
770 meeting revealing the vote of each member with no proxy votes
771 allowed.

772 (d) Establishing the titles, duties and authority, and
773 reasonable procedures for the election of the officers of the
774 commission.

775 (e) Providing reasonable standards and procedures for the

776 establishment of the personnel policies and programs of the
777 commission. Notwithstanding any civil service or other similar
778 laws of any member state, the bylaws shall exclusively govern
779 the personnel policies and programs of the commission.

780 (f) Adopting a code of ethics to address permissible and
781 prohibited activities of commission members and employees.

782 (g) Providing a mechanism for winding up the operations of
783 the commission and the equitable disposition of any surplus
784 funds that may exist after the termination of the compact after
785 the payment or reserving of all of its debts and obligations.

786 (h) The commission shall publish its bylaws and file a
787 copy thereof, and a copy of any amendment thereto, with the
788 appropriate agency or officer in each of the member states, if
789 any.

790 (i) The commission shall maintain its financial records in
791 accordance with the bylaws.

792 (j) The commission shall meet and take such actions as are
793 consistent with the provisions of this compact and the bylaws.

794 (4) The commission shall have the following powers:

795 (a) The authority to adopt uniform rules to facilitate and
796 coordinate implementation and administration of this compact.
797 The rules shall have the force and effect of law and shall be
798 binding in all member states.

799 (b) To bring and prosecute legal proceedings or actions in
800 the name of the commission, provided that the standing of any

801 state EMS authority or other regulatory body responsible for EMS
802 personnel licensure to sue or be sued under applicable law may
803 not be affected.

804 (c) To purchase and maintain insurance and bonds.

805 (d) To borrow, accept, or contract for services of
806 personnel, including, but not limited to, employees of a member
807 state.

808 (e) To hire employees, elect or appoint officers, fix
809 compensation, define duties, grant such individuals appropriate
810 authority to carry out the purposes of the compact, and
811 establish the commission's personnel policies and programs
812 relating to conflicts of interest, qualifications of personnel,
813 and other related personnel matters.

814 (f) To accept any and all appropriate donations and grants
815 of money, equipment, supplies, materials, and services; and
816 receive, use, and dispose of the same; provided that at all
817 times the commission shall strive to avoid any appearance of
818 impropriety or conflict of interest.

819 (g) To lease, purchase, accept appropriate gifts or
820 donations of, or otherwise to own, hold, improve, or use any
821 property, real, personal, or mixed; provided that at all times
822 the commission shall strive to avoid any appearance of
823 impropriety.

824 (h) To sell convey, mortgage, pledge, lease, exchange,
825 abandon, or otherwise dispose of any property real, personal, or

826 mixed.

827 (i) To establish a budget and make expenditures.

828 (j) To borrow money.

829 (k) To appoint committees, including advisory committees
 830 comprised of members, state regulators, state legislators or
 831 their representatives, consumer representatives, and such other
 832 interested persons as may be designated in this compact and the
 833 bylaws.

834 (l) To provide and receive information from, and to
 835 cooperate with, law enforcement agencies.

836 (m) To adopt and use an official seal.

837 (n) To perform such other functions as may be necessary or
 838 appropriate to achieve the purposes of this compact consistent
 839 with the state regulation of EMS personnel licensure and
 840 practice.

841 (5) (a) The commission shall pay, or provide for the
 842 payment of, the reasonable expenses of its establishment,
 843 organization, and ongoing activities.

844 (b) The commission may accept any and all appropriate
 845 revenue sources, donations, and grants of money, equipment,
 846 supplies, materials, and services.

847 (c) The commission may levy on and collect an annual
 848 assessment from each member state to cover the cost of the
 849 operations and activities of the commission and its staff, which
 850 must be in a total amount sufficient to cover its annual budget

851 as approved each year for which revenue is not provided by other
852 sources. The aggregate annual assessment amount shall be
853 allocated based upon a formula to be determined by the
854 commission, which shall adopt a rule binding upon all member
855 states.

856 (d) The commission may not incur obligations of any kind
857 before securing the funds adequate to meet the same; nor shall
858 the commission pledge the credit of any of the member states,
859 except by and with the authority of the member state.

860 (e) The commission shall keep accurate accounts of all
861 receipts and disbursements. The receipts and disbursements of
862 the commission shall be subject to the audit and accounting
863 procedures established under its bylaws. However, all receipts
864 and disbursements of funds handled by the commission shall be
865 audited yearly by a certified or licensed public accountant, and
866 the report of the audit shall be included in and become part of
867 the annual report of the commission.

868 (6) (a) The members, officers, executive director,
869 employees and representatives of the commission shall be immune
870 from suit and liability, either personally or in their official
871 capacities, for any claim for damage to or loss of property or
872 personal injury or other civil liability caused by or arising
873 out of any actual or alleged act, error, or omission that
874 occurred, or that the person against whom the claim is made had
875 a reasonable basis for believing occurred within the scope of

876 commission employment, duties, or responsibilities; provided
877 that nothing in this paragraph shall be construed to protect any
878 such person from suit or liability for any damage, loss, injury,
879 or liability caused by the intentional or willful or wanton
880 misconduct of that person. The procurement of insurance of any
881 type by the commission may not in any way compromise or limit
882 the immunity granted hereunder.

883 (b) The commission shall defend any member, officer,
884 executive director, employee, or representative of the
885 commission in any civil action seeking to impose liability
886 arising out of any actual or alleged act, error, or omission
887 that occurred within the scope of commission employment, duties,
888 or responsibilities, or that the person against whom the claim
889 is made had a reasonable basis for believing occurred within the
890 scope of commission employment, duties, or responsibilities;
891 provided that nothing herein shall be construed to prohibit that
892 person from retaining his or her own counsel; and provided
893 further, that the actual or alleged act, error, or omission did
894 not result from that person's intentional or willful or wanton
895 misconduct.

896 (c) The commission shall indemnify and hold harmless any
897 member, officer, executive director, employee, or representative
898 of the commission for the amount of any settlement or judgment
899 obtained against that person arising out of any actual or
900 alleged act, error, or omission that occurred within the scope

901 of commission employment, duties, or responsibilities, or that
902 such person had a reasonable basis for believing occurred within
903 the scope of commission employment, duties, or responsibilities,
904 provided that the actual or alleged act, error, or omission did
905 not result from the intentional or willful or wanton misconduct
906 of that person.

907
908 ARTICLE XI

909 COORDINATED DATABASE

910
911 (1) The commission shall provide for the development and
912 maintenance of a coordinated database and reporting system
913 containing licensure, adverse action, and significant
914 investigatory information on all licensed individuals in member
915 states.

916 (2) Notwithstanding any other provision of state law to
917 the contrary, a member state shall submit a uniform data set to
918 the coordinated database on all individuals to whom this compact
919 is applicable as required by the rules of the commission,
920 including:

921 (a) Identifying information.

922 (b) Licensure data.

923 (c) Significant investigatory information.

924 (d) Adverse actions against an individual's license.

925 (e) An indicator that an individual's privilege to

926 practice is restricted, suspended, or revoked.

927 (f) Nonconfidential information related to alternative
928 program participation.

929 (g) Any denial of application for licensure and the
930 reasons for such denial.

931 (h) Other information that may facilitate the
932 administration of this compact, as determined by the rules of
933 the commission.

934 (3) The coordinated database administrator shall promptly
935 notify all member states of any adverse action taken against, or
936 significant investigative information on, any individual in a
937 member state.

938 (4) Member states contributing information to the
939 coordinated database may designate information that may not be
940 shared with the public without the express permission of the
941 contributing state.

942 (5) Any information submitted to the coordinated database
943 that is subsequently required to be expunged by the laws of the
944 member state contributing the information shall be removed from
945 the coordinated database.

947 ARTICLE XII

948 RULEMAKING

949
950 (1) The commission shall exercise its rulemaking powers

951 pursuant to the criteria set forth in this article and the rules
952 adopted thereunder. Rules and amendments shall become binding as
953 of the date specified in each rule or amendment.

954 (2) If a majority of the legislatures of the member states
955 reject a rule, by enactment of a statute or resolution in the
956 same manner used to adopt the compact, then such rule shall have
957 no further force and effect in any member state.

958 (3) Rules or amendments to the rules shall be adopted at a
959 regular or special meeting of the commission.

960 (4) Before the adoption of a final rule or rules by the
961 commission, and at least 60 days in advance of the meeting at
962 which the rule will be considered and voted upon, the commission
963 shall file a notice of proposed rulemaking:

964 (a) On the website of the commission.

965 (b) On the website of each member state EMS authority or
966 the publication in which each state would otherwise publish
967 proposed rules.

968 (5) The notice of proposed rulemaking shall include:

969 (a) The proposed time, date, and location of the meeting
970 in which the rule will be considered and voted upon.

971 (b) The text of the proposed rule or amendment and the
972 reason for the proposed rule.

973 (c) A request for comments on the proposed rule from any
974 interested person.

975 (d) The manner in which interested persons may submit

976 notice to the commission of their intentions to attend the
977 public hearing and any written comments.

978 (6) Before adoption of a proposed rule, the commission
979 shall allow persons to submit written data, facts, opinions, and
980 arguments, which shall be made available to the public.

981 (7) The commission shall grant an opportunity for a public
982 hearing before it adopts a rule or amendment if a hearing is
983 requested by:

984 (a) At least 25 persons;

985 (b) A governmental subdivision or agency; or

986 (c) An association having at least 25 members.

987 (8) (a) If a hearing is held on the proposed rule or
988 amendment, the commission shall publish the place, time, and
989 date of the scheduled public hearing.

990 (b) Each person wishing to be heard at the hearing shall
991 notify the executive director of the commission or other
992 designated member in writing of his or her desire to appear and
993 testify at the hearing not less than 5 business days before the
994 scheduled date of the hearing.

995 (c) Hearings shall be conducted in a manner providing each
996 person who wishes to comment a fair and reasonable opportunity
997 to comment orally or in writing.

998 (d) No transcript of the hearing is required, unless a
999 written request for a transcript is made, in which case the
1000 person requesting the transcript shall bear the cost of

1001 producing the transcript. A recording may be made in lieu of a
1002 transcript under the same terms and conditions as a transcript.
1003 This subsection does not preclude the commission from making a
1004 transcript or recording of the hearing if it so chooses.

1005 (e) Nothing in this article shall be construed as
1006 requiring a separate hearing on each rule. Rules may be grouped
1007 for the convenience of the commission at hearings required by
1008 this article.

1009 (9) Following the scheduled hearing date, or by the close
1010 of business on the scheduled hearing date if the hearing was not
1011 held, the commission shall consider all written and oral
1012 comments received.

1013 (10) The commission shall, by majority vote of all
1014 members, take final action on the proposed rule and shall
1015 determine the effective date of the rule, if any, based on the
1016 rulemaking record and the full text of the rule.

1017 (11) If no written notice of intent to attend the public
1018 hearing by interested parties is received, the commission may
1019 proceed with adoption of the proposed rule without a public
1020 hearing.

1021 (12) Upon determination that an emergency exists, the
1022 commission may consider and adopt an emergency rule without
1023 prior notice, opportunity for comment, or hearing, provided that
1024 the usual rulemaking procedures provided in the compact and in
1025 this article shall be retroactively applied to the rule as soon

1026 as reasonably possible, in no event later than 90 days after the
1027 effective date of the rule. For the purposes of this provision,
1028 an emergency rule is one that must be adopted immediately in
1029 order to:

1030 (a) Meet an imminent threat to public health, safety, or
1031 welfare;

1032 (b) Prevent a loss of commission or member state funds;

1033 (c) Meet a deadline for the adoption of an administrative
1034 rule that is established by federal law or rule; or

1035 (d) Protect public health and safety.

1036 (13) The commission or an authorized committee of the
1037 commission may direct revisions to a previously adopted rule or
1038 amendment for purposes of correcting typographical errors,
1039 errors in format, errors in consistency, or grammatical errors.
1040 Public notice of any revisions shall be posted on the website of
1041 the commission. The revision shall be subject to challenge by
1042 any person for a period of 30 days after posting. The revision
1043 may be challenged only on grounds that the revision results in a
1044 material change to a rule. A challenge shall be made in writing
1045 and delivered to the chair of the commission before the end of
1046 the notice period. If no challenge is made, the revision will
1047 take effect without further action. If the revision is
1048 challenged, the revision may not take effect without the
1049 approval of the commission.

1050

ARTICLE XIII

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1051
1052
1053
1054 (1) (a) The executive, legislative, and judicial branches
1055 of state government in each member state shall enforce this
1056 compact and take all actions necessary and appropriate to
1057 effectuate the compact's purposes and intent. The provisions of
1058 this compact and the rules adopted hereunder shall have standing
1059 as statutory law.

1060 (b) All courts shall take judicial notice of the compact
1061 and the rules in any judicial or administrative proceeding in a
1062 member state pertaining to the subject matter of this compact
1063 which may affect the powers, responsibilities, or actions of the
1064 commission.

1065 (c) The commission shall be entitled to receive service of
1066 process in any such proceeding, and shall have standing to
1067 intervene in such a proceeding for all purposes. Failure to
1068 provide service of process to the commission shall render a
1069 judgment or order void as to the commission, this compact, or
1070 adopted rules.

1071 (2) (a) If the commission determines that a member state
1072 has defaulted in the performance of its obligations or
1073 responsibilities under this compact or the adopted rules, the
1074 commission shall:

1075 1. Provide written notice to the defaulting state and

1076 other member states of the nature of the default, the proposed
1077 means of curing the default or any other action to be taken by
1078 the commission.

1079 2. Provide remedial training and specific technical
1080 assistance regarding the default.

1081 (b) If a state in default fails to cure the default, the
1082 defaulting state may be terminated from the compact upon an
1083 affirmative vote of a majority of the member states, and all
1084 rights, privileges, and benefits conferred by this compact may
1085 be terminated on the effective date of termination. A cure of
1086 the default does not relieve the offending state of obligations
1087 or liabilities incurred during the period of default.

1088 (c) Termination of membership in the compact shall be
1089 imposed only after all other means of securing compliance have
1090 been exhausted. Notice of intent to suspend or terminate shall
1091 be given by the commission to the Governor, the majority and
1092 minority leaders of the defaulting state's legislature, and each
1093 of the member states.

1094 (d) A state that has been terminated is responsible for
1095 all assessments, obligations, and liabilities incurred through
1096 the effective date of termination, including obligations that
1097 extend beyond the effective date of termination.

1098 (e) The commission does not bear any costs related to a
1099 state that is found to be in default or that has been terminated
1100 from the compact, unless agreed upon in writing between the

1101 commission and the defaulting state.

1102 (f) The defaulting state may appeal the action of the
1103 commission by petitioning the United States District Court for
1104 the District of Columbia or the federal district where the
1105 commission has its principal offices. The prevailing member
1106 shall be awarded all costs of such litigation, including
1107 reasonable attorney fees.

1108 (3) (a) Upon request by a member state, the commission
1109 shall attempt to resolve disputes related to the compact that
1110 arise among member states and between member and nonmember
1111 states.

1112 (b) The commission shall adopt a rule providing for both
1113 mediation and binding dispute resolution for disputes as
1114 appropriate.

1115 (4) (a) The commission, in the reasonable exercise of its
1116 discretion, shall enforce the provisions and rules of this
1117 compact.

1118 (b) By majority vote, the commission may initiate legal
1119 action in the United States District Court for the District of
1120 Columbia or the federal district where the commission has its
1121 principal offices against a member state in default to enforce
1122 compliance with the provisions of the compact and its adopted
1123 rules and bylaws. The relief sought may include both injunctive
1124 relief and damages. In the event judicial enforcement is
1125 necessary, the prevailing member shall be awarded all costs of

1126 such litigation, including reasonable attorney fees.

1127 (c) The remedies herein may not be the exclusive remedies
1128 of the commission. The commission may pursue any other remedies
1129 available under federal or state law.

1131 ARTICLE XIV

1132 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
1133 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
1134 AMENDMENT

1135
1136 (1) The compact shall come into effect on the date on
1137 which the compact statute is enacted into law in the tenth
1138 member state. The provisions, which become effective at that
1139 time, shall be limited to the powers granted to the commission
1140 relating to assembly and the adoption of rules. Thereafter, the
1141 commission shall meet and exercise rulemaking powers necessary
1142 to the implementation and administration of the compact.

1143 (2) Any state that joins the compact subsequent to the
1144 commission's initial adoption of the rules shall be subject to
1145 the rules as they exist on the date on which the compact becomes
1146 law in that state. Any rule that has been previously adopted by
1147 the commission shall have the full force and effect of law on
1148 the day the compact becomes law in that state.

1149 (3) Any member state may withdraw from this compact by
1150 enacting a statute repealing the same.

1151 (a) A member state's withdrawal does not take effect until
1152 6 months after enactment of the repealing statute.

1153 (b) Withdrawal does not affect the continuing requirement
1154 of the withdrawing state's EMS authority to comply with the
1155 investigative and adverse action reporting requirements of this
1156 act before the effective date of withdrawal.

1157 (4) Nothing contained in this compact shall be construed
1158 to invalidate or prevent any EMS personnel licensure agreement
1159 or other cooperative arrangement between a member state and a
1160 nonmember state that does not conflict with the provisions of
1161 this compact.

1162 (5) This compact may be amended by the member states. No
1163 amendment to this compact shall become effective and binding
1164 upon any member state until it is enacted into the laws of all
1165 member states.

1166
1167 ARTICLE XV

1168 CONSTRUCTION AND SEVERABILITY

1169
1170 This compact shall be liberally construed so as to
1171 effectuate the purposes thereof. If this compact shall be held
1172 contrary to the constitution of any state member thereto, the
1173 compact shall remain in full force and effect as to the
1174 remaining member states. This compact does not supersede state
1175 law or rules related to licensure of EMS agencies.

1176 **Section 6. Effective October 1, 2026, paragraph (c) of**
 1177 **subsection (5) of section 409.814, Florida Statutes, is amended**
 1178 **to read:**

1179 409.814 Eligibility.—A child who has not reached 19 years
 1180 of age whose family income is equal to or below 300 percent of
 1181 the federal poverty level is eligible for the Florida Kidcare
 1182 program as provided in this section. If an enrolled individual
 1183 is determined to be ineligible for coverage, he or she must be
 1184 immediately disenrolled from the respective Florida Kidcare
 1185 program component.

1186 (5) The following children are not eligible to receive
 1187 Title XXI-funded premium assistance for health benefits coverage
 1188 under the Florida Kidcare program, except under Medicaid if the
 1189 child would have been eligible for Medicaid under s. 409.903 or
 1190 s. 409.904 as of June 1, 1997:

1191 (c) A child who is an alien, unless the child:

1192 1. Meets ~~but who does not meet~~ the definition of a
 1193 lawfully residing child;

1194 2. Is an alien lawfully admitted for permanent residence
 1195 as defined by the Immigration and Nationality Act, as amended;

1196 3. Is an alien who has been granted the status of Cuban
 1197 and Haitian entrant as defined in the Refugee Education
 1198 Assistance Act of 1980, as amended; or

1199 4. Lawfully resides in the United States in accordance
 1200 with a Compact of Free Association referred to in the Personal

1201 Responsibility and Work Opportunity Reconciliation Act of 1996.

1202

1203 This paragraph does not extend eligibility for the Florida
1204 Kidcare program to an undocumented immigrant.

1205 **Section 7. Paragraph (g) is added to subsection (3) of**
1206 **section 409.818, Florida Statutes, to read:**

1207 409.818 Administration.—In order to implement ss. 409.810-
1208 409.821, the following agencies shall have the following duties:

1209 (3) The Agency for Health Care Administration, under the
1210 authority granted in s. 409.914(1), shall:

1211 (g) Regularly obtain from reliable data sources in
1212 accordance with applicable federal law address information for
1213 an enrollee.

1214

1215 The agency is designated the lead state agency for Title XXI of
1216 the Social Security Act for purposes of receipt of federal
1217 funds, for reporting purposes, and for ensuring compliance with
1218 federal and state regulations and rules.

1219 **Section 8. Subsection (2) of section 409.902, Florida**
1220 **Statutes, is amended to read:**

1221 409.902 Designated single state agency; payment
1222 requirements; program title; release of medical records.—

1223 (2) (a) Eligibility is restricted to United States citizens
1224 and nationals and to:

1225 1. An alien lawfully admitted for permanent residence as

1226 defined by the Immigration and Nationality Act, as amended.

1227 2. An alien who has been granted the status of Cuban and
 1228 Haitian entrant as defined in the Refugee Education Assistance
 1229 Act of 1980, as amended.

1230 3. An individual who lawfully resides in the United States
 1231 in accordance with a Compact of Free Association referred to in
 1232 the Personal Responsibility and Work Opportunity Reconciliation
 1233 Act of 1996 ~~lawfully admitted noncitizens who meet the criteria~~
 1234 ~~provided in s. 414.095(3).~~

1235 (b)(a) Citizenship or immigration status must be verified.
 1236 For eligible noncitizens, this includes verification of the
 1237 validity of documents with the United States Citizenship and
 1238 Immigration Services using the federal SAVE verification
 1239 process.

1240 (c)(b) State funds may not be used to provide medical
 1241 services to individuals who do not meet the requirements of this
 1242 subsection unless the services are necessary to treat an
 1243 emergency medical condition or are for pregnant women. Such
 1244 services are authorized only to the extent provided under
 1245 federal law and in accordance with federal regulations as
 1246 provided in 42 C.F.R. s. 440.255.

1247 **Section 9. Section 409.90201, Florida Statutes, is amended**
 1248 **to read:**

1249 409.90201 Recipient information ~~address~~ update process.—
 1250 The Agency for Health Care Administration and the Department of

1251 Children and Families shall:
 1252 (1) Regularly obtain from reliable data sources in
 1253 accordance with applicable federal law address information for a
 1254 recipient., ~~in consultation with hospitals and nursing homes~~
 1255 ~~that serve Medicaid recipients, shall develop a process to~~
 1256 (2) Update a recipient's address in the Medicaid
 1257 eligibility system at the time a recipient is admitted to a
 1258 hospital or nursing home, ~~if a recipient's address information~~
 1259 ~~in the Medicaid eligibility system needs to be updated, the~~
 1260 ~~update shall be completed within 10 days after the recipient's~~
 1261 ~~admission to a hospital or nursing home.~~
 1262 (3) Review at least quarterly the public file of death
 1263 information compiled by the Social Security Administration and
 1264 act on matches between a recipient's information and the public
 1265 file of death information in accordance with applicable federal
 1266 law.

1267 **Section 10. Paragraph (a) of subsection (12) of section**
 1268 **409.904, Florida Statutes, is amended to read:**

1269 409.904 Optional payments for eligible persons.—The agency
 1270 may make payments for medical assistance and related services on
 1271 behalf of the following persons who are determined to be
 1272 eligible subject to the income, assets, and categorical
 1273 eligibility tests set forth in federal and state law. Payment on
 1274 behalf of these Medicaid eligible persons is subject to the
 1275 availability of moneys and any limitations established by the

1276 General Appropriations Act or chapter 216.

1277 (12) The agency shall make payments to Medicaid-covered
1278 services:

1279 (a) For eligible children and pregnant women, retroactive
1280 to the first day of the second month ~~for a period of no more~~
1281 ~~than 90 days~~ before the month in which an application for
1282 Medicaid is submitted.

1283 **Section 11. Subsection (13) is added to section 409.905,**
1284 **Florida Statutes, to read:**

1285 409.905 Mandatory Medicaid services.—The agency may make
1286 payments for the following services, which are required of the
1287 state by Title XIX of the Social Security Act, furnished by
1288 Medicaid providers to recipients who are determined to be
1289 eligible on the dates on which the services were provided. Any
1290 service under this section shall be provided only when medically
1291 necessary and in accordance with state and federal law.

1292 Mandatory services rendered by providers in mobile units to
1293 Medicaid recipients may be restricted by the agency. Nothing in
1294 this section shall be construed to prevent or limit the agency
1295 from adjusting fees, reimbursement rates, lengths of stay,
1296 number of visits, number of services, or any other adjustments
1297 necessary to comply with the availability of moneys and any
1298 limitations or directions provided for in the General
1299 Appropriations Act or chapter 216.

1300 (13) PAYMENT.—A payment may not be made by the agency

1301 under this part to a prohibited entity as defined in s. 71113 of
1302 Pub. L. No. 119-21.

1303 **Section 12. Section 414.321, Florida Statutes, is created**
1304 **to read:**

1305 414.321 Food assistance eligibility.—For purposes of
1306 eligibility determinations, the department shall:

1307 (1) Limit eligibility to individuals who are residents of
1308 the United States and:

1309 (a) Citizens or nationals of the United States;

1310 (b) Aliens lawfully admitted for permanent residence as
1311 defined in the Immigration and Nationality Act, as amended;

1312 (c) Aliens who have been granted the status of Cuban and
1313 Haitian entrant, as defined in the Refugee Education Assistance
1314 Act of 1980, as amended; or

1315 (d) Individuals who lawfully reside in the United States
1316 in accordance with the Compacts of Free Association referred to
1317 in the Personal Responsibility and Work Opportunity
1318 Reconciliation Act of 1996.

1319 (2) Require each applicant, and recipient for
1320 redetermination purposes, to provide documentation evidencing
1321 his or her shelter or utility expenses.

1322 (a) The department is prohibited from relying solely on an
1323 individual's self-attestation in determining shelter or utility
1324 expenses.

1325 (b) The department may adopt policies and procedures to

1326 accommodate an applicant or recipient who, due to recent
1327 residency changes, is temporarily unable to furnish adequate
1328 documentation of shelter or utility expenses.

1329 **Section 13. Section 414.332, Florida Statutes, is created**
1330 **to read:**

1331 414.332 Food assistance payment accuracy plan.-

1332 (1) The department shall develop and implement a
1333 comprehensive food assistance payment accuracy improvement plan
1334 to reduce the state's payment error rate. The department shall
1335 reduce the payment error rate to below 6 percent by March 30,
1336 2026. The plan shall address the root causes of payment errors
1337 identified through an in-depth, data-driven analysis. The plan
1338 shall include, but is not limited to, all of the following:

1339 (a) Enhanced employee training and quality assurance.

1340 1. The department shall administer standardized training
1341 for all economic self-sufficiency program staff at least
1342 annually. Training must, at a minimum, review the most common
1343 reasons for payment errors and methods for preventing such
1344 errors, and include pre- and post-training testing to measure
1345 staff proficiency.

1346 2. The department shall establish a robust quality
1347 assurance review process that frequently reviews a statistically
1348 significant sample of cases before final benefit determination.
1349 This process must incorporate real-time, corrective feedback and
1350 on-the-job training for program staff and must not delay benefit

1351 determinations.

1352 (b) Improvement in data sourcing. In contracting with
1353 entities providing data for verification of applicant and
1354 recipient information, the department shall maximize use of high
1355 quality automated data sources, including, but not limited to,
1356 comparing income and asset data with state, federal, and private
1357 sector data sources.

1358 (2) By July 1, 2026, the department shall submit the food
1359 assistance payment accuracy improvement plan to the Governor,
1360 the President of the Senate, and the Speaker of the House of
1361 Representatives.

1362 (3) (a) Beginning October 1, 2026, the department shall
1363 submit quarterly progress reports to the Governor, the President
1364 of the Senate, and the Speaker of the House of Representatives
1365 detailing:

1366 1. The state's most recent official and preliminary food
1367 assistance payment error rate.

1368 2. A detailed breakdown of the most frequent and highest
1369 dollar value errors, including categorization by agency or
1370 client error and whether the error resulted in over- or under-
1371 payment.

1372 3. Specific actions taken by the department under the food
1373 assistance payment accuracy improvement plan during the
1374 preceding quarter and data demonstrating the results of those
1375 actions.

1376 4. A detailed plan to correct the most recently identified
 1377 deficiencies.

1378 (b) This subsection is repealed on October 1, 2028.

1379 **Section 14. Subsection (2) of section 414.455, Florida**
 1380 **Statutes, is amended to read:**

1381 414.455 Supplemental Nutrition Assistance Program;
 1382 legislative authorization; mandatory participation in employment
 1383 and training programs.—

1384 (2) Unless prohibited by the Federal Government, the
 1385 department must require a person who is receiving food
 1386 assistance; who is 18 to 64 ~~59~~ years of age, inclusive; who does
 1387 not have children under the age of 14 ~~18~~ in his or her home; who
 1388 does not qualify for an exemption; and who is determined by the
 1389 department to be eligible, to participate in an employment and
 1390 training program. The department shall apply and comply with
 1391 exemptions from work requirements in accordance with applicable
 1392 federal law.

1393 **Section 15. Subsection (2) of section 456.0575, Florida**
 1394 **Statutes, is renumbered as subsection (3), and a new subsection**
 1395 **(2) is added to that section, to read:**

1396 456.0575 Duty to notify patients.—

1397 (2) A health care practitioner shall notify a patient in
 1398 writing upon referring the patient to a nonparticipating
 1399 provider for nonemergency services, as those terms are defined
 1400 in s. 627.64194(1), or to a provider, as defined in s. 641.47,

1401 that is not under contract with the patient's health maintenance
1402 organization. Such notice must state that the services will be
1403 provided on an out-of-network basis, which may result in
1404 additional cost-sharing responsibilities for the patient, and be
1405 documented in the patient's medical record. The practitioner or
1406 his or her employee may confirm the referral provider's
1407 participation by contacting the referral provider or the
1408 patient's health insurer or health maintenance organization, as
1409 necessary, or may rely on the online provider directory of the
1410 health insurer or health maintenance organization. Failure to
1411 comply with this subsection, without good cause, shall result in
1412 disciplinary action against the health care practitioner.

1413 **Section 16. Paragraph (b) of subsection (10) of section**
1414 **456.073, Florida Statutes, is amended to read:**

1415 456.073 Disciplinary proceedings.—Disciplinary proceedings
1416 for each board shall be within the jurisdiction of the
1417 department.

1418 (10)

1419 (b) The department shall report any significant
1420 investigation information relating to a nurse holding a
1421 multistate license to the coordinated licensure information
1422 system pursuant to s. 464.0095; any investigative information
1423 relating to an audiologist or a speech-language pathologist
1424 holding a compact privilege under the Audiology and Speech-
1425 Language Pathology Interstate Compact to the data system

1426 pursuant to s. 468.1335; any investigative information relating
1427 to a physical therapist or physical therapist assistant holding
1428 a compact privilege under the Physical Therapy Licensure Compact
1429 to the data system pursuant to s. 486.112; any significant
1430 investigatory information relating to a psychologist practicing
1431 under the Psychology Interjurisdictional Compact to the
1432 coordinated licensure information system pursuant to s.
1433 490.0075; ~~and~~ any significant investigatory information relating
1434 to a health care practitioner practicing under the Professional
1435 Counselors Licensure Compact to the data system pursuant to s.
1436 491.017; any significant investigatory information relating to a
1437 physician assistant holding compact privilege under the
1438 Physician Assistant Licensure Compact to the data system
1439 pursuant to s. 456.66; any significant investigatory information
1440 relating to an emergency medical technician or paramedic
1441 practicing under the Emergency Medical Services Personnel
1442 Licensure Interstate Compact pursuant to s. 401.466; and any
1443 investigative information relating to a clinical social worker
1444 practicing under the Social Work Licensure Interstate Compact to
1445 the data system pursuant to s. 491.022.

1446 **Section 17. Subsection (5) of section 456.076, Florida**
1447 **Statutes, is amended to read:**

1448 456.076 Impaired practitioner programs.—

1449 (5) A consultant shall enter into a participant contract
1450 with an impaired practitioner and shall establish the terms of

1451 monitoring and shall include the terms in a participant
1452 contract. In establishing the terms of monitoring, the
1453 consultant may consider the recommendations of one or more
1454 approved evaluators, treatment programs, or treatment providers.
1455 A consultant may modify the terms of monitoring if the
1456 consultant concludes, through the course of monitoring, that
1457 extended, additional, or amended terms of monitoring are
1458 required for the protection of the health, safety, and welfare
1459 of the public. If the impaired practitioner is an audiologist or
1460 a speech-language pathologist practicing under the Audiology and
1461 Speech-Language Pathology Interstate Compact pursuant to s.
1462 468.1335, a physical therapist or physical therapist assistant
1463 practicing under the Physical Therapy Licensure Compact pursuant
1464 to s. 486.112, a psychologist practicing under the Psychology
1465 Interjurisdictional Compact pursuant to s. 490.0075, ~~or~~ a health
1466 care practitioner practicing under the Professional Counselors
1467 Licensure Compact pursuant to s. 491.017, a physician assistant
1468 practicing under the Physician Assistant Licensure Compact
1469 pursuant to s. 456.66, an emergency medical technician or
1470 paramedic practicing under the Emergency Medical Services
1471 Personnel Licensure Interstate Compact pursuant to s. 401.466,
1472 or a clinical social worker practicing under the Social Work
1473 Licensure Interstate Compact pursuant to s. 491.022, the terms
1474 of the monitoring contract must include the impaired
1475 practitioner's withdrawal from all practice under the compact

1476 unless authorized by a member state.

1477 **Section 18. Section 456.66, Florida Statutes, is created**
1478 **to read:**

1479 456.66 Physician Assistant Licensure Compact.—The
1480 Physician Assistant Licensure Compact is enacted into law and
1481 entered into by this state with all other jurisdictions legally
1482 joining therein in the form substantially as follows:

1484 ARTICLE I

1485 PURPOSE

1486
1487 In order to strengthen access to medical services, and in
1488 recognition of the advances in the delivery of medical services,
1489 the participating states of the Physician Assistant Licensure
1490 Compact have allied in common purpose to develop a comprehensive
1491 process that complements the existing authority of state
1492 licensing boards to license and discipline physician assistants
1493 and seeks to enhance the portability of a license to practice as
1494 a physician assistant while safeguarding the safety of patients.
1495 This compact allows medical services to be provided by physician
1496 assistants, via the mutual recognition of the licensee's
1497 qualifying license by other compact participating states. This
1498 compact also adopts the prevailing standard for physician
1499 assistant licensure and affirms that the practice and delivery
1500 of medical services by the physician assistant occurs where the

1501 patient is located at the time of the patient encounter, and
 1502 therefore requires the physician assistant to be under the
 1503 jurisdiction of the state licensing board where the patient is
 1504 located. State licensing boards that participate in this compact
 1505 retain the jurisdiction to impose adverse action against a
 1506 compact privilege in that state issued to a physician assistant
 1507 through the procedures of this compact. The compact will
 1508 alleviate burdens for military families by allowing active duty
 1509 military personnel and their spouses to obtain a compact
 1510 privilege based on having an unrestricted license in good
 1511 standing from a participating state.

1512
 1513 ARTICLE II
 1514 DEFINITIONS

1515
 1516 As used in this compact, the term:

1517 (1) "Adverse action" means any administrative, civil,
 1518 equitable, or criminal action permitted by a state's laws which
 1519 is imposed by a licensing board or other authority against a
 1520 physician assistant license or license application or compact
 1521 privilege such as license denial, censure, revocation,
 1522 suspension, probation, monitoring of the licensee, or
 1523 restriction on the licensee's practice.

1524 (2) "Compact privilege" means the authorization granted by
 1525 a remote state to allow a licensee from another participating

1526 state to practice as a physician assistant to provide medical
 1527 services and other licensed activity to a patient located in the
 1528 remote state under the remote state's laws and regulations.

1529 (3) "Conviction" means a finding by a court that an
 1530 individual is guilty of a felony or misdemeanor offense through
 1531 adjudication or entry of a plea of guilty or nolo contendere to
 1532 the charge by the offender.

1533 (4) "Criminal background check" means the submission of
 1534 fingerprints or other biometric-based information for a license
 1535 applicant for the purpose of obtaining that applicant's criminal
 1536 history record information, as defined in 28 C.F.R. s. 20.3(d),
 1537 from the state's criminal history record repository, as defined
 1538 in 28 C.F.R. s. 20.3(f).

1539 (5) "Data system" means the repository of information
 1540 about licensees, including, but not limited to, license status
 1541 and adverse actions, which is created and administered under the
 1542 terms of this compact.

1543 (6) "Executive committee" means a group of directors and
 1544 ex officio individuals elected or appointed pursuant to
 1545 subsection (6) of Article VII.

1546 (7) "Impaired practitioner" means a physician assistant
 1547 whose practice is adversely affected by a health-related
 1548 condition that impacts his or her ability to practice.

1549 (8) "Investigative information" means information,
 1550 records, or documents received or generated by a licensing board

1551 pursuant to an investigation.

1552 (9) "Jurisprudence requirement" means the assessment of an
1553 individual's knowledge of the laws and rules governing the
1554 practice of a physician assistant in a state.

1555 (10) "License" means current authorization by a state,
1556 other than authorization pursuant to a compact privilege, for a
1557 physician assistant to provide medical services, which would be
1558 unlawful without current authorization.

1559 (11) "Licensee" means an individual who holds a license
1560 from a state to provide medical services as a physician
1561 assistant.

1562 (12) "Licensing board" means any state entity authorized
1563 to license and otherwise regulate physician assistants.

1564 (13) "Medical services" means health care services
1565 provided for the diagnosis, prevention, treatment, cure, or
1566 relief of a health condition, injury, or disease, as defined by
1567 a state's laws and regulations.

1568 (14) "Model compact" means the model for the compact on
1569 file with the Council of State Governments or other entity as
1570 designated by the commission.

1571 (15) "Participating state" means a state that has enacted
1572 this compact.

1573 (16) "Physician assistant" means an individual who is
1574 licensed as a physician assistant. For purposes of this compact,
1575 any other title or status adopted by a state to replace the term

1576 "physician assistant" shall be deemed synonymous with "physician
1577 assistant" and shall confer the same rights and responsibilities
1578 to the licensee under this compact at the time of its enactment.

1579 (17) "Physician Assistant Licensure Compact Commission,"
1580 "compact commission," or "commission" mean the national
1581 administrative body created pursuant to subsection (1) of
1582 Article VII.

1583 (18) "Qualifying license" means an unrestricted license
1584 issued by a participating state to provide medical services as a
1585 physician assistant.

1586 (19) "Remote state" means a participating state where a
1587 licensee who is not licensed as a physician assistant is
1588 exercising or seeking to exercise the compact privilege.

1589 (20) "Rule" means a regulation adopted by an entity that
1590 has the force and effect of law.

1591 (21) "Significant investigative information" means
1592 investigative information that a licensing board, after an
1593 inquiry or investigation that includes notification and an
1594 opportunity for the physician assistant to respond if required
1595 by state law, has reason to believe is not groundless and, if
1596 proven true, would indicate more than a minor infraction.

1597 (22) "State" means any state, commonwealth, district, or
1598 territory of the United States.

1599

1600

ARTICLE III

STATE PARTICIPATION

1601
1602
1603 (1) To participate in this compact, a participating state
1604 shall:

1605 (a) License physician assistants.

1606 (b) Participate in the compact commission's data system.

1607 (c) Have a mechanism in place for receiving and
1608 investigating complaints against licensees and license
1609 applicants.

1610 (d) Notify the commission, in compliance with the terms of
1611 this compact and commission rules, of any adverse action against
1612 a licensee or license applicant and the existence of significant
1613 investigative information regarding a licensee or license
1614 applicant.

1615 (e) Fully implement a criminal background check
1616 requirement, within a timeframe established by commission rule,
1617 by its licensing board receiving the results of a criminal
1618 background check and reporting to the commission whether the
1619 license applicant has been granted a license.

1620 (f) Comply with the rules of the compact commission.

1621 (g) Use passage of a recognized national exam such as the
1622 NCCPA PANCE as a requirement for physician assistant licensure.

1623 (h) Grant the compact privilege to a holder of a
1624 qualifying license in a participating state.

1625 (2) This compact does not prohibit a participating state

1626 from charging a fee for granting the compact privilege.

1627
1628 ARTICLE IV

1629 COMPACT PRIVILEGE

1630
1631 (1) To exercise the compact privilege, a licensee must:

1632 (a) Have graduated from a physician assistant program
1633 accredited by the Accreditation Review Commission on Education
1634 for the Physician Assistant, Inc., or other programs authorized
1635 by commission rule.

1636 (b) Hold current NCCPA certification.

1637 (c) Have no felony or misdemeanor conviction.

1638 (d) Have never had a controlled substance license, permit,
1639 or registration suspended or revoked by a state or by the United
1640 States Drug Enforcement Administration.

1641 (e) Have a unique identifier as determined by commission
1642 rule.

1643 (f) Hold a qualifying license.

1644 (g) Have not had a revocation of a license or limitation
1645 or restriction on any license currently held due to an adverse
1646 action.

1647 (h) If a licensee has had a limitation or restriction on a
1648 license or compact privilege due to an adverse action, 2 years
1649 must have elapsed from the date on which the license or compact
1650 privilege is no longer limited or restricted due to the adverse

1651 action.

1652 (i) If a compact privilege has been revoked or is limited
1653 or restricted in a participating state for conduct that would
1654 not be a basis for disciplinary action in a participating state
1655 in which the licensee is practicing or applying to practice
1656 under a compact privilege, that participating state shall have
1657 the discretion not to consider such action as an adverse action
1658 requiring the denial or removal of a compact privilege in that
1659 state.

1660 (j) Notify the compact commission that the licensee is
1661 seeking the compact privilege in a remote state.

1662 (k) Meet any jurisprudence requirement of a remote state
1663 in which the licensee is seeking to practice under the compact
1664 privilege.

1665 (1) Report to the commission any adverse action taken by a
1666 nonparticipating state within 30 days after the action is taken.

1667 (2) The compact privilege is valid until the expiration or
1668 revocation of the qualifying license unless terminated pursuant
1669 to an adverse action. The licensee must comply with all of the
1670 requirements of subsection (1) to maintain the compact privilege
1671 in a remote state. If the participating state takes adverse
1672 action against a qualifying license, the licensee shall lose the
1673 compact privilege in any remote state in which the licensee has
1674 a compact privilege until all of the following occur:

1675 (a) The license is no longer limited or restricted.

1676 (b) Two years have elapsed from the date on which the
1677 license is no longer limited or restricted due to the adverse
1678 action.

1679 (3) Once a restricted or limited license satisfies the
1680 requirements of subsection (2), the licensee must meet the
1681 requirements of subsection (1) to obtain a compact privilege in
1682 any remote state.

1683 (4) For each remote state in which a physician assistant
1684 seeks authority to prescribe controlled substances, the
1685 physician assistant shall satisfy all requirements imposed by
1686 such state in granting or renewing such authority.

1687
1688 ARTICLE V

1689 DESIGNATION OF THE STATE FROM WHICH LICENSEE
1690 IS APPLYING FOR COMPACT PRIVILEGE

1691
1692 Upon a licensee's application for a compact privilege, the
1693 licensee shall identify to the commission the participating
1694 state from which the licensee is applying, in accordance with
1695 applicable rules adopted by the commission, and subject to the
1696 following requirements:

1697 (1) When applying for a compact privilege, the licensee
1698 shall provide the commission with the address of the licensee's
1699 primary residence and thereafter shall immediately report to the
1700 commission any change in the address of the licensee's primary

1701 residence.

1702 (2) When applying for a compact privilege, the licensee is
 1703 required to consent to accept service of process by mail at the
 1704 licensee's primary residence on file with the commission with
 1705 respect to any action brought against the licensee by the
 1706 commission or a participating state, including a subpoena, with
 1707 respect to any action brought or investigation conducted by the
 1708 commission or a participating state.

1709

1710 ARTICLE VI

1711 ADVERSE ACTIONS

1712

1713 (1) A participating state in which a licensee is licensed
 1714 shall have exclusive power to impose adverse action against the
 1715 qualifying license issued by that participating state.

1716 (2) In addition to the other powers conferred by state
 1717 law, a remote state shall have the authority, in accordance with
 1718 existing state due process law, to do all of the following:

1719 (a) Take adverse action against a physician assistant's
 1720 compact privilege within that state to remove a licensee's
 1721 compact privilege or take other action necessary under
 1722 applicable law to protect the health and safety of its citizens.

1723 (b) Issue subpoenas for both hearings and investigations
 1724 that require the attendance and testimony of witnesses as well
 1725 as the production of evidence. Subpoenas issued by a licensing

1726 board in a participating state for the attendance and testimony
1727 of witnesses or the production of evidence from another
1728 participating state shall be enforced in the latter state by any
1729 court of competent jurisdiction according to the practice and
1730 procedure of that court applicable to subpoenas issued in
1731 proceedings pending before it. The issuing authority shall pay
1732 any witness fees, travel expenses, mileage, and other fees
1733 required by the service statutes of the state in which the
1734 witnesses or evidence are located.

1735 (c) Notwithstanding paragraph (b), subpoenas may not be
1736 issued by a participating state to gather evidence of conduct in
1737 another state that is lawful in that other state for the purpose
1738 of taking adverse action against a licensee's compact privilege
1739 or application for a compact privilege in that participating
1740 state.

1741 (d) This compact does not authorize a participating state
1742 to impose discipline against a physician assistant's compact
1743 privilege or to deny an application for a compact privilege in
1744 that participating state for the individual's otherwise lawful
1745 practice in another state.

1746 (3) For purposes of taking adverse action, the
1747 participating state which issued the qualifying license shall
1748 give the same priority and effect to reported conduct received
1749 from any other participating state as it would if the conduct
1750 had occurred within the participating state which issued the

1751 qualifying license. In so doing, the participating state shall
1752 apply its own state laws to determine appropriate action.

1753 (4) A participating state, if otherwise permitted by state
1754 law, may recover from the affected physician assistant the costs
1755 of investigations and disposition of cases resulting from any
1756 adverse action taken against that physician assistant.

1757 (5) A participating state may take adverse action based on
1758 the factual findings of a remote state, provided that the
1759 participating state follows its own procedures for taking the
1760 adverse action.

1761 (6) (a) In addition to the authority granted to a
1762 participating state by its applicable laws and regulations, any
1763 participating state may participate with other participating
1764 states in joint investigations of licensees.

1765 (b) Participating states shall share any investigative,
1766 litigation, or compliance materials in furtherance of any joint
1767 or individual investigation initiated under this compact.

1768 (7) If an adverse action is taken against a physician
1769 assistant's qualifying license, the physician assistant's
1770 compact privilege in all remote states shall be deactivated
1771 until 2 years after all restrictions have been removed from the
1772 state license. All disciplinary orders by the participating
1773 state which issued the qualifying license that imposes adverse
1774 action against a physician assistant's license shall include a
1775 statement that the physician assistant's compact privilege is

1776 deactivated in all participating states during the pendency of
1777 the order.

1778 (8) If any participating state takes adverse action, it
1779 shall promptly notify the administrator of the data system.

1781 ARTICLE VII

1782 ESTABLISHMENT OF THE COMPACT COMMISSION

1784 (1) The participating states create and establish a joint
1785 government agency and national administrative body known as the
1786 Physician Assistant Licensure Compact Commission. The commission
1787 is an instrumentality of the compact states acting jointly and
1788 not an instrumentality of any one state. The commission shall
1789 come into existence on or after the effective date of the
1790 compact as provided in subsection (1) of Article XI.

1791 (2) (a) Each participating state shall have and be limited
1792 to one delegate selected by that participating state's licensing
1793 board or, if the state has more than one licensing board,
1794 selected collectively by the participating state's licensing
1795 boards.

1796 (b) The delegate shall be either:

1797 1. A current physician assistant, physician, or public
1798 member of a licensing board or physician assistant council or
1799 committee; or

1800 2. An administrator of a licensing board.

1801 (c) Any delegate may be removed or suspended from office
1802 as provided by the laws of the state from which the delegate is
1803 appointed.

1804 (d) The participating state licensing board shall fill any
1805 vacancy occurring in the commission within 60 days.

1806 (e) Each delegate shall be entitled to one vote on all
1807 matters voted on by the commission and shall otherwise have an
1808 opportunity to participate in the business and affairs of the
1809 commission. A delegate shall vote in person or by such other
1810 means as provided in the bylaws. The bylaws may provide for
1811 delegates' participation in meetings by telecommunications,
1812 video conference, or other means of communication.

1813 (f) The commission shall meet at least once during each
1814 calendar year. Additional meetings shall be held as set forth in
1815 this compact and the bylaws.

1816 (g) The commission shall establish by rule a term of
1817 office for delegates.

1818 (3) The commission shall have all of the following powers
1819 and duties:

1820 (a) Establish a code of ethics for the commission.

1821 (b) Establish the fiscal year of the commission.

1822 (c) Establish bylaws.

1823 (d) Maintain its financial records in accordance with the
1824 bylaws.

1825 (e) Meet and take such actions as are consistent with the

1826 provisions of this compact and the bylaws.

1827 (f) Adopt rules to facilitate and coordinate
1828 implementation and administration of this compact. The rules
1829 shall have the force and effect of law and shall be binding in
1830 all participating states.

1831 (g) Bring and prosecute legal proceedings or actions in
1832 the name of the commission, provided that the standing of any
1833 state licensing board to sue or be sued under applicable law may
1834 not be affected.

1835 (h) Purchase and maintain insurance and bonds.

1836 (i) Borrow, accept, or contract for services of personnel,
1837 including, but not limited to, employees of a participating
1838 state.

1839 (j) Hire employees and engage contractors, elect or
1840 appoint officers, fix compensation, define duties, grant such
1841 individuals appropriate authority to carry out the purposes of
1842 this compact, and establish the commission's personnel policies
1843 and programs relating to conflicts of interest, qualifications
1844 of personnel, and other related personnel matters.

1845 (k) Accept any and all appropriate donations and grants of
1846 money, equipment, supplies, materials, and services, and
1847 receive, use, and dispose of the same, provided that at all
1848 times the commission shall avoid any appearance of impropriety
1849 or conflict of interest.

1850 (l) Lease, purchase, accept appropriate gifts or donations

1851 of, or otherwise own, hold, improve, or use any property, real,
1852 personal, or mixed, provided that at all times the commission
1853 shall avoid any appearance of impropriety.

1854 (m) Sell, convey, mortgage, pledge, lease, exchange,
1855 abandon, or otherwise dispose of any property, real, personal,
1856 or mixed.

1857 (n) Establish a budget and make expenditures.

1858 (o) Borrow money.

1859 (p) Appoint committees, including standing committees
1860 composed of members, state regulators, state legislators or
1861 their representatives, and consumer representatives, and such
1862 other interested persons as may be designated in this compact
1863 and the bylaws.

1864 (q) Provide and receive information from, and cooperate
1865 with, law enforcement agencies.

1866 (r) Elect a chair, vice chair, secretary, and treasurer
1867 and other officers of the commission as provided in the
1868 commission's bylaws.

1869 (s) Reserve for itself, in addition to those reserved
1870 exclusively to the commission under the compact, powers that the
1871 executive committee may not exercise.

1872 (t) Approve or disapprove a state's participation in the
1873 compact based upon its determination as to whether the state's
1874 compact legislation departs in a material manner from the model
1875 compact language.

1876 (u) Prepare and provide to the participating states an
1877 annual report.

1878 (v) Perform such other functions as may be necessary or
1879 appropriate to achieve the purposes of this compact consistent
1880 with the state regulation of physician assistant licensure and
1881 practice.

1882 (4) (a) All meetings of the commission shall be open to the
1883 public. Notice of public meetings shall be posted on the
1884 commission's website at least 30 days before the public meeting.

1885 (b) Notwithstanding paragraph (a), the commission may
1886 convene a public meeting by providing at least 24 hours' prior
1887 notice on the commission's website, and any other means as
1888 provided in the commission's rules, for any of the reasons it
1889 may dispense with notice of proposed rulemaking under subsection
1890 (20) of Article IX.

1891 (c) The commission may convene in a closed, nonpublic
1892 meeting or nonpublic part of a public meeting to discuss any of
1893 the following information:

1894 1. Noncompliance of a participating state with its
1895 obligations under the compact;

1896 2. The employment, compensation, discipline, or other
1897 matters, practices, or procedures related to specific employees
1898 or other matters related to the commission's internal personnel
1899 practices and procedures;

1900 3. Current, threatened, or reasonably anticipated

1901 litigation;
 1902 4. Negotiation of contracts for the purchase, lease, or
 1903 sale of goods, services, or real estate;
 1904 5. Accusing any person of a crime or formally censuring
 1905 any person;
 1906 6. Disclosure of trade secrets or commercial or financial
 1907 information that is privileged or confidential;
 1908 7. Disclosure of information of a personal nature when
 1909 disclosure of such information would constitute a clearly
 1910 unwarranted invasion of personal privacy;
 1911 8. Disclosure of investigative records compiled for law
 1912 enforcement purposes;
 1913 9. Disclosure of information related to any investigative
 1914 reports prepared by or on behalf of or for use of the commission
 1915 or other committee charged with responsibility of investigation
 1916 or determination of compliance issues pursuant to the compact;
 1917 10. Legal advice; or
 1918 11. Matters specifically exempted from disclosure by
 1919 federal or state statute.
 1920 (d) If a meeting, or portion of a meeting, is closed
 1921 pursuant to this article, the chair of the meeting or the
 1922 chair's designee shall certify that the meeting or portion of
 1923 the meeting may be closed and shall reference each relevant
 1924 exempting provision.
 1925 (e) The commission shall keep minutes that fully and

1926 clearly describe all matters discussed in a meeting and shall
1927 provide a full and accurate summary of actions taken, including
1928 a description of the views expressed. All documents considered
1929 in connection with an action shall be identified in such
1930 minutes. All minutes and documents of a closed meeting shall
1931 remain under seal, subject to release by a majority vote of the
1932 commission or order of a court of competent jurisdiction.

1933 (5) (a) The commission shall pay, or provide for the
1934 payment of, the reasonable expenses of its establishment,
1935 organization, and ongoing activities.

1936 (b) The commission may accept any and all appropriate
1937 revenue sources, donations, and grants of money, equipment,
1938 supplies, materials, and services.

1939 (c) The commission may levy on and collect an annual
1940 assessment from each participating state to cover the cost of
1941 the operations and activities of the commission and its staff,
1942 which must be in a total amount sufficient to cover its annual
1943 budget as approved by the commission each year for which revenue
1944 is not provided by other sources. The aggregate annual
1945 assessment amount levied on participating states shall be
1946 allocated based upon a formula to be determined by commission
1947 rule.

1948 1. A compact privilege expires when the licensee's
1949 qualifying license in the participating state from which the
1950 licensee applied for the compact privilege expires.

1951 2. If the licensee terminates the qualifying license
1952 through which the licensee applied for the compact privilege
1953 before its scheduled expiration, and the licensee has a
1954 qualifying license in another participating state, the licensee
1955 shall inform the commission that it is changing to that
1956 participating state the participating state through which it
1957 applies for a compact privilege and pay to the commission any
1958 compact privilege fee required by commission rule.

1959 (d) The commission may not incur obligations of any kind
1960 prior to securing the funds adequate to meet the same, nor shall
1961 the commission pledge the credit of any of the participating
1962 states, except by and with the authority of the participating
1963 state.

1964 (e) The commission shall keep accurate accounts of all
1965 receipts and disbursements. The receipts and disbursements of
1966 the commission shall be subject to the financial review and
1967 accounting procedures established under its bylaws. All receipts
1968 and disbursements of funds handled by the commission shall be
1969 subject to an annual financial review by a certified or licensed
1970 public accountant, and the report of the financial review shall
1971 be included in and become part of the annual report of the
1972 commission.

1973 (6) (a) The executive committee shall have the power to act
1974 on behalf of the commission according to the terms of this
1975 compact and commission rules.

1976 (b) The executive committee shall be composed of nine
 1977 members, including:
 1978 1. Seven voting members who are elected by the commission
 1979 from the current membership of the commission.
 1980 2. One ex officio, nonvoting member from a recognized
 1981 national physician assistant professional association.
 1982 3. One ex officio, nonvoting member from a recognized
 1983 national physician assistant certification organization.
 1984 (c) The ex officio members will be selected by their
 1985 respective organizations.
 1986 (d) The commission may remove any member of the executive
 1987 committee as provided in its bylaws.
 1988 (e) The executive committee shall meet at least annually.
 1989 (f) The executive committee shall have all of the
 1990 following duties and responsibilities:
 1991 1. Recommend to the commission changes to the commission's
 1992 rules or bylaws, changes to this compact legislation, and fees
 1993 to be paid by compact participating states, such as annual dues.
 1994 2. Ensure compact administration services are
 1995 appropriately provided, contractual or otherwise.
 1996 3. Prepare and recommend the budget.
 1997 4. Maintain financial records on behalf of the commission.
 1998 5. Monitor compact compliance of participating states and
 1999 provide compliance reports to the commission.
 2000 6. Establish additional committees as necessary.

2001 7. Exercise the powers and duties of the commission during
2002 the interim between commission meetings, except for issuing
2003 proposed rulemaking or adopting commission rules or bylaws, or
2004 exercising any other powers and duties exclusively reserved to
2005 the commission by the commission's rules.

2006 8. Perform other duties as provided in the commission's
2007 rules or bylaws.

2008 (7) (a) All meetings of the executive committee at which it
2009 votes or plans to vote on matters in exercising the powers and
2010 duties of the commission shall be open to the public and public
2011 notice of such meetings shall be given as public meetings of the
2012 commission are given.

2013 (b) The executive committee may convene in a closed,
2014 nonpublic meeting for the same reasons that the commission may
2015 convene in a nonpublic meeting as provided in paragraph (c) of
2016 subsection (4) and shall announce the closed meeting as the
2017 commission is required to under paragraph (d) of subsection (4)
2018 of this article and keep minutes of the closed meeting as the
2019 commission is required to under paragraph (e) of subsection (4)
2020 of this article.

2021 (c) The members, officers, executive director, employees,
2022 and representatives of the commission shall be immune from suit
2023 and liability, both personally and in their official capacities,
2024 for any claim for damage to or loss of property or personal
2025 injury or other civil liability caused by or arising out of any

2026 actual or alleged act, error, or omission that occurred, or that
2027 the person against whom the claim is made had a reasonable basis
2028 for believing occurred within the scope of commission
2029 employment, duties, or responsibilities, provided that nothing
2030 in this paragraph shall be construed to protect any such person
2031 from suit or liability for any damage, loss, injury, or
2032 liability caused by the intentional or willful or wanton
2033 misconduct of that person. The procurement of insurance of any
2034 type by the commission does not in any way compromise or limit
2035 the immunity granted hereunder.

2036 (d) The commission shall defend any member, officer,
2037 executive director, employee, and representative of the
2038 commission in any civil action seeking to impose liability
2039 arising out of any actual or alleged act, error, or omission
2040 that occurred within the scope of commission employment, duties,
2041 or responsibilities, or as determined by the commission that the
2042 person against whom the claim is made had a reasonable basis for
2043 believing occurred within the scope of commission employment,
2044 duties, or responsibilities, provided that nothing herein shall
2045 be construed to prohibit that person from retaining his or her
2046 own counsel at his or her own expense, and provided further that
2047 the actual or alleged act, error, or omission did not result
2048 from that person's intentional or willful or wanton misconduct.

2049 (e) The commission shall indemnify and hold harmless any
2050 member, officer, executive director, employee, and

2051 representative of the commission for the amount of any
2052 settlement or judgment obtained against that person arising out
2053 of any actual or alleged act, error, or omission that occurred
2054 within the scope of commission employment, duties, or
2055 responsibilities, or that such person had a reasonable basis for
2056 believing occurred within the scope of commission employment,
2057 duties, or responsibilities, provided that the actual or alleged
2058 act, error, or omission did not result from the intentional or
2059 willful or wanton misconduct of that person.

2060 (f) Venue is proper and judicial proceedings by or against
2061 the commission shall be brought solely and exclusively in a
2062 court of competent jurisdiction where the principal office of
2063 the commission is located. The commission may waive venue and
2064 jurisdictional defenses in any proceedings as authorized by
2065 commission rules.

2066 (g) This compact does not:

2067 1. Limit the liability of any licensee for professional
2068 malpractice or misconduct, which shall be governed solely by any
2069 other applicable state laws.

2070 2. Designate the venue or jurisdiction to bring actions
2071 for alleged acts of malpractice, professional misconduct,
2072 negligence, or other such civil action pertaining to the
2073 practice of a physician assistant. All such matters shall be
2074 determined exclusively by state law other than this compact.

2075 3. Waive or otherwise abrogate a participating state's

2076 state action immunity or state action affirmative defense with
2077 respect to antitrust claims under the Sherman Act, the Clayton
2078 Act, or any other state or federal antitrust or anticompetitive
2079 law or regulation.

2080 4. Waive sovereign immunity by the participating states or
2081 by the commission.

2082
2083 ARTICLE VIII

2084 DATA SYSTEM

2085
2086 (1) The commission shall provide for the development,
2087 maintenance, operation, and use of a coordinated data and
2088 reporting system containing licensure, adverse action, and the
2089 reporting of the existence of significant investigative
2090 information on all licensed physician assistants and applicants
2091 denied a license in participating states.

2092 (2) Notwithstanding any other state law to the contrary, a
2093 participating state shall submit a uniform data set to the data
2094 system on all applicable physician assistants, using a unique
2095 identifier, as required by the rules of the commission,
2096 including all of the following:

2097 (a) Identifying information.

2098 (b) Licensure data.

2099 (c) Adverse actions against a license or compact
2100 privilege.

2101 (d) Any denial of application for licensure, and the
2102 reason for such denial. This does not include the reporting of
2103 any criminal history record information where prohibited by law.

2104 (e) The existence of significant investigative
2105 information.

2106 (f) Other information that may facilitate the
2107 administration of this compact, as determined by the rules of
2108 the commission.

2109 (3) Significant investigative information pertaining to a
2110 licensee in any participating state shall only be available to
2111 other participating states.

2112 (4) The commission shall promptly notify all participating
2113 states of any reported adverse action taken against a licensee
2114 or an individual applying for a license. The adverse action
2115 information shall be available to all participating states.

2116 (5) Participating states contributing information to the
2117 data system may, in accordance with state or federal law,
2118 designate information that may not be shared with the public
2119 without the express permission of the contributing state.
2120 Notwithstanding any such designation, such information shall be
2121 reported to the commission through the data system.

2122 (6) Any information submitted to the data system that is
2123 subsequently expunged pursuant to state or federal law shall be
2124 removed from the data system upon reporting of such by the
2125 participating state to the commission.

2126 (7) The records and information provided to a
 2127 participating state pursuant to this compact or through the data
 2128 system, when certified by the commission or an agent thereof,
 2129 shall constitute the authenticated business records of the
 2130 commission, and shall be entitled to any associated hearsay
 2131 exception in any relevant judicial, quasi-judicial, or
 2132 administrative proceedings in a participating state.

2134 ARTICLE IX

2135 RULEMAKING

2136
 2137 (1) The commission shall exercise its rulemaking powers
 2138 pursuant to the criteria provided in this article and the rules
 2139 adopted thereunder. Commission rules shall become binding as of
 2140 the date specified by the commission for each rule.

2141 (2) The commission shall adopt reasonable rules in order
 2142 to effectively and efficiently implement and administer this
 2143 compact and achieve its purposes. A commission rule is invalid
 2144 and does not have force or effect if a court of competent
 2145 jurisdiction holds that the rule is invalid because the
 2146 commission exercised its rulemaking authority in a manner that
 2147 is beyond the scope of the purposes of this compact, or the
 2148 powers granted hereunder, or based upon another applicable
 2149 standard of review.

2150 (3) The rules of the commission shall have the force of

2151 law in each participating state, provided, however, that where
2152 the rules of the commission conflict with the laws of the
2153 participating state that establish the medical services a
2154 physician assistant may perform in the participating state, as
2155 held by a court of competent jurisdiction, the rules of the
2156 commission shall be ineffective in that state to the extent of
2157 the conflict.

2158 (4) If a majority of the legislatures of the participating
2159 states rejects a commission rule, by enactment of a statute or
2160 resolution in the same manner used to adopt this compact within
2161 4 years after the date of adoption of the rule, then such rule
2162 shall have no further force and effect in any participating
2163 state or to any state applying to participate in the compact.

2164 (5) Commission rules shall be adopted at a regular or
2165 special meeting of the commission.

2166 (6) Before adoption of a final rule or rules by the
2167 commission, and at least 30 days before the meeting at which the
2168 rule will be considered and voted upon, the commission shall
2169 file a notice of proposed rulemaking:

2170 (a) On the website of the commission or other publicly
2171 accessible platform.

2172 (b) To persons who have requested notice of the
2173 commission's notices of proposed rulemaking.

2174 (c) In such other ways as the commission may by rule
2175 specify.

2176 (7) The notice of proposed rulemaking shall include all of
2177 the following:

2178 (a) The time, date, and location of the public hearing on
2179 the proposed rule and the proposed time, date, and location of
2180 the meeting in which the proposed rule will be considered and
2181 voted upon.

2182 (b) The text of the proposed rule and the reason for the
2183 proposed rule.

2184 (c) A request for comments on the proposed rule from any
2185 interested person and the date by which written comments must be
2186 received.

2187 (d) The manner in which an interested person may submit
2188 notice to the commission of his or her intention to attend the
2189 public hearing or provide any written comments.

2190 (8) Before adoption of a proposed rule, the commission
2191 shall allow persons to submit written data, facts, opinions, and
2192 arguments, which shall be made available to the public.

2193 (9) If the hearing is to be held via electronic means, the
2194 commission shall publish the mechanism for access to the
2195 electronic hearing.

2196 (a) Any person wishing to be heard at the hearing shall,
2197 as directed in the notice of proposed rulemaking, at least 5
2198 business days before the scheduled date of the hearing, notify
2199 the commission of his or her desire to appear and testify at the
2200 hearing.

2201 (b) Hearings shall be conducted in a manner providing each
2202 person who wishes to comment a fair and reasonable opportunity
2203 to comment orally or in writing.

2204 (c) All hearings shall be recorded. A copy of the
2205 recording and the written comments, data, facts, opinions, and
2206 arguments received in response to the proposed rulemaking shall
2207 be made available to a person upon request.

2208 (10) This article does not require a separate hearing on
2209 each proposed rule. Proposed rules may be grouped for the
2210 convenience of the commission at hearings required by this
2211 article.

2212 (11) Following the public hearing, the commission shall
2213 consider all written and oral comments timely received.

2214 (12) The commission shall, by a majority vote of all
2215 delegates, take final action on the proposed rule and shall
2216 determine the effective date of the rule, if adopted, based on
2217 the rulemaking record and the full text of the rule.

2218 (a) If adopted, the rule shall be posted on the
2219 commission's website.

2220 (b) The commission may adopt changes to the proposed rule
2221 provided the changes do not enlarge the original purpose of the
2222 proposed rule.

2223 (c) The commission shall provide on its website an
2224 explanation of the reasons for substantive changes made to the
2225 proposed rule as well as reasons for substantive changes not

2226 made that were recommended by commenters.

2227 (d) The commission shall determine a reasonable effective
2228 date for the rule. Except for an emergency as provided in
2229 subsection (13), the effective date of the rule shall be at
2230 least 30 days after the commission issued the notice that it
2231 adopted the rule.

2232 (13) (a) Upon determination that an emergency exists, the
2233 commission may consider and adopt an emergency rule with 24
2234 hours' prior notice, without the opportunity for comment or
2235 hearing, provided that the usual rulemaking procedures provided
2236 in this compact and in this article shall be retroactively
2237 applied to the rule as soon as reasonably possible, but in no
2238 event later than 90 days after the effective date of the rule.
2239 For the purposes of this subsection, an emergency rule is one
2240 that must be adopted immediately by the commission in order to:

2241 1. Meet an imminent threat to public health, safety, or
2242 welfare;

2243 2. Prevent a loss of commission or participating state
2244 funds;

2245 3. Meet a deadline for the adoption of a commission rule
2246 that is established by federal law or rule; or

2247 4. Protect public health and safety.

2248 (14) The commission or an authorized committee of the
2249 commission may direct revisions to a previously adopted
2250 commission rule for purposes of correcting typographical errors,

2251 errors in format, errors in consistency, or grammatical errors.
2252 Public notice of any revisions shall be posted on the website of
2253 the commission. The revision shall be subject to challenge by
2254 any person for a period of 30 days after posting. The revision
2255 may be challenged only on grounds that the revision results in a
2256 material change to a rule. A challenge shall be made as provided
2257 in the notice of revisions and delivered to the commission
2258 before the end of the notice period. If the revision is not
2259 challenged, the revision will take effect without further
2260 action. If the revision is challenged, the revision may not take
2261 effect without the approval of the commission.

2262 (15) A participating state's rulemaking requirements do
2263 not apply under this compact.

2264

2265 ARTICLE X

2266 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2267

2268 (1) The executive and judicial branches of state
2269 government in each participating state shall enforce this
2270 compact and take all actions necessary and appropriate to
2271 implement the compact.

2272 (2) Venue is proper and judicial proceedings by or against
2273 the commission shall be brought solely and exclusively in a
2274 court of competent jurisdiction where the principal office of
2275 the commission is located. The commission may waive venue and

2276 jurisdictional defenses to the extent it adopts or consents to
2277 participate in alternative dispute resolution proceedings.
2278 Nothing herein shall affect or limit the selection or propriety
2279 of venue in any action against a licensee for professional
2280 malpractice, misconduct, or any such similar matter.

2281 (3) The commission shall be entitled to receive service of
2282 process in any proceeding regarding the enforcement or
2283 interpretation of the compact or the commission's rules and
2284 shall have standing to intervene in such a proceeding for all
2285 purposes. Failure to provide the commission with service of
2286 process shall render a judgment or order in such proceeding void
2287 as to the commission, this compact, or commission rules.

2288 (4) If the commission determines that a participating
2289 state has defaulted in the performance of its obligations or
2290 responsibilities under this compact or the commission rules, the
2291 commission shall provide written notice to the defaulting state
2292 and other participating states. The notice shall describe the
2293 default, the proposed means of curing the default, and any other
2294 action that the commission may take and shall offer remedial
2295 training and specific technical assistance regarding the
2296 default.

2297 (5) If a state in default fails to cure the default, the
2298 defaulting state may be terminated from this compact upon an
2299 affirmative vote of a majority of the delegates of the
2300 participating states, and all rights, privileges, and benefits

2301 conferred by this compact upon such state may be terminated on
2302 the effective date of termination. A cure of the default does
2303 not relieve the offending state of obligations or liabilities
2304 incurred during the period of default.

2305 (6) Termination of participation in this compact shall be
2306 imposed only after all other means of securing compliance have
2307 been exhausted. Notice of intent to suspend or terminate shall
2308 be given by the commission to the Governor, the majority and
2309 minority leaders of the defaulting state's legislature, and the
2310 licensing board of each of the participating states.

2311 (7) A state that has been terminated is responsible for
2312 all assessments, obligations, and liabilities incurred through
2313 the effective date of termination, including obligations that
2314 extend beyond the effective date of termination.

2315 (8) The commission may not bear any costs related to a
2316 state that is found to be in default or that has been terminated
2317 from this compact, unless agreed upon in writing between the
2318 commission and the defaulting state.

2319 (9) The defaulting state may appeal its termination from
2320 the compact by the commission by petitioning the United States
2321 District Court for the District of Columbia or the federal
2322 district where the commission has its principal offices. The
2323 prevailing member shall be awarded all costs of such litigation,
2324 including reasonable attorney fees.

2325 (10) Upon the termination of a state's participation in

2326 the compact, the state shall immediately provide notice to all
2327 licensees within that state of such termination.

2328 (a) Licensees who have been granted a compact privilege in
2329 that state shall retain the compact privilege for 180 days after
2330 the effective date of such termination.

2331 (b) Licensees who are licensed in that state who have been
2332 granted a compact privilege in a participating state shall
2333 retain the compact privilege for 180 days unless the licensee
2334 also has a qualifying license in a participating state or
2335 obtains a qualifying license in a participating state before the
2336 180-day period ends, in which case the compact privilege shall
2337 continue.

2338 (11) Upon request by a participating state, the commission
2339 shall attempt to resolve disputes related to this compact that
2340 arise among participating states and between participating and
2341 nonparticipating states.

2342 (12) The commission shall adopt a rule providing for both
2343 mediation and binding dispute resolution for disputes, as
2344 appropriate.

2345 (13) The commission, in the reasonable exercise of its
2346 discretion, shall enforce this compact and the rules of the
2347 commission.

2348 (14) If compliance is not secured after all means to
2349 secure compliance have been exhausted, by majority vote, the
2350 commission may initiate legal action in the United States

2351 District Court for the District of Columbia or the federal
2352 district where the commission has its principal offices against
2353 a participating state in default to enforce compliance with this
2354 compact and the commission's rules and bylaws. The relief sought
2355 may include both injunctive relief and damages. In the event
2356 judicial enforcement is necessary, the prevailing party shall be
2357 awarded all costs of such litigation, including reasonable
2358 attorney fees.

2359 (15) These remedies are not the exclusive remedies of the
2360 commission. The commission may pursue any other remedies
2361 available under state or federal law.

2362 (16) A participating state may initiate legal action
2363 against the commission in the United States District Court for
2364 the District of Columbia or the federal district where the
2365 commission has its principal offices to enforce compliance with
2366 the provisions of the compact and its rules. The relief sought
2367 may include both injunctive relief and damages. In the event
2368 judicial enforcement is necessary, the prevailing party shall be
2369 awarded all costs of such litigation, including reasonable
2370 attorney fees.

2371 (17) No person other than a participating state may
2372 enforce this compact against the commission.

2373

2374 ARTICLE XI2375 DATE OF IMPLEMENTATION OF THE PHYSICIAN ASSISTANT LICENSURE

COMPACT COMMISSION

(1) This compact shall become effective on the date on which this compact is enacted into law in the seventh participating state.

(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact before the commission convening to determine if the statute enacted by each such charter participating state is materially different than the model compact.

(b) A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process provided in subsection (4) of Article X.

(c) If any participating state later withdraws from the compact or its participation is terminated, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be less than seven.

(2) Participating states enacting the compact subsequent to the commission convening shall be subject to the process set forth in paragraph (t) of subsection (3) of Article VII to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

2401 (3) Participating states enacting the compact subsequent
2402 to the seven initial charter participating states shall be
2403 subject to the process set forth in paragraph (t) of subsection
2404 (3) of Article VII to determine if such enactments are
2405 materially different from the model compact and whether they
2406 qualify for participation in the compact.

2407 (4) All actions taken for the benefit of the commission or
2408 in furtherance of the purposes of the administration of the
2409 compact before the effective date of the compact or the
2410 commission coming into existence shall be considered to be
2411 actions of the commission unless specifically repudiated by the
2412 commission.

2413 (5) Any state that joins this compact shall be subject to
2414 the commission's rules and bylaws that exist on the date on
2415 which this compact becomes a law in that state. Any rule that
2416 has been previously adopted by the commission shall have the
2417 full force and effect of law on the day this compact becomes a
2418 law in that state.

2419 (6) Any participating state may withdraw from this compact
2420 by enacting a statute repealing the same.

2421 (a) A participating state's withdrawal does not take
2422 effect until 180 days after enactment of the repealing statute.
2423 During this 180 day-period, all compact privileges that were in
2424 effect in the withdrawing state and were granted to licensees
2425 licensed in the withdrawing state shall remain in effect. If any

2426 licensee licensed in the withdrawing state is also licensed in
2427 another participating state or obtains a license in another
2428 participating state within the 180 days, the licensee's compact
2429 privileges in other participating states will not be affected by
2430 the passage of the 180 days.

2431 (b) Withdrawal does not affect the continuing requirement
2432 of the state licensing board of the withdrawing state to comply
2433 with the investigative and adverse action reporting requirements
2434 of this compact before the effective date of withdrawal.

2435 (c) Upon the enactment of a statute withdrawing a state
2436 from this compact, the state shall immediately provide notice of
2437 such withdrawal to all licensees within that state. Such
2438 withdrawing state shall continue to recognize all licenses
2439 granted pursuant to this compact for a minimum of 180 days after
2440 the date of such notice of withdrawal.

2441 (7) Nothing contained in this compact shall be construed
2442 to invalidate or prevent any physician assistant licensure
2443 agreement or other cooperative arrangement between participating
2444 states and between a participating state and nonparticipating
2445 state that does not conflict with the provisions of this
2446 compact.

2447 (8) This compact may be amended by the participating
2448 states. An amendment to this compact is not effective and
2449 binding upon any participating state until it is enacted
2450 materially in the same manner into the laws of all participating

2451 states as determined by the commission.

2452
2453 ARTICLE XII

2454 CONSTRUCTION AND SEVERABILITY

2455
2456 (1) This compact and the commission's rulemaking authority
2457 shall be liberally construed so as to effectuate the purposes
2458 and the implementation and administration of the compact.

2459 Provisions of the compact expressly authorizing or requiring the
2460 adoption of rules may not be construed to limit the commission's
2461 rulemaking authority solely for those purposes.

2462 (2) The provisions of this compact are severable and if
2463 any phrase, clause, sentence, or provision of this compact is
2464 held by a court of competent jurisdiction to be contrary to the
2465 constitution of any participating state, a state seeking
2466 participation in the compact, or of the United States, or the
2467 applicability thereof to any government, agency, person, or
2468 circumstance is held to be unconstitutional by a court of
2469 competent jurisdiction, the validity of the remainder of this
2470 compact and the applicability thereof to any other government,
2471 agency, person, or circumstance may not be affected thereby.

2472 (3) Notwithstanding subsection (2) of this article, the
2473 commission may deny a state's participation in the compact or,
2474 in accordance with the requirements in subsections (4)-(10) of
2475 Article X, terminate a participating state's participation in

2476 the compact, if it determines that a constitutional requirement
2477 of a participating state is, or would be with respect to a state
2478 seeking to participate in the compact, a material departure from
2479 the compact. Otherwise, if this compact shall be held to be
2480 contrary to the constitution of any participating state, the
2481 compact shall remain in full force and effect as to the
2482 remaining participating states and in full force and effect as
2483 to the participating state affected as to all severable matters.

2484
2485 ARTICLE XIII

2486 BINDING EFFECT OF COMPACT

2487
2488 (1) Nothing herein prevents the enforcement of any other
2489 law of a participating state that is not inconsistent with this
2490 compact.

2491 (2) Any laws in a participating state in conflict with
2492 this compact are superseded to the extent of the conflict.

2493 (3) All agreements between the commission and the
2494 participating states are binding in accordance with their terms.

2495 **Section 19. Subsection (6) of section 458.307, Florida**
2496 **Statutes, is renumbered as subsection (7), and a new subsection**
2497 **(6) is added to that section to read:**

2498 458.307 Board of Medicine.—

2499 (6) The Board of Medicine and the Board of Osteopathic
2500 Medicine shall jointly appoint an individual to serve as the

2501 state's delegate on the Physician Assistant Licensure Compact
 2502 Commission, as required under s. 456.66.

2503 **Section 20. Subsections (7) through (16) of section**
 2504 **458.347, Florida Statutes, are renumbered as subsections (8)**
 2505 **through (17), respectively, paragraph (f) of subsection (6) is**
 2506 **redesignated as paragraph (g), subsection (3) and present**
 2507 **subsection (11) are amended, a new paragraph (f) is added to**
 2508 **subsection (6), and a new subsection (7) is added to that**
 2509 **section, to read:**

2510 458.347 Physician assistants.—

2511 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician
 2512 or group of physicians supervising a licensed physician
 2513 assistant must be qualified in the medical areas in which the
 2514 physician assistant is to perform and shall be individually or
 2515 collectively responsible and liable for the performance and the
 2516 acts and omissions of the physician assistant. A physician may
 2517 ~~not supervise as many more than 10 currently licensed physician~~
 2518 ~~assistants as the physician can effectively supervise and~~
 2519 ~~communicate with within the circumstances of the specific~~
 2520 ~~practice setting at any one time.~~ A physician supervising a
 2521 physician assistant pursuant to this section ~~is may not be~~
 2522 required to review and cosign charts or medical records prepared
 2523 by such physician assistant.

2524 (6) PHYSICIAN ASSISTANT LICENSURE.—

2525 (f) The board may take adverse action against a physician

2526 assistant's privilege to practice under the Physician Assistant
 2527 Licensure Compact pursuant to s. 456.66 and may impose any
 2528 penalties in s. 456.072(2) if the physician assistant commits an
 2529 act specified in subsection (1) or s. 456.072(1).

2530 (7) EXEMPTION.—A person licensed as a physician assistant
 2531 in another state who is practicing under the Physician Assistant
 2532 Licensure Compact pursuant to s. 456.66, and only within the
 2533 scope provided therein, is exempt from the licensure
 2534 requirements of this section, as applicable.

2535 (11) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.—The
 2536 boards may deny, suspend, or revoke a physician assistant
 2537 license if a board determines that the physician assistant has
 2538 violated this chapter or s. 456.66.

2539 **Section 21. Subsections (7) through (16) of section**
 2540 **459.022, Florida Statutes, are renumbered as subsections (8)**
 2541 **through (17), respectively, paragraph (f) of subsection (6) is**
 2542 **redesignated as paragraph (g), subsection (3) and present**
 2543 **subsection (11) are amended, a new paragraph (f) is added to**
 2544 **subsection (6), and a new subsection (7) is added to that**
 2545 **section, to read:**

2546 459.022 Physician assistants.—

2547 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician
 2548 or group of physicians supervising a licensed physician
 2549 assistant must be qualified in the medical areas in which the
 2550 physician assistant is to perform and shall be individually or

2551 collectively responsible and liable for the performance and the
 2552 acts and omissions of the physician assistant. A physician may
 2553 ~~not supervise as many more than 10 currently licensed~~ physician
 2554 assistants as the physician can effectively supervise and
 2555 communicate with within the circumstances of the specific
 2556 practice setting at any one time. A physician supervising a
 2557 physician assistant pursuant to this section is ~~may not be~~
 2558 required to review and cosign charts or medical records prepared
 2559 by such physician assistant.

2560 (6) PHYSICIAN ASSISTANT LICENSURE.—

2561 (f) The board may take adverse action against a physician
 2562 assistant's privilege to practice under the Physician Assistant
 2563 Licensure Compact pursuant to s. 456.66 and may impose any
 2564 penalties in s. 456.072(2) if the physician assistant commits an
 2565 act specified in subsection (1) or s. 456.072(1).

2566 (7) EXEMPTION.—A person licensed as a physician assistant
 2567 in another state who is practicing under the Physician Assistant
 2568 Licensure Compact pursuant to s. 456.66, and only within the
 2569 scope provided therein, is exempt from the licensure
 2570 requirements of this section, as applicable.

2571 (11) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.—The
 2572 boards may deny, suspend, or revoke a physician assistant
 2573 license if a board determines that the physician assistant has
 2574 violated this chapter or s. 456.66.

2575 **Section 22. Paragraph (a) of subsection (3) of section**

2576 **464.0123, Florida Statutes, is amended to read:**

2577 464.0123 Autonomous practice by an advanced practice
2578 registered nurse.—

2579 (3) PRACTICE REQUIREMENTS.—

2580 (a) An advanced practice registered nurse who is
2581 registered under this section may:

2582 ~~1. Engage in autonomous practice only in primary care~~
2583 ~~practice, including family medicine, general pediatrics, and~~
2584 ~~general internal medicine, as defined by board rule.~~

2585 ~~2. For certified nurse midwives, engage in autonomous~~
2586 ~~practice in the performance of the acts listed in s.~~
2587 ~~464.012(4)(c).~~

2588 1.3. Perform the general functions of an advanced practice
2589 registered nurse under s. 464.012(3) and the acts within his or
2590 her specialty under s. 464.012(4) related to primary care.

2591 2.4. For a patient who requires the services of a health
2592 care facility, ~~as defined in s. 408.032(8):~~

2593 a. Admit the patient to the facility.

2594 b. Manage the care received by the patient in the
2595 facility.

2596 c. Discharge the patient from the facility, unless
2597 prohibited by federal law or rule.

2598
2599 As used in this subparagraph, the term "health care facility"
2600 means a skilled nursing facility, hospice, or intermediate care

2601 facility for the developmentally disabled. The term does not
2602 include a facility relying solely on spiritual means through
2603 prayer for healing.

2604 ~~3.5.~~ Provide a signature, certification, stamp,
2605 verification, affidavit, or endorsement that is otherwise
2606 required by law to be provided by a physician, except an
2607 advanced practice registered nurse registered under this section
2608 may not issue a physician certification under s. 381.986.

2609 **Section 23. Section 466.017, Florida Statutes, is amended**
2610 **to read:**

2611 466.017 Prescription of drugs; anesthesia.—

2612 (1) A dentist shall have the right to prescribe drugs or
2613 medicine, subject to limitations imposed by law; perform
2614 surgical operations within the scope of her or his practice and
2615 training; administer general or local anesthesia or sedation,
2616 subject to limitations imposed by law; and use such appliances
2617 as may be necessary to the proper practice of dentistry.

2618 (2) A dental hygienist under the general supervision of a
2619 dentist may prescribe, administer, and dispense fluoride,
2620 fluoride varnish, antimicrobial solutions for mouth rinsing, and
2621 other nonsystemic antimicrobial agents. The board may establish
2622 education and training requirements that a dental hygienist must
2623 complete before prescribing, dispensing, or administering a drug
2624 pursuant to this subsection. The board may adopt rules to
2625 administer this subsection.

2626 (3)~~(2)~~ Pharmacists licensed pursuant to chapter 465 may
2627 fill prescriptions of legally licensed dentists in this state
2628 for any drugs necessary for the practice of dentistry or of
2629 legally licensed dental hygienists in this state for drugs
2630 authorized in subsection (2).

2631 (4)~~(3)~~ The board shall adopt rules which:

2632 (a) Define general anesthesia.

2633 (b) Specify which methods of general or local anesthesia
2634 or sedation, if any, are limited or prohibited for use by
2635 dentists.

2636 (c) Establish minimal training, education, experience, or
2637 certification for a dentist to use general anesthesia or
2638 sedation, which rules may exclude, in the board's discretion,
2639 those dentists using general anesthesia or sedation in a
2640 competent and effective manner as of the effective date of the
2641 rules.

2642 (d) Establish further requirements relating to the use of
2643 general anesthesia or sedation, including, but not limited to,
2644 office equipment and the training of dental assistants or dental
2645 hygienists who work with dentists using general anesthesia or
2646 sedation.

2647 (e) Establish an administrative mechanism enabling the
2648 board to verify compliance with training, education, experience,
2649 equipment, or certification requirements of dentists, dental
2650 hygienists, and dental assistants adopted pursuant to this

2651 subsection. The board may charge a fee to defray the cost of
 2652 verifying compliance with requirements adopted pursuant to this
 2653 paragraph.

2654 (5)~~(4)~~ A dentist or dental hygienist who administers or
 2655 employs the use of any form of anesthesia must possess a
 2656 certification in either basic cardiopulmonary resuscitation for
 2657 health professionals or advanced cardiac life support approved
 2658 by the American Heart Association or the American Red Cross or
 2659 an equivalent agency-sponsored course with recertification every
 2660 2 years. Each dental office that ~~which~~ uses any form of
 2661 anesthesia must have immediately available and in good working
 2662 order such resuscitative equipment, oxygen, and other
 2663 resuscitative drugs as are specified by rule of the board in
 2664 order to manage possible adverse reactions.

2665 (6)~~(5)~~ A dental hygienist under the direct supervision of
 2666 a dentist may administer local anesthesia, including intraoral
 2667 block anesthesia, soft tissue infiltration anesthesia, or both,
 2668 to a nonsedated patient who is 18 years of age or older, if the
 2669 following criteria are met:

2670 (a) The dental hygienist has successfully completed a
 2671 course in the administration of local anesthesia which is
 2672 offered by a dental or dental hygiene program accredited by the
 2673 Commission on Dental Accreditation of the American Dental
 2674 Association or approved by the board. The course must include a
 2675 minimum of 30 hours of didactic instruction and 30 hours of

2676 | clinical experience, and instruction in:

2677 | 1. Theory of pain control.

2678 | 2. Selection-of-pain-control modalities.

2679 | 3. Anatomy.

2680 | 4. Neurophysiology.

2681 | 5. Pharmacology of local anesthetics.

2682 | 6. Pharmacology of vasoconstrictors.

2683 | 7. Psychological aspects of pain control.

2684 | 8. Systematic complications.

2685 | 9. Techniques of maxillary anesthesia.

2686 | 10. Techniques of mandibular anesthesia.

2687 | 11. Infection control.

2688 | 12. Medical emergencies involving local anesthesia.

2689 | (b) The dental hygienist presents evidence of current

2690 | certification in basic or advanced cardiac life support.

2691 | (c) The dental hygienist possesses a valid certificate

2692 | issued under subsection (7) ~~(6)~~.

2693 | (7)~~(6)~~ Any dental hygienist seeking a certificate to

2694 | administer local anesthesia must apply to the department, remit

2695 | an application fee, and submit proof of successful completion of

2696 | a course in the administration of local anesthesia pursuant to

2697 | subsection (6) ~~(5)~~. The board shall certify, and the department

2698 | shall issue a certificate to, any dental hygienist who fulfills

2699 | the qualifications of subsection (6) ~~(5)~~. The board shall

2700 | establish a one-time application fee not to exceed \$35. The

2701 certificate is not subject to renewal but is part of the dental
2702 hygienist's permanent record and must be prominently displayed
2703 at the location at which ~~where~~ the dental hygienist is
2704 authorized to administer local anesthesia. The board shall adopt
2705 rules necessary to administer subsection (6) ~~(5)~~ and this
2706 subsection.

2707 (8) ~~(7)~~ A licensed dentist may operate ~~utilize~~ an X-ray
2708 machine, expose dental X-ray films, and interpret or read such
2709 films. Notwithstanding ~~The provisions of~~ part IV of chapter 468
2710 ~~to the contrary notwithstanding~~, a licensed dentist may
2711 authorize or direct a dental assistant to operate such equipment
2712 and expose such films under her or his direction and
2713 supervision, pursuant to rules adopted by the board in
2714 accordance with s. 466.024 which ensure that the ~~said~~ assistant
2715 is competent by reason of training and experience to operate the
2716 X-ray ~~said~~ equipment in a safe and efficient manner. The board
2717 may charge a fee not to exceed \$35 to defray the cost of
2718 verifying compliance with requirements adopted pursuant to this
2719 section.

2720 (9) ~~(8)~~ Notwithstanding ~~The provisions of~~ s. 465.0276
2721 ~~notwithstanding~~, a dentist need not register with the board or
2722 comply with the continuing education requirements of that
2723 section if the dentist confines her or his dispensing activity
2724 to the dispensing of fluorides and chlorhexidine ~~chlorhexidine~~
2725 rinse solutions; provided that the dentist complies with and is

2726 subject to all laws and rules applicable to pharmacists and
2727 pharmacies, including, but not limited to, chapters 465, 499,
2728 and 893, and all applicable federal laws and regulations, when
2729 dispensing such products.

2730 (10)~~(9)~~ Any adverse incident that occurs in an office
2731 maintained by a dentist must be reported to the department. The
2732 required notification to the department must be submitted in
2733 writing by certified mail and postmarked within 48 hours after
2734 the incident occurs.

2735 (11)~~(10)~~ A dentist practicing in this state must notify
2736 the board in writing by certified mail within 48 hours after any
2737 adverse incident that occurs in the dentist's outpatient
2738 facility. A complete written report must be filed with the board
2739 within 30 days after the incident occurs.

2740 (12)~~(11)~~ Any certified registered dental hygienist
2741 administering local anesthesia must notify the board in writing
2742 by registered mail within 48 hours after any adverse incident
2743 that was related to or the result of the administration of local
2744 anesthesia. A complete written report must be filed with the
2745 board within 30 days after the mortality or other adverse
2746 incident.

2747 (13)~~(12)~~ A failure by the dentist or dental hygienist to
2748 timely and completely comply with all the reporting requirements
2749 in this section is the basis for disciplinary action by the
2750 board pursuant to s. 466.028(1).

2751 (14)~~(13)~~ The department shall review each adverse incident
 2752 and determine whether it involved conduct by a health care
 2753 professional subject to disciplinary action, in which case s.
 2754 456.073 applies. Disciplinary action, if any, shall be taken by
 2755 the board under which the health care professional is licensed.

2756 (15)~~(14)~~ As used in subsections (10)-(14) ~~(9)-(13)~~, the
 2757 term "adverse incident" means any mortality that occurs during
 2758 or as the result of a dental procedure, or an incident that
 2759 results in a temporary or permanent physical or mental injury
 2760 that requires hospitalization or emergency room treatment of a
 2761 dental patient which occurs during or as a direct result of the
 2762 use of general anesthesia, deep sedation, moderate sedation,
 2763 pediatric moderate sedation, oral sedation, minimal sedation
 2764 (anxiolysis), nitrous oxide, or local anesthesia.

2765 (16)~~(15)~~ The board may adopt rules to administer this
 2766 section.

2767 **Section 24. Subsections (1), (6), and (8) of section**
 2768 **466.024, Florida Statutes, are amended to read:**

2769 466.024 Delegation of duties; expanded functions.—

2770 (1) A dentist may not delegate irremediable tasks to a
 2771 dental hygienist or dental assistant, except as provided by law.
 2772 A dentist may delegate remediable tasks to a dental hygienist or
 2773 dental assistant when such tasks pose no risk to the patient. A
 2774 dentist may only delegate remediable tasks so defined by law or
 2775 rule of the board. The board by rule shall designate which tasks

2776 are remediable and delegable, except that the following are by
 2777 law found to be remediable and delegable:

2778 (a) Taking impressions for study casts but not for the
 2779 purpose of fabricating any intraoral restorations or orthodontic
 2780 appliance.

2781 (b) Placing periodontal dressings.

2782 (c) Removing periodontal or surgical dressings.

2783 (d) Removing sutures.

2784 (e) Placing or removing rubber dams.

2785 (f) Placing or removing matrices.

2786 (g) Placing or removing temporary restorations.

2787 (h) Applying cavity liners, varnishes, or bases.

2788 (i) Polishing amalgam restorations.

2789 (j) Polishing clinical crowns of the teeth for the purpose
 2790 of removing stains but not changing the existing contour of the
 2791 tooth.

2792 (k) Obtaining bacteriological cytological specimens not
 2793 involving cutting of the tissue.

2794 (l) Administering local anesthesia pursuant to s.
 2795 466.017(6) ~~s. 466.017(5)~~.

2796 (m) Performing dental hygiene assessment, dental hygiene
 2797 diagnosis, and dental hygiene treatment planning for dental
 2798 hygiene services.

2799 (n) Prescribing, administering, or dispensing prescription
 2800 drugs pursuant to s. 466.017(2).

2801
2802
2803
2804
2805
2806
2807
2808
2809
2810
2811
2812
2813
2814
2815
2816
2817
2818
2819
2820
2821
2822
2823
2824
2825

This subsection does not limit delegable tasks to those specified herein.

(6) Notwithstanding subsection (1) or subsection (2), a dentist may delegate the tasks of gingival curettage, ~~and~~ root planing, and the tasks listed in paragraphs (1)(m) and (1)(n) to a dental hygienist but not to a dental assistant.

(8) Notwithstanding subsection (1) or subsection (2), a dentist may not delegate to anyone other than another licensed dentist:

(a) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician, except as provided in paragraph (1)(n).

(b) Any diagnosis for treatment or treatment planning, except as provided in paragraph (1)(m).

Section 25. Section 491.022, Florida Statutes, is created to read:

491.022 Social Work Licensure Interstate Compact.—The Social Work Licensure Interstate Compact is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:

ARTICLE I

PURPOSE

- 2826 (1) The purpose of this compact is to facilitate
2827 interstate practice of regulated social workers by improving
2828 public access to competent social work services.
- 2829 (2) The compact preserves the regulatory authority of
2830 member states to protect public health and safety through the
2831 current system of licensure. This compact is designed to achieve
2832 all of the following objectives:
- 2833 (a) Increase public access to social work services.
- 2834 (b) Reduce overly burdensome and duplicative requirements
2835 associated with holding multiple licenses.
- 2836 (c) Enhance member states' ability to protect the public
2837 health and safety.
- 2838 (d) Encourage the cooperation of member states in
2839 regulating multistate practice.
- 2840 (e) Promote mobility and address workforce shortages by
2841 eliminating the necessity for licenses in multiple states by
2842 providing for the mutual recognition of other member state
2843 licenses.
- 2844 (f) Support military families.
- 2845 (g) Facilitate the exchange of licensure and disciplinary
2846 information among member states.
- 2847 (h) Authorize all member states to hold a regulated social
2848 worker accountable for abiding by a member state's laws,
2849 regulations, and applicable professional standards in the member
2850 state in which the client is located at the time care is

2851 | rendered.

2852 | (i) Allow for the use of telehealth to facilitate
 2853 | increased access to social work services.

2854 |
 2855 | ARTICLE II
 2856 | DEFINITIONS

2857 |
 2858 | As used in this compact, the term:

2859 | (1) "Active military member" means any individual with
 2860 | full-time duty status in the active Armed Forces of the United
 2861 | States, including members of the National Guard and Reserve.

2862 | (2) "Adverse action" means any administrative, civil,
 2863 | equitable, or criminal action permitted by a state's laws which
 2864 | is imposed by a licensing authority or other authority against a
 2865 | regulated social worker, including actions against an
 2866 | individual's license or multistate authorization to practice
 2867 | such as revocation, suspension, probation, monitoring of the
 2868 | licensee, limitation on the licensee's practice, or any other
 2869 | encumbrance on licensure affecting a regulated social worker's
 2870 | authorization to practice, including issuance of a cease and
 2871 | desist action.

2872 | (3) "Alternative program" means a nondisciplinary
 2873 | monitoring or practice remediation process approved by a
 2874 | licensing authority to address practitioners with an impairment.

2875 | (4) "Charter member states" means member states that have

2876 enacted legislation to adopt this compact where such legislation
 2877 predates the effective date of this compact as described in
 2878 Article XIV.

2879 (5) "Commission" means the government agency whose
 2880 membership consists of all states that have enacted this
 2881 compact, which is known as the Social Work Licensure Compact
 2882 Commission, as described in Article X, and which shall operate
 2883 as an instrumentality of the member states.

2884 (6) "Current significant investigative information" means:

2885 (a) Investigative information that a licensing authority,
 2886 after a preliminary inquiry that includes notification and an
 2887 opportunity for the regulated social worker to respond, has
 2888 reason to believe is not groundless and, if proved true, would
 2889 indicate more than a minor infraction as may be defined by the
 2890 commission; or

2891 (b) Investigative information that indicates that the
 2892 regulated social worker represents an immediate threat to public
 2893 health and safety, as may be defined by the commission,
 2894 regardless of whether the regulated social worker has been
 2895 notified and has had an opportunity to respond.

2896 (7) "Data system" means a repository of information about
 2897 licensees, including continuing education, examination,
 2898 licensure, current significant investigative information,
 2899 disqualifying events, multistate licenses, and adverse action
 2900 information or other information as required by the commission.

2901 (8) "Disqualifying event" means any adverse action or
2902 incident which results in an encumbrance that disqualifies or
2903 makes the licensee ineligible to obtain, retain, or renew a
2904 multistate license.

2905 (9) "Domicile" means the jurisdiction in which the
2906 licensee resides and intends to remain indefinitely.

2907 (10) "Encumbrance" means a revocation or suspension of, or
2908 any limitation on, the full and unrestricted practice of social
2909 work licensed and regulated by a licensing authority.

2910 (11) "Executive committee" means a group of delegates
2911 elected or appointed to act on behalf of, and within the powers
2912 granted to them by, the compact and commission.

2913 (12) "Home state" means the member state that is the
2914 licensee's primary domicile.

2915 (13) "Impairment" means a condition that may impair a
2916 practitioner's ability to engage in full and unrestricted
2917 practice as a regulated social worker without some type of
2918 intervention and may include alcohol and drug dependence, mental
2919 health impairment, and neurological or physical impairments.

2920 (14) "Licensee" means an individual who currently holds a
2921 license from a state to practice as a regulated social worker.

2922 (15) "Licensing authority" means the board or agency of a
2923 member state, or an equivalent, that is responsible for the
2924 licensing and regulation of regulated social workers.

2925 (16) "Member state" means a state, commonwealth, district,

2926 or territory of the United States that has enacted this compact.

2927 (17) "Multistate authorization to practice" means a
2928 legally authorized privilege to practice, which is equivalent to
2929 a license, associated with a multistate license permitting the
2930 practice of social work in a remote state.

2931 (18) "Multistate license" means a license to practice as a
2932 regulated social worker issued by a home state licensing
2933 authority that authorizes the regulated social worker to
2934 practice in all member states under multistate authorization to
2935 practice.

2936 (19) "Qualifying National Exam" means a national licensing
2937 examination approved by the commission.

2938 (20) "Regulated social worker" means any clinical,
2939 master's, or bachelor's social worker licensed by a member state
2940 regardless of the title used by that member state.

2941 (21) "Remote state" means a member state other than the
2942 licensee's home state.

2943 (22) "Rules" or "rules of the commission" means a
2944 regulation or regulations duly adopted by the commission, as
2945 authorized by the compact, that have the force of law.

2946 (23) "Single state license" means a social work license
2947 issued by any state that authorizes practice only within the
2948 issuing state and does not include multistate authorization to
2949 practice in any member state.

2950 (24) "Social work" or "social work services" means the

2951 application of social work theory, knowledge, methods, and
2952 ethics and the professional use of self to restore or enhance
2953 social, psychosocial, or biopsychosocial functioning of
2954 individuals, couples, families, groups, organizations, and
2955 communities through the care and services provided by a
2956 regulated social worker as provided in the member state's
2957 statutes and regulations in the state where the services are
2958 being provided.

2959 (25) "State" means any state, commonwealth, district, or
2960 territory of the United States that regulates the practice of
2961 social work.

2962 (26) "Unencumbered license" means a license that
2963 authorizes a regulated social worker to engage in the full and
2964 unrestricted practice of social work.

2965

2966 ARTICLE III

2967 STATE PARTICIPATION IN THE COMPACT

2968

2969 (1) To be eligible to participate in the compact, a
2970 potential member state must currently meet all of the following
2971 criteria:

2972 (a) License and regulate the practice of social work at
2973 the clinical, master's, or bachelor's level.

2974 (b) Require applicants for licensure to graduate from a
2975 program that:

2976 1. Is operated by a college or university recognized by
 2977 the licensing authority;

2978 2. Is accredited, or in candidacy by an institution that
 2979 subsequently becomes accredited, by an accrediting agency
 2980 recognized by either:

2981 a. The Council for Higher Education Accreditation or its
 2982 successor; or

2983 b. The United States Department of Education; and

2984 3. Corresponds to the licensure sought as outlined in
 2985 Article IV.

2986 (c) Require applicants for clinical licensure to complete
 2987 a period of supervised practice.

2988 (d) Have a mechanism in place for receiving,
 2989 investigating, and adjudicating complaints about licensees.

2990 (2) To maintain membership in the compact, a member state
 2991 shall:

2992 (a) Require that applicants for a multistate license pass
 2993 a Qualifying National Exam for the corresponding category of
 2994 multistate license sought as outlined in Article IV.

2995 (b) Participate fully in the commission's data system,
 2996 including using the commission's unique identifier as defined in
 2997 rules.

2998 (c) Notify the commission, in compliance with the terms of
 2999 the compact and rules, of any adverse action or the availability
 3000 of current significant investigative information regarding a

3001 licensee.

3002 (d) Implement procedures for considering the criminal
3003 history records of applicants for a multistate license. Such
3004 procedures shall include the submission of fingerprints or other
3005 biometric-based information by applicants for the purpose of
3006 obtaining an applicant's criminal history record information
3007 from the Federal Bureau of Investigation and the agency
3008 responsible for retaining that state's criminal records.

3009 (e) Comply with the rules of the commission.

3010 (f) Require an applicant to obtain or retain a license in
3011 the home state and meet the home state's qualifications for
3012 licensure or renewal of licensure, as well as all other
3013 applicable home state laws.

3014 (g) Authorize a licensee holding a multistate license in
3015 any member state to practice in accordance with the terms of the
3016 compact and rules of the commission.

3017 (h) Designate a delegate to participate in the commission
3018 meetings.

3019 (3) A member state meeting the requirements under
3020 subsections (1) and (2) shall designate the categories of social
3021 work licensure that are eligible for issuance of a multistate
3022 license for applicants in such member state. To the extent that
3023 any member state does not meet the requirements for
3024 participation in the compact at any particular category of
3025 social work licensure, such member state may choose, but is not

3026 obligated, to issue a multistate license to applicants who
 3027 otherwise meet the requirements of Article IV for issuance of a
 3028 multistate license in such category or categories of licensure.

3029 (4) The home state may charge a fee for granting the
 3030 multistate license.

3031

3032 ARTICLE IV

3033 SOCIAL WORKER PARTICIPATION IN THE COMPACT

3034

3035 (1) To be eligible for a multistate license under this
 3036 compact, an applicant, regardless of category, must meet all of
 3037 the following requirements:

3038 (a) Hold or be eligible for an active, unencumbered
 3039 license in the home state.

3040 (b) Pay any applicable fees, including any member state
 3041 fee, for the multistate license.

3042 (c) Submit, in connection with an application for a
 3043 multistate license, fingerprints or other biometric data for the
 3044 purpose of obtaining criminal history record information from
 3045 the Federal Bureau of Investigation and the agency responsible
 3046 for retaining that state's criminal records.

3047 (d) Notify the home state of any adverse action,
 3048 encumbrance, or restriction on any professional license taken by
 3049 any member state or nonmember state within 30 days after the
 3050 date the action was taken.

- 3051 (e) Meet any continuing competence requirements
3052 established by the home state.
- 3053 (f) Abide by the laws, regulations, and applicable
3054 standards in the member state where the client is located at the
3055 time care is rendered.
- 3056 (2) An applicant for a clinical-category multistate
3057 license must meet all of the following requirements:
- 3058 (a) Fulfill a competency requirement, which shall be
3059 satisfied by:
- 3060 1. Passage of a clinical-category Qualifying National
3061 Exam;
- 3062 2. Licensure of the applicant in his or her home state at
3063 the clinical category, beginning before such time as a
3064 Qualifying National Exam was required by the home state and
3065 accompanied by a period of continuous social work licensure
3066 thereafter, all of which may be further governed by the rules of
3067 the commission; or
- 3068 3. The substantial equivalency of the foregoing competency
3069 requirements which the commission may determine by rule.
- 3070 (b) Attain at least a master's degree in social work from
3071 a program that is:
- 3072 1. Operated by a college or university recognized by a
3073 licensing authority.
- 3074 2. Accredited, or in candidacy that subsequently becomes
3075 accredited, by an accrediting agency recognized by either:

3076 a. The Council for Higher Education Accreditation or its
 3077 successor; or
 3078 b. The United States Department of Education.
 3079 (c) Fulfill a practice requirement, which shall be
 3080 satisfied by demonstrating completion of:
 3081 1. A period of postgraduate supervised clinical practice
 3082 equal to a minimum of 3,000 hours;
 3083 2. A minimum of 2 years of full-time postgraduate
 3084 supervised clinical practice; or
 3085 3. The substantial equivalency of the foregoing practice
 3086 requirements which the commission may determine by rule.
 3087 (3) An applicant for a master's-category multistate
 3088 license must meet all of the following requirements:
 3089 (a) Fulfill a competency requirement, which shall be
 3090 satisfied by:
 3091 1. Passage of a masters-category Qualifying National Exam;
 3092 2. Licensure of the applicant in his or her home state at
 3093 the master's category, beginning before such time as a
 3094 Qualifying National Exam was required by the home state at the
 3095 master's category and accompanied by a continuous period of
 3096 social work licensure thereafter, all of which may be further
 3097 governed by the rules of the commission; or
 3098 3. The substantial equivalency of the foregoing competency
 3099 requirements which the commission may determine by rule.
 3100 (b) Attain at least a master's degree in social work from

3101 a program that is:

3102 1. Operated by a college or university recognized by a

3103 licensing authority.

3104 2. Accredited, or in candidacy by an institution that

3105 subsequently becomes accredited, by an accrediting agency

3106 recognized by either:

3107 a. The Council for Higher Education Accreditation or its

3108 successor; or

3109 b. The United States Department of Education.

3110 (4) An applicant for a bachelor's-category multistate

3111 license must meet all of the following requirements:

3112 (a) Fulfill a competency requirement, which shall be

3113 satisfied by:

3114 1. Passage of a bachelor's-category Qualifying National

3115 Exam;

3116 2. Licensure of the applicant in his or her home state at

3117 the bachelor's category, beginning before such time as a

3118 Qualifying National Exam was required by the home state and

3119 accompanied by a period of continuous social work licensure

3120 thereafter, all of which may be further governed by the rules of

3121 the commission; or

3122 3. The substantial equivalency of the foregoing competency

3123 requirements which the commission may determine by rule.

3124 (b) Attain at least a bachelor's degree in social work

3125 from a program that is:

3126 1. Operated by a college or university recognized by the
3127 licensing authority.

3128 2. Accredited, or in candidacy that subsequently becomes
3129 accredited, by an accrediting agency recognized by either:

3130 a. The Council for Higher Education Accreditation or its
3131 successor; or

3132 b. The United States Department of Education.

3133 (5) The multistate license for a regulated social worker
3134 is subject to the renewal requirements of the home state. The
3135 regulated social worker must maintain compliance with the
3136 requirements of subsection (1) to be eligible to renew a
3137 multistate license.

3138 (6) The regulated social worker's services in a remote
3139 state are subject to that member state's regulatory authority. A
3140 remote state may, in accordance with due process and that member
3141 state's laws, remove a regulated social worker's multistate
3142 authorization to practice in the remote state for a specific
3143 period of time, impose fines, and take any other necessary
3144 actions to protect the health and safety of its citizens.

3145 (7) If a multistate license is encumbered, the regulated
3146 social worker's multistate authorization to practice shall be
3147 deactivated in all remote states until the multistate license is
3148 no longer encumbered.

3149 (8) If a multistate authorization to practice is
3150 encumbered in a remote state, the regulated social worker's

3151 multistate authorization to practice may be deactivated in that
3152 state until the multistate authorization to practice is no
3153 longer encumbered.

3154

3155 ARTICLE V3156 ISSUANCE OF A MULTISTATE LICENSE

3157

3158 (1) Upon receipt of an application for multistate license,
3159 the home state licensing authority shall determine the
3160 applicant's eligibility for a multistate license in accordance
3161 with Article IV.

3162 (2) If such applicant is eligible pursuant to Article IV,
3163 the home state licensing authority shall issue a multistate
3164 license that authorizes the applicant or regulated social worker
3165 to practice in all member states under a multistate
3166 authorization to practice.

3167 (3) Upon issuance of a multistate license, the home state
3168 licensing authority shall designate whether the regulated social
3169 worker holds a multistate license in the bachelor's, master's,
3170 or clinical category of social work.

3171 (4) A multistate license issued by a home state to a
3172 resident in that state shall be recognized by all compact member
3173 states as authorizing social work practice under a multistate
3174 authorization to practice corresponding to each category of
3175 licensure regulated in each member state.

3176
3177
3178
3179
3180
3181
3182
3183
3184
3185
3186
3187
3188
3189
3190
3191
3192
3193
3194
3195
3196
3197
3198
3199
3200

ARTICLE VI
AUTHORITY OF SOCIAL WORK LICENSURE COMPACT COMMISSION
AND MEMBER STATE LICENSING AUTHORITIES

(1) This compact, or any rule of the commission, does not limit, restrict, or in any way reduce the ability of a member state to:

(a) Enact and enforce laws, regulations, or other rules related to the practice of social work in that state when those laws, regulations, or other rules are not inconsistent with the provisions of this compact.

(b) Take adverse action against a licensee's single state license to practice social work in that state.

(c) Take adverse action against a licensee's multistate authorization to practice social work in that state.

(2) This compact, or any rule of the commission, does not limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.

(3) This compact does not affect the requirements established by a member state for the issuance of a single state license.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ARTICLE VII

REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

(1) A licensee can hold a multistate license, issued by his or her home state, in only one member state at any given time.

(2) If a licensee changes his or her home state by moving between two member states:

(a) The licensee shall immediately apply for the reissuance of his or her multistate license in his or her new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission.

(b) Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered, and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state will be deactivated and all member states notified in accordance with the applicable rules adopted by the commission.

(c) Before the reissuance of the multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an

3226 applicant's criminal history record information from the Federal
3227 Bureau of Investigation and the agency responsible for retaining
3228 that state's criminal records.

3229 (d) If required for initial licensure, the new home state
3230 may require completion of jurisprudence requirements in the new
3231 home state.

3232 (e) Notwithstanding any other provision of this compact,
3233 if a licensee does not meet the requirements provided in this
3234 compact for the reissuance of a multistate license by the new
3235 home state, then the licensee shall be subject to the new home
3236 state requirements for the issuance of a single state license in
3237 that state.

3238 (3) If a licensee changes his or her primary state of
3239 residence by moving from a member state to a nonmember state, or
3240 from a nonmember state to a member state, then the licensee
3241 shall be subject to the state requirements for the issuance of a
3242 single state license in the new home state.

3243 (4) This compact does not interfere with a licensee's
3244 ability to hold a single state license in multiple states;
3245 however, for the purposes of this compact, a licensee shall have
3246 only one home state, and only one multistate license.

3247 (5) This compact does not interfere with the requirements
3248 established by a member state for the issuance of a single state
3249 license.

3250

3251
3252
3253
3254
3255
3256
3257
3258
3259
3260
3261
3262
3263
3264
3265
3266
3267
3268
3269
3270
3271
3272
3273
3274
3275

ARTICLE VIII

MILITARY FAMILIES

An active military member or his or her spouse shall designate a home state where the individual has a multistate license. The individual may retain his or her home state designation during the period the servicemember is on active duty.

ARTICLE IX

ADVERSE ACTIONS

(1) In addition to the other powers conferred by general law, a remote state shall have the authority, in accordance with existing state due process law, to:

(a) Take adverse action against a regulated social worker's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to

3276 subpoenas issued in proceedings pending before it. The issuing
3277 licensing authority shall pay any witness fees, travel expenses,
3278 mileage, and other fees required by the service statutes of the
3279 state in which the witnesses or evidence are located.

3280 (b) Only the home state shall have the power to take
3281 adverse action against a regulated social worker's multistate
3282 license.

3283 (2) For purposes of taking adverse action, the home state
3284 shall give the same priority and effect to reported conduct
3285 received from a member state as it would if the conduct had
3286 occurred within the home state. In so doing, the home state
3287 shall apply its own state laws to determine appropriate action.

3288 (3) The home state shall complete any pending
3289 investigations of a regulated social worker who changes his or
3290 her home state during the course of the investigations. The home
3291 state shall also have the authority to take appropriate actions
3292 and shall promptly report the conclusions of the investigations
3293 to the administrator of the data system. The administrator of
3294 the data system shall promptly notify the new home state of any
3295 adverse actions.

3296 (4) A member state, if otherwise permitted by state law,
3297 may recover from the affected regulated social worker the costs
3298 of investigations and dispositions of cases resulting from any
3299 adverse action taken against that regulated social worker.

3300 (5) A member state may take adverse action based on the

3301 factual findings of another member state, provided that the
3302 member state follows its own procedures for taking the adverse
3303 action.

3304 (6) (a) In addition to the authority granted to a member
3305 state by its respective social work practice act or other
3306 applicable state law, any member state may participate with
3307 other member states in joint investigations of licensees.

3308 (b) Member states shall share any investigative,
3309 litigation, or compliance materials in furtherance of any joint
3310 or individual investigation initiated under the compact.

3311 (7) If adverse action is taken by the home state against
3312 the multistate license of a regulated social worker, the
3313 regulated social worker's multistate authorization to practice
3314 in all other member states shall be deactivated until all
3315 encumbrances have been removed from the multistate license. All
3316 home state disciplinary orders that impose adverse action
3317 against the license of a regulated social worker shall include a
3318 statement that the regulated social worker's multistate
3319 authorization to practice is deactivated in all member states
3320 until all conditions of the decision, order, or agreement are
3321 satisfied.

3322 (8) If a member state takes adverse action, it shall
3323 promptly notify the administrator of the data system. The
3324 administrator of the data system shall promptly notify the home
3325 state and all other member states of any adverse actions by

3326 remote states.

3327 (9) This compact does not override a member state's
 3328 decision that participation in an alternative program may be
 3329 used in lieu of adverse action.

3330 (10) This compact does not authorize a member state to
 3331 demand the issuance of subpoenas for attendance and testimony of
 3332 witnesses or the production of evidence from another member
 3333 state for lawful actions within that member state.

3334 (11) This compact does not authorize a member state to
 3335 impose discipline against a regulated social worker who holds a
 3336 multistate authorization to practice for lawful actions within
 3337 another member state.

3338
 3339 ARTICLE X

3340 ESTABLISHMENT OF SOCIAL WORK LICENSURE

3341 COMPACT COMMISSION

3342
 3343 (1) The compact member states hereby create and establish
 3344 a joint government agency whose membership consists of all
 3345 member states that have enacted the compact known as the Social
 3346 Work Licensure Compact Commission. The commission is an
 3347 instrumentality of the compact states acting jointly and not an
 3348 instrumentality of any one state. The commission shall come into
 3349 existence on or after the effective date of the compact as
 3350 provided in Article XIV.

3351 (2) (a) Each member state shall have and be limited to one
3352 delegate appointed by that member state's licensing authority.

3353 The delegate shall be either:

3354 1. A current member of the state licensing authority at
3355 the time of appointment who is a regulated social worker or
3356 public member of the state licensing authority; or

3357 2. An administrator of the licensing authority or his or
3358 her designee.

3359 (b) The commission shall by rule or bylaw establish a term
3360 of office for delegates and may by rule or bylaw establish term
3361 limits.

3362 (c) The commission may recommend removal or suspension of
3363 any delegate from office.

3364 (d) A member state's licensing authority shall fill any
3365 vacancy of its delegate occurring on the commission within 60
3366 days after the vacancy.

3367 (e) Each delegate shall be entitled to one vote on all
3368 matters before the commission requiring a vote by commission
3369 delegates.

3370 (f) A delegate shall vote in person or by such other means
3371 as provided in the bylaws. The bylaws may provide for delegates
3372 to meet by telecommunication, video conference, or other similar
3373 electronic means.

3374 (g) The commission shall meet at least once during each
3375 calendar year. Additional meetings may be held as provided in

3376 the bylaws. The commission may meet by telecommunication, video
3377 conference, or other similar electronic means.

3378 (3) The commission shall have the following powers:

3379 (a) Establish the fiscal year of the commission.

3380 (b) Establish code of conduct and conflict of interest
3381 policies.

3382 (c) Establish and amend rules and bylaws.

3383 (d) Maintain its financial records in accordance with the
3384 bylaws.

3385 (e) Meet and take such actions as are consistent with the
3386 provisions of this compact, the commission's rules, and the
3387 bylaws.

3388 (f) Initiate and conclude legal proceedings or actions in
3389 the name of the commission, provided that the standing of any
3390 licensing authority to sue or be sued under applicable law may
3391 not be affected.

3392 (g) Maintain and certify records and information provided
3393 to a member state as the authenticated business records of the
3394 commission, and designate an agent to do so on the commission's
3395 behalf.

3396 (h) Purchase and maintain insurance and bonds.

3397 (i) Borrow, accept, or contract for services of personnel,
3398 including, but not limited to, employees of a member state.

3399 (j) Conduct an annual financial review.

3400 (k) Hire employees, elect or appoint officers, fix

3401 compensation, define duties, grant such individuals appropriate
 3402 authority to carry out the purposes of the compact, and
 3403 establish the commission's personnel policies and programs
 3404 relating to conflicts of interest, qualifications of personnel,
 3405 and other related personnel matters.

3406 (l) Assess and collect fees.

3407 (m) Accept any and all appropriate gifts, donations,
 3408 grants of money, other sources of revenue, equipment, supplies,
 3409 materials, and services, and receive, utilize, and dispose of
 3410 the same; provided that at all times the commission shall avoid
 3411 any appearance of impropriety or conflict of interest.

3412 (n) Lease, purchase, retain, own, hold, improve, or use
 3413 any property, real, personal, or mixed, or any undivided
 3414 interest therein.

3415 (o) Sell, convey, mortgage, pledge, lease, exchange,
 3416 abandon, or otherwise dispose of any property, real, personal,
 3417 or mixed.

3418 (p) Establish a budget and make expenditures.

3419 (q) Borrow money.

3420 (r) Appoint committees, including standing committees,
 3421 composed of members, state regulators, state legislators or
 3422 their representatives, consumer representatives, and such other
 3423 interested persons as may be designated in this compact and the
 3424 bylaws.

3425 (s) Provide and receive information from, and cooperate

3426 with, law enforcement agencies.

3427 (t) Establish and elect an executive committee, including
 3428 a chair and a vice chair.

3429 (u) Determine whether a state's adopted language is
 3430 materially different from the model compact language such that
 3431 the state would not qualify for participation in the compact.

3432 (v) Perform such other functions as may be necessary or
 3433 appropriate to achieve the purposes of this compact.

3434 (4) (a) The executive committee shall have the power to act
 3435 on behalf of the commission according to the terms of this
 3436 compact. The powers, duties, and responsibilities of the
 3437 executive committee shall include:

3438 1. Oversee the day-to-day activities of the administration
 3439 of the compact, including enforcement and compliance with the
 3440 provisions of the compact, its rules and bylaws, and other such
 3441 duties as deemed necessary.

3442 2. Recommend to the commission changes to the rules or
 3443 bylaws, changes to this compact legislation, fees charged to
 3444 compact member states, fees charged to licensees, and other
 3445 fees.

3446 3. Ensure compact administration services are
 3447 appropriately provided, including by contract.

3448 4. Prepare and recommend the budget.

3449 5. Maintain financial records on behalf of the commission.

3450 6. Monitor compact compliance of member states and provide

- 3451 compliance reports to the commission.
- 3452 7. Establish additional committees as necessary.
- 3453 8. Exercise the powers and duties of the commission during
3454 the interim between commission meetings, except for adopting or
3455 amending rules, adopting or amending bylaws, and exercising any
3456 other powers and duties reserved expressly for use by the
3457 commission by rule or bylaw.
- 3458 9. Other duties as provided in the rules or bylaws of the
3459 commission.
- 3460 (b) The executive committee shall be composed of up to 11
3461 members, including:
- 3462 1. The chair and vice chair of the commission shall be
3463 voting members of the executive committee.
- 3464 2. The commission shall elect five voting members from the
3465 current membership of the commission.
- 3466 3. Up to four ex-officio, nonvoting members from four
3467 recognized national social work organizations, selected by their
3468 respective organizations.
- 3469 (c) The commission may remove any member of the executive
3470 committee as provided in the commission's bylaws.
- 3471 (d) The executive committee shall meet at least annually.
- 3472 1. Executive committee meetings shall be open to the
3473 public, except that the executive committee may meet in a
3474 closed, nonpublic meeting as provided in subsection (7).
- 3475 2. The executive committee shall give 7 days' notice of

3476 its meetings, posted on its website and as determined to provide
3477 notice to persons with an interest in the business of the
3478 commission.

3479 3. The executive committee may hold a special meeting in
3480 accordance with subsection (6).

3481 (5) The commission shall adopt and provide to the member
3482 states an annual report.

3483 (6) All meetings shall be open to the public, except that
3484 the commission may meet in a closed, nonpublic meeting as
3485 provided in subsection (7).

3486 (a) Public notice for all meetings of the full commission
3487 of meetings shall be given in the same manner as required under
3488 the rulemaking provisions in Article XII, except that the
3489 commission may hold a special meeting as provided in paragraph
3490 (b).

3491 (b) The commission may hold a special meeting when it must
3492 meet to conduct emergency business by giving 48 hours' notice to
3493 all commissioners, on the commission's website, and by other
3494 means as provided in the commission's rules. The commission's
3495 legal counsel shall certify that the commission's need to meet
3496 qualifies as an emergency.

3497 (7) (a) The commission or the executive committee or other
3498 committee of the commission may convene in a closed, nonpublic
3499 meeting if the commission or the committee needs to receive
3500 legal advice or discuss any of the following:

- 3501 1. Noncompliance of a member state with its obligations
3502 under the compact.
- 3503 2. The employment, compensation, or discipline of, or
3504 other matters, practices, or procedures related to, specific
3505 employees.
- 3506 3. Current or threatened discipline of a licensee by the
3507 commission or by a member state's licensing authority.
- 3508 4. Current, threatened, or reasonably anticipated
3509 litigation.
- 3510 5. Negotiation of contracts for the purchase, lease, or
3511 sale of goods, services, or real estate.
- 3512 6. Accusing any person of a crime or formally censuring
3513 any person.
- 3514 7. Trade secrets or commercial or financial information
3515 that is privileged or confidential.
- 3516 8. Information of a personal nature when disclosure would
3517 constitute a clearly unwarranted invasion of personal privacy.
- 3518 9. Investigative records compiled for law enforcement
3519 purposes.
- 3520 10. Information related to any investigative reports
3521 prepared by, or on behalf of or for the use of, the commission
3522 or other committee charged with responsibility of investigation
3523 or determination of compliance issues pursuant to the compact.
- 3524 11. Matters specifically exempted from disclosure by
3525 federal or member state law.

3526 12. Other matters as adopted by commission rule.

3527 (b) If a meeting, or portion of a meeting, is closed, the
3528 presiding officer shall state that the meeting will be closed
3529 and reference each relevant exempting provision, and such
3530 reference shall be recorded in the minutes.

3531 (c) The commission shall keep minutes that fully and
3532 clearly describe all matters discussed in a meeting and shall
3533 provide a full and accurate summary of actions taken, and the
3534 reasons therefor, including a description of the views
3535 expressed. All documents considered in connection with an action
3536 shall be identified in such minutes. All minutes and documents
3537 of a closed meeting shall remain under seal, subject to release
3538 only by a majority vote of the commission or order of a court of
3539 competent jurisdiction.

3540 (8) (a) The commission shall pay, or provide for the
3541 payment of, the reasonable expenses of its establishment,
3542 organization, and ongoing activities.

3543 (b) The commission may accept any and all appropriate
3544 revenue sources as provided in paragraph (3) (m).

3545 (c) The commission may levy on and collect an annual
3546 assessment from each member state and impose fees on licensees
3547 of member states to whom it grants a multistate license to cover
3548 the cost of the operations and activities of the commission and
3549 its staff, which must be in a total amount sufficient to cover
3550 its annual budget as approved each year for which revenue is not

3551 provided by other sources. The aggregate annual assessment
3552 amount for member states shall be allocated based upon a formula
3553 that the commission shall adopt by rule.

3554 (d) The commission may not incur obligations of any kind
3555 prior to securing the funds adequate to meet the same; nor shall
3556 the commission pledge the credit of any of the member states,
3557 except by and with the authority of the member state.

3558 (e) The commission shall keep accurate accounts of all
3559 receipts and disbursements. The receipts and disbursements of
3560 the commission shall be subject to the financial review and
3561 accounting procedures established under its bylaws. However, all
3562 receipts and disbursements of funds handled by the commission
3563 shall be subject to an annual financial review by a certified or
3564 licensed public accountant, and the report of the financial
3565 review shall be included in and become part of the annual report
3566 of the commission.

3567 (9) (a) The members, officers, executive director,
3568 employees, and representatives of the commission shall be immune
3569 from suit and liability, both personally and in their official
3570 capacity, for any claim for damage to or loss of property or
3571 personal injury or other civil liability caused by or arising
3572 out of any actual or alleged act, error, or omission that
3573 occurred, or that the person against whom the claim is made had
3574 a reasonable basis for believing occurred within the scope of
3575 commission employment, duties, or responsibilities; provided

3576 that this paragraph does not protect any such person from suit
3577 or liability for any damage, loss, injury, or liability caused
3578 by the intentional or willful or wanton misconduct of that
3579 person. The procurement of insurance of any type by the
3580 commission may not in any way compromise or limit the immunity
3581 granted hereunder.

3582 (b) The commission shall defend any member, officer,
3583 executive director, employee, and representative of the
3584 commission in any civil action seeking to impose liability
3585 arising out of any actual or alleged act, error, or omission
3586 that occurred within the scope of commission employment, duties,
3587 or responsibilities, or as determined by the commission that the
3588 person against whom the claim is made had a reasonable basis for
3589 believing occurred within the scope of commission employment,
3590 duties, or responsibilities; provided that nothing herein shall
3591 be construed to prohibit that person from retaining his or her
3592 own counsel at his or her own expense; and provided further that
3593 the actual or alleged act, error, or omission did not result
3594 from the intentional or willful or wanton misconduct of that
3595 person.

3596 (c) The commission shall indemnify and hold harmless any
3597 member, officer, executive director, employee, and
3598 representative of the commission for the amount of any
3599 settlement or judgment obtained against that person arising out
3600 of any actual or alleged act, error, or omission that occurred

3601 within the scope of commission employment, duties, or
3602 responsibilities, or, as determined by the commission, that the
3603 person against whom the claim is made had a reasonable basis for
3604 believing occurred within the scope of commission employment,
3605 duties, or responsibilities, provided that the actual or alleged
3606 act, error, or omission did not result from the intentional or
3607 willful or wanton misconduct of that person.

3608 (d) Nothing herein shall be construed as a limitation on
3609 the liability of any licensee for professional malpractice or
3610 misconduct, which shall be governed solely by any other
3611 applicable state laws.

3612 (e) This compact may not be interpreted to waive or
3613 otherwise abrogate a member state's state action immunity or
3614 state action affirmative defense with respect to antitrust
3615 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
3616 1914, or any other state or federal antitrust or anticompetitive
3617 law or regulation.

3618 (f) This compact may not be construed to be a waiver of
3619 sovereign immunity by the member states or by the commission.

3621 ARTICLE XI

3622 DATA SYSTEM

3623
3624 (1) The commission shall provide for the development,
3625 maintenance, operation, and utilization of a coordinated data

3626 system.

3627 (2) The commission shall assign each applicant for a
3628 multistate license a unique identifier, as determined by the
3629 rules of the commission.

3630 (3) Notwithstanding any other provision of state law to
3631 the contrary, a member state shall submit a uniform data set to
3632 the data system on all individuals to whom this compact is
3633 applicable as required by the rules of the commission,
3634 including:

3635 (a) Identifying information.

3636 (b) Licensure data.

3637 (c) Adverse actions against a license and information
3638 related thereto.

3639 (d) Nonconfidential information related to alternative
3640 program participation, the beginning and ending dates of such
3641 participation, and other information related to such
3642 participation not made confidential under member state law.

3643 (e) Any denial of application for licensure, and the
3644 reason for such denial.

3645 (f) The presence of current significant investigative
3646 information.

3647 (g) Other information that may facilitate the
3648 administration of this compact or the protection of the public,
3649 as determined by the rules of the commission.

3650 (4) The records and information provided to a member state

3651 pursuant to this compact or through the data system, when
3652 certified by the commission or an agent thereof, shall
3653 constitute the authenticated business records of the commission,
3654 and shall be entitled to any associated hearsay exception in any
3655 relevant judicial, quasi-judicial, or administrative proceedings
3656 in a member state.

3657 (5) (a) Current significant investigative information
3658 pertaining to a licensee in any member state will only be
3659 available to other member states.

3660 (b) It is the responsibility of the member states to
3661 report any adverse action against a licensee and to monitor the
3662 database to determine whether adverse action has been taken
3663 against a licensee. Adverse action information pertaining to a
3664 licensee in any member state will be available to any other
3665 member state.

3666 (6) Member states contributing information to the data
3667 system may designate information that may not be shared with the
3668 public without the express permission of the contributing state.

3669 (7) Any information submitted to the data system that is
3670 subsequently expunged pursuant to federal law or the laws of the
3671 member state contributing the information shall be removed from
3672 the data system.

3673

3674

ARTICLE XII

3675

RULEMAKING

3676
3677 (1) The commission shall adopt reasonable rules in order
3678 to effectively and efficiently implement and administer the
3679 purposes and provisions of the compact. A rule shall be invalid
3680 and have no force or effect only if a court of competent
3681 jurisdiction holds that the rule is invalid because the
3682 commission exercised its rulemaking authority in a manner that
3683 is beyond the scope and purposes of the compact, or the powers
3684 granted hereunder, or based upon another applicable standard of
3685 review.

3686 (2) The rules of the commission shall have the force of
3687 law in each member state; however, if the rules of the
3688 commission conflict with the laws, regulations, and applicable
3689 standards that govern the practice of social work as held by a
3690 court of competent jurisdiction, the rules of the commission are
3691 ineffective in that state to the extent of the conflict.

3692 (3) The commission shall exercise its rulemaking powers
3693 pursuant to the criteria provided in this article and the rules
3694 adopted thereunder. Rules shall become binding on the day
3695 following adoption or the date specified in the rule or
3696 amendment, whichever is later.

3697 (4) If a majority of the legislatures of the member states
3698 rejects a rule or portion of a rule, by enactment of a statute
3699 or resolution in the same manner used to adopt the compact
3700 within 4 years after the date of adoption of the rule, then such

3701 rule shall have no further force and effect in any member state.

3702 (5) Rules shall be adopted at a regular or special meeting
3703 of the commission.

3704 (6) Before adoption of a proposed rule, the commission
3705 shall hold a public hearing and allow persons to provide oral
3706 and written comments, data, facts, opinions, and arguments.

3707 (7) Before adoption of a proposed rule by the commission,
3708 and at least 30 days in advance of the meeting at which the
3709 commission will hold a public hearing on the proposed rule, the
3710 commission shall provide a notice of proposed rulemaking:

3711 (a) On the website of the commission or other publicly
3712 accessible platform.

3713 (b) To persons who have requested notice of the
3714 commission's notices of proposed rulemaking.

3715 (c) In such other way as the commission may by rule
3716 specify.

3717 (8) The notice of proposed rulemaking shall include:

3718 (a) The time, date, and location of the public hearing at
3719 which the commission will hear public comments on the proposed
3720 rule and, if different, the time, date, and location of the
3721 meeting where the commission will consider and vote on the
3722 proposed rule.

3723 (b) If the hearing is held via telecommunication, video
3724 conference, or other similar electronic means, the mechanism for
3725 access to the hearing.

3726 (c) The text of the proposed rule and the reason therefor.

3727 (d) A request for comments on the proposed rule from any
3728 interested person.

3729 (e) The manner in which interested persons may submit
3730 written comments.

3731 (9) All hearings will be recorded. A copy of the recording
3732 and all written comments and documents received by the
3733 commission in response to the proposed rule shall be available
3734 to the public.

3735 (10) This article does not require a separate hearing on
3736 each rule. Rules may be grouped for the convenience of the
3737 commission at hearings required by this article.

3738 (11) The commission shall, by majority vote of all
3739 members, take final action on the proposed rule based on the
3740 rulemaking record and the full text of the rule.

3741 (a) The commission may adopt changes to the proposed rule
3742 provided the changes do not enlarge the original purpose of the
3743 proposed rule.

3744 (b) The commission shall provide an explanation of the
3745 reasons for substantive changes made to the proposed rule as
3746 well as reasons for substantive changes not made that were
3747 recommended by commenters.

3748 (c) The commission shall determine a reasonable effective
3749 date for the rule. Except for an emergency as provided in
3750 subsection (12), the effective date of the rule shall be no

3751 sooner than 30 days after issuing the notice that the commission
3752 adopted or amended the rule.

3753 (12) Upon determination that an emergency exists, the
3754 commission may consider and adopt an emergency rule with 48
3755 hours' notice, with opportunity to comment, provided that the
3756 usual rulemaking procedures provided in the compact and in this
3757 article shall be retroactively applied to the rule as soon as
3758 reasonably possible, but in no event later than 90 days after
3759 the effective date of the rule. For the purposes of this
3760 subsection, an emergency rule is one that must be adopted
3761 immediately in order to:

3762 (a) Meet an imminent threat to public health, safety, or
3763 welfare;

3764 (b) Prevent a loss of commission or member state funds;

3765 (c) Meet a deadline for the adoption of a rule that is
3766 established by federal law or rule; or

3767 (d) Protect public health and safety.

3768 (13) The commission or an authorized committee of the
3769 commission may direct revisions to a previously adopted rule for
3770 purposes of correcting typographical errors, errors in format,
3771 errors in consistency, or grammatical errors. Public notice of
3772 any revisions shall be posted on the website of the commission.
3773 The revision shall be subject to challenge by any person for a
3774 period of 30 days after posting. The revision may be challenged
3775 only on grounds that the revision results in a material change

3776 to a rule. A challenge shall be made in writing and delivered to
3777 the commission prior to the end of the notice period. If no
3778 challenge is made, the revision will take effect without further
3779 action. If the revision is challenged, the revision may not take
3780 effect without the approval of the commission.

3781 (14) No member state's rulemaking requirements shall apply
3782 under this compact.

3783

3784 ARTICLE XIII

3785 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

3786

3787 (1) (a) The executive and judicial branches of state
3788 government in each member state shall enforce this compact and
3789 take all actions necessary and appropriate to implement the
3790 compact.

3791 (b) Except as otherwise provided in this compact, venue is
3792 proper and judicial proceedings by or against the commission
3793 shall be brought solely and exclusively in a court of competent
3794 jurisdiction where the principal office of the commission is
3795 located. The commission may waive venue and jurisdictional
3796 defenses to the extent it adopts or consents to participate in
3797 alternative dispute resolution proceedings. Nothing herein shall
3798 affect or limit the selection or propriety of venue in any
3799 action against a licensee for professional malpractice,
3800 misconduct, or any such similar matter.

3801 (c) The commission shall be entitled to receive service of
3802 process in any proceeding regarding the enforcement or
3803 interpretation of the compact and shall have standing to
3804 intervene in such a proceeding for all purposes. Failure to
3805 provide the commission service of process shall render a
3806 judgment or order void as to the commission, this compact, or
3807 adopted rules.

3808 (2) (a) If the commission determines that a member state
3809 has defaulted in the performance of its obligations or
3810 responsibilities under this compact or the adopted rules, the
3811 commission shall provide written notice to the defaulting state.
3812 The notice of default shall describe the default, the proposed
3813 means of curing the default, and any other action that the
3814 commission may take, and shall offer training and specific
3815 technical assistance regarding the default.

3816 (b) The commission shall provide a copy of the notice of
3817 default to the other member states.

3818 (3) If a state in default fails to cure the default, the
3819 defaulting state may be terminated from the compact upon an
3820 affirmative vote of a majority of the delegates of the member
3821 states, and all rights, privileges, and benefits conferred on
3822 that state by this compact may be terminated on the effective
3823 date of termination. A cure of the default does not relieve the
3824 offending state of obligations or liabilities incurred during
3825 the period of default.

3826 (4) Termination of membership in the compact shall be
3827 imposed only after all other means of securing compliance have
3828 been exhausted. Notice of intent to suspend or terminate shall
3829 be given by the commission to the Governor, the majority and
3830 minority leaders of the defaulting state's legislature, the
3831 defaulting state's state licensing authority, and the licensing
3832 authority of each member state.

3833 (5) A state that has been terminated is responsible for
3834 all assessments, obligations, and liabilities incurred through
3835 the effective date of termination, including obligations that
3836 extend beyond the effective date of termination.

3837 (6) Upon the termination of a state's membership from this
3838 compact, that state shall immediately provide notice to all
3839 licensees within that state of such termination. The terminated
3840 state shall continue to recognize all licenses granted pursuant
3841 to this compact for a minimum of 6 months after the date of said
3842 notice of termination.

3843 (7) The commission may not bear any costs related to a
3844 state that is found to be in default or that has been terminated
3845 from the compact, unless agreed upon in writing between the
3846 commission and the defaulting state.

3847 (8) The defaulting state may appeal the action of the
3848 commission by petitioning the United States District Court for
3849 the District of Columbia or the federal district where the
3850 commission has its principal offices. The prevailing party shall

3851 be awarded all costs of such litigation, including reasonable
3852 attorney fees.

3853 (9) (a) Upon request by a member state, the commission
3854 shall attempt to resolve disputes related to the compact that
3855 arise among member states and between member and nonmember
3856 states.

3857 (b) The commission shall adopt a rule providing for both
3858 mediation and binding dispute resolution for disputes as
3859 appropriate.

3860 (10) (a) By majority vote as provided by rule, the
3861 commission may initiate legal action against a member state in
3862 default in the United States District Court for the District of
3863 Columbia or the federal district where the commission has its
3864 principal offices to enforce compliance with the provisions of
3865 the compact and its adopted rules. The relief sought may include
3866 both injunctive relief and damages. In the event judicial
3867 enforcement is necessary, the prevailing party shall be awarded
3868 all costs of such litigation, including reasonable attorney
3869 fees. The remedies herein may not be the exclusive remedies of
3870 the commission. The commission may pursue any other remedies
3871 available under federal or the defaulting member state's law.

3872 (b) A member state may initiate legal action against the
3873 commission in the United States District Court for the District
3874 of Columbia or the federal district where the commission has its
3875 principal offices to enforce compliance with the provisions of

3876 the compact and its adopted rules. The relief sought may include
3877 both injunctive relief and damages. In the event judicial
3878 enforcement is necessary, the prevailing party shall be awarded
3879 all costs of such litigation, including reasonable attorney
3880 fees.

3881 (c) Only a member state may enforce this compact against
3882 the commission.

3883

3884 ARTICLE XIV

3885 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

3886

3887 (1) The compact shall come into effect on the date on
3888 which the compact statute is enacted into law in the seventh
3889 member state.

3890 (2) (a) On or after the effective date of the compact, the
3891 commission shall convene and review the enactment of each of the
3892 first seven charter member states to determine if the statute
3893 enacted by each such charter member state is materially
3894 different than the model compact statute.

3895 1. A charter member state whose enactment is found to be
3896 materially different from the model compact statute shall be
3897 entitled to the default process provided in Article XIII.

3898 2. If any member state is later found to be in default, or
3899 is terminated or withdraws from the compact, the commission
3900 shall remain in existence and the compact shall remain in effect

3901 even if the number of member states should be less than seven.

3902 (b) Member states enacting the compact subsequent to the
3903 seven initial charter member states shall be subject to the
3904 process provided in paragraph (3)(u) of Article X to determine
3905 if their enactments are materially different from the model
3906 compact statute and whether they qualify for participation in
3907 the compact.

3908 (c) All actions taken for the benefit of the commission or
3909 in furtherance of the purposes of the administration of the
3910 compact prior to the effective date of the compact or the
3911 commission coming into existence shall be considered to be
3912 actions of the commission unless specifically repudiated by the
3913 commission.

3914 (d) Any state that joins the compact subsequent to the
3915 commission's initial adoption of the rules and bylaws shall be
3916 subject to the rules and bylaws as they exist on the date on
3917 which the compact becomes law in that state. Any rule that has
3918 been previously adopted by the commission shall have the full
3919 force and effect of law on the day the compact becomes law in
3920 that state.

3921 (3) Any member state may withdraw from this compact by
3922 enacting a statute repealing the same.

3923 (a) A member state's withdrawal may not take effect until
3924 180 days after enactment of the repealing statute.

3925 (b) Withdrawal may not affect the continuing requirement

3926 of the withdrawing state's licensing authority to comply with
3927 the investigative and adverse action reporting requirements of
3928 this compact before the effective date of withdrawal.

3929 (c) Upon the enactment of a statute withdrawing from this
3930 compact, a state shall immediately provide notice of such
3931 withdrawal to all licensees within that state. Notwithstanding
3932 any subsequent statutory enactment to the contrary, such
3933 withdrawing state shall continue to recognize all licenses
3934 granted pursuant to this compact for a minimum of 180 days after
3935 the date of such notice of withdrawal.

3936 (4) This compact does not invalidate or prevent any
3937 licensure agreement or other cooperative arrangement between a
3938 member state and a nonmember state that does not conflict with
3939 the provisions of this compact.

3940 (5) This compact may be amended by the member states. Any
3941 amendment to this compact is not effective and binding upon any
3942 member state until it is enacted into the laws of all member
3943 states.

3944

3945 ARTICLE XV

3946 CONSTRUCTION AND SEVERABILITY

3947

3948 (1) This compact and the commission's rulemaking authority
3949 shall be liberally construed so as to effectuate the purposes
3950 and the implementation and administration of the compact.

3951 Provisions of the compact expressly authorizing or requiring the
 3952 adoption of rules may not be construed to limit the commission's
 3953 rulemaking authority solely for those purposes.

3954 (2) The provisions of this compact shall be severable, and
 3955 if any phrase, clause, sentence, or provision of this compact is
 3956 held by a court of competent jurisdiction to be contrary to the
 3957 constitution of any member state, a state seeking participation
 3958 in the compact, or the United States, or the application thereof
 3959 to any government, agency, person, or circumstance is held to be
 3960 unconstitutional by a court of competent jurisdiction, the
 3961 validity of the remainder of this compact and the applicability
 3962 thereof to any other government, agency, person, or circumstance
 3963 may not be affected thereby.

3964 (3) Notwithstanding subsection (2), the commission may
 3965 deny a state's participation in the compact or, in accordance
 3966 with the requirements of subsection (3) of Article XIII,
 3967 terminate a member state's participation in the compact, if it
 3968 determines that a constitutional requirement of a member state
 3969 is a material departure from the compact. Otherwise, if this
 3970 compact shall be held to be contrary to the constitution of any
 3971 member state, the compact shall remain in full force and effect
 3972 as to the remaining member states and in full force and effect
 3973 as to the member state affected as to all severable matters.

3974
 3975 ARTICLE XVI

CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(1) A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the remote state where the client is located at the time care is rendered.

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

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

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

Section 26. Subsection (9) is added to section 491.004, Florida Statutes, to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

(9) The board shall appoint an individual to serve as the state's delegate on the Social Work Licensure Compact Commission, as required under s. 491.022.

Section 27. Subsection (6) of section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.—

4001 (6) EXEMPTIONS ~~EXEMPTION~~.—

4002 (a) A person licensed as a clinical social worker,
 4003 marriage and family therapist, or mental health counselor in
 4004 another state who is practicing under the Professional
 4005 Counselors Licensure Compact pursuant to s. 491.017, and only
 4006 within the scope provided therein, is exempt from the licensure
 4007 requirements of this section, as applicable.

4008 (b) A person licensed as a clinical social worker in
 4009 another state who is practicing under the Social Work Licensure
 4010 Interstate Compact pursuant to s. 491.022, and only within the
 4011 scope provided therein, is exempt from the licensure
 4012 requirements of this section, as applicable.

4013 **Section 28. Subsection (4) is added to section 491.006,**
 4014 **Florida Statutes, to read:**

4015 491.006 Licensure or certification by endorsement.—

4016 (4) A person licensed as a clinical social worker in
 4017 another state who is practicing under the Social Work Licensure
 4018 Interstate Compact pursuant to s. 491.022, and only within the
 4019 scope provided therein, is exempt from the licensure
 4020 requirements of this section, as applicable.

4021 **Section 29. Subsection (1) of section 491.009, Florida**
 4022 **Statutes, is amended, and paragraph (c) is added to subsection**
 4023 **(2) of that section, to read:**

4024 491.009 Discipline.—

4025 (1) The following acts constitute grounds for denial of a

4026 license or disciplinary action, as specified in s. 456.072(2),
4027 ~~or~~ s. 491.017, or s. 491.022:

4028 (a) Attempting to obtain, obtaining, or renewing a
4029 license, registration, or certificate under this chapter by
4030 bribery or fraudulent misrepresentation or through an error of
4031 the board or the department.

4032 (b) Having a license, registration, or certificate to
4033 practice a comparable profession revoked, suspended, or
4034 otherwise acted against, including the denial of certification
4035 or licensure by another state, territory, or country.

4036 (c) Being convicted or found guilty of, regardless of
4037 adjudication, or having entered a plea of nolo contendere to, a
4038 crime in any jurisdiction which directly relates to the practice
4039 of his or her profession or the ability to practice his or her
4040 profession. However, in the case of a plea of nolo contendere,
4041 the board shall allow the person who is the subject of the
4042 disciplinary proceeding to present evidence in mitigation
4043 relevant to the underlying charges and circumstances surrounding
4044 the plea.

4045 (d) False, deceptive, or misleading advertising or
4046 obtaining a fee or other thing of value on the representation
4047 that beneficial results from any treatment will be guaranteed.

4048 (e) Advertising, practicing, or attempting to practice
4049 under a name other than one's own.

4050 (f) Maintaining a professional association with any person

4051 | who the applicant, licensee, registered intern, or
 4052 | certificateholder knows, or has reason to believe, is in
 4053 | violation of this chapter or of a rule of the department or the
 4054 | board.

4055 | (g) Knowingly aiding, assisting, procuring, or advising
 4056 | any nonlicensed, nonregistered, or noncertified person to hold
 4057 | himself or herself out as licensed, registered, or certified
 4058 | under this chapter.

4059 | (h) Failing to perform any statutory or legal obligation
 4060 | placed upon a person licensed, registered, or certified under
 4061 | this chapter.

4062 | (i) Willfully making or filing a false report or record;
 4063 | failing to file a report or record required by state or federal
 4064 | law; willfully impeding or obstructing the filing of a report or
 4065 | record; or inducing another person to make or file a false
 4066 | report or record or to impede or obstruct the filing of a report
 4067 | or record. Such report or record includes only a report or
 4068 | record which requires the signature of a person licensed,
 4069 | registered, or certified under this chapter.

4070 | (j) Paying a kickback, rebate, bonus, or other
 4071 | remuneration for receiving a patient or client, or receiving a
 4072 | kickback, rebate, bonus, or other remuneration for referring a
 4073 | patient or client to another provider of mental health care
 4074 | services or to a provider of health care services or goods;
 4075 | referring a patient or client to oneself for services on a fee-

4076 | paid basis when those services are already being paid for by
4077 | some other public or private entity; or entering into a
4078 | reciprocal referral agreement.

4079 | (k) Committing any act upon a patient or client which
4080 | would constitute sexual battery or which would constitute sexual
4081 | misconduct as defined pursuant to s. 491.0111.

4082 | (l) Making misleading, deceptive, untrue, or fraudulent
4083 | representations in the practice of any profession licensed,
4084 | registered, or certified under this chapter.

4085 | (m) Soliciting patients or clients personally, or through
4086 | an agent, through the use of fraud, intimidation, undue
4087 | influence, or a form of overreaching or vexatious conduct.

4088 | (n) Failing to make available to a patient or client, upon
4089 | written request, copies of tests, reports, or documents in the
4090 | possession or under the control of the licensee, registered
4091 | intern, or certificateholder which have been prepared for and
4092 | paid for by the patient or client.

4093 | (o) Failing to respond within 30 days to a written
4094 | communication from the department or the board concerning any
4095 | investigation by the department or the board, or failing to make
4096 | available any relevant records with respect to any investigation
4097 | about the licensee's, registered intern's, or
4098 | certificateholder's conduct or background.

4099 | (p) Being unable to practice the profession for which he
4100 | or she is licensed, registered, or certified under this chapter

4101 with reasonable skill or competence as a result of any mental or
4102 physical condition or by reason of illness; drunkenness; or
4103 excessive use of drugs, narcotics, chemicals, or any other
4104 substance. In enforcing this paragraph, upon a finding by the
4105 State Surgeon General, the State Surgeon General's designee, or
4106 the board that probable cause exists to believe that the
4107 licensee, registered intern, or certificateholder is unable to
4108 practice the profession because of the reasons stated in this
4109 paragraph, the department shall have the authority to compel a
4110 licensee, registered intern, or certificateholder to submit to a
4111 mental or physical examination by psychologists, physicians, or
4112 other licensees under this chapter, designated by the department
4113 or board. If the licensee, registered intern, or
4114 certificateholder refuses to comply with such order, the
4115 department's order directing the examination may be enforced by
4116 filing a petition for enforcement in the circuit court in the
4117 circuit in which the licensee, registered intern, or
4118 certificateholder resides or does business. The licensee,
4119 registered intern, or certificateholder against whom the
4120 petition is filed may not be named or identified by initials in
4121 any public court records or documents, and the proceedings shall
4122 be closed to the public. The department shall be entitled to the
4123 summary procedure provided in s. 51.011. A licensee, registered
4124 intern, or certificateholder affected under this paragraph shall
4125 at reasonable intervals be afforded an opportunity to

4126 demonstrate that he or she can resume the competent practice for
 4127 which he or she is licensed, registered, or certified with
 4128 reasonable skill and safety to patients.

4129 (q) Performing any treatment or prescribing any therapy
 4130 which, by the prevailing standards of the mental health
 4131 professions in the community, would constitute experimentation
 4132 on human subjects, without first obtaining full, informed, and
 4133 written consent.

4134 (r) Failing to meet the minimum standards of performance
 4135 in professional activities when measured against generally
 4136 prevailing peer performance, including the undertaking of
 4137 activities for which the licensee, registered intern, or
 4138 certificateholder is not qualified by training or experience.

4139 (s) Delegating professional responsibilities to a person
 4140 who the licensee, registered intern, or certificateholder knows
 4141 or has reason to know is not qualified by training or experience
 4142 to perform such responsibilities.

4143 (t) Violating a rule relating to the regulation of the
 4144 profession or a lawful order of the department or the board
 4145 previously entered in a disciplinary hearing.

4146 (u) Failure of the licensee, registered intern, or
 4147 certificateholder to maintain in confidence a communication made
 4148 by a patient or client in the context of such services, except
 4149 as provided in s. 491.0147.

4150 (v) Making public statements which are derived from test

4151 data, client contacts, or behavioral research and which identify
4152 or damage research subjects or clients.

4153 (w) Violating any provision of this chapter or chapter
4154 456, or any rules adopted pursuant thereto.

4155 (2)

4156 (c) The board may take adverse action against a clinical
4157 social worker's privilege to practice under the Social Work
4158 Licensure Interstate Compact pursuant to s. 491.022 and may
4159 impose any of the penalties in s. 456.072(2) if the clinical
4160 social worker commits an act specified in subsection (1) or s.
4161 456.072(1).

4162 **Section 30. Subsection (7) of section 627.6471, Florida**
4163 **Statutes, is renumbered as subsection (8), and a new subsection**
4164 **(7) is added to that section to read:**

4165 627.6471 Contracts for reduced rates of payment;
4166 limitations; coinsurance and deductibles.-

4167 (7) Any insurer issuing a policy of health insurance in
4168 this state shall apply the payment for a service provided to an
4169 insured by a nonpreferred provider toward the insured's
4170 deductible and out-of-pocket maximum as if the service had been
4171 provided by a preferred provider if all of the following apply:

4172 (a) The insured requests that the insurer apply the
4173 payment for the service provided to the insured by the
4174 nonpreferred provider toward the insured's deductible and out-
4175 of-pocket maximum.

4176 (b) The service provided to the insured by the
 4177 nonpreferred provider is within the scope of services covered
 4178 under the insured's policy.

4179 (c) The amount that the nonpreferred provider charged the
 4180 insured for the service is the same as or less than:

4181 1. The average amount that the insured's preferred
 4182 provider network charges for the service; or

4183 2. The statewide average amount for the service based on
 4184 data reported on the Florida Health Price Finder website.

4185 **Section 31. Paragraphs (m), (n), and (o) are added to**
 4186 **subsection (10) of section 768.28, Florida Statutes, to read:**

4187 768.28 Waiver of sovereign immunity in tort actions;
 4188 recovery limits; civil liability for damages caused during a
 4189 riot; limitation on attorney fees; statute of limitations;
 4190 exclusions; indemnification; risk management programs.—

4191 (10)

4192 (m) For purposes of this section, the individual appointed
 4193 under s. 456.66 as the state's delegate for the Physician
 4194 Assistant Licensure Compact Commission, when serving in that
 4195 capacity, and any administrator, officer, executive director,
 4196 employee, or representative of the Physician Assistant Licensure
 4197 Compact Commission, when acting within the scope of his or her
 4198 employment, duties, or responsibilities in this state, is
 4199 considered an agent of the state. The commission shall pay any
 4200 claims or judgments pursuant to this section and may maintain

4201 insurance coverage to pay any such claims or judgments.

4202 (n) For purposes of this section, the individual appointed
4203 under s. 401.466 as the state's delegate for the Interstate
4204 Commission for EMS Personnel Practice, when serving in that
4205 capacity, and any administrator, officer, executive director,
4206 employee, or representative of the Emergency Medical Services
4207 Personnel Licensure Interstate Compact Commission, when acting
4208 within the scope of his or her employment, duties, or
4209 responsibilities in this state, is considered an agent of the
4210 state. The commission shall pay any claims or judgments pursuant
4211 to this section and may maintain insurance coverage to pay any
4212 such claims or judgments.

4213 (o) For purposes of this section, the individual appointed
4214 under s. 491.004(9) as the state's delegate on the Social Work
4215 Licensure Compact Commission, pursuant to s. 491.022, and any
4216 administrator, officer, executive director, employee, or
4217 representative of the commission, when acting within the scope
4218 of his or her employment, duties, or responsibilities in this
4219 state, is considered an agent of the state. The commission shall
4220 pay any claims or judgments pursuant to this section and may
4221 maintain insurance coverage to pay any such claims or judgments.

4222 **Section 32.** Except as otherwise expressly provided in this
4223 act, this act shall take effect July 1, 2026.