

**Senator Curtis S. Bramble** proposes the following substitute bill:

**RECIPROCAL PROFESSIONAL LICENSING**

**AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: A. Cory Maloy

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

licenses and certificates by endorsement:

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



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

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37           **58-1-301.5**, as last amended by Laws of Utah 2022, Chapters 221, 438 and 466
- 38           **58-1-302**, as last amended by Laws of Utah 2022, Chapter 415
- 39           **58-70a-302**, as last amended by Laws of Utah 2021, Chapter 312

40 ENACTS:

- 41           **4-1-112**, Utah Code Annotated 1953
- 42           **9-23-301.5**, Utah Code Annotated 1953
- 43           **13-1-17**, Utah Code Annotated 1953
- 44           **19-1-208**, Utah Code Annotated 1953
- 45           **26B-3-102**, Utah Code Annotated 1953
- 46           **35A-13-606.5**, Utah Code Annotated 1953
- 47           **40-2-403**, Utah Code Annotated 1953
- 48           **53E-6-205**, Utah Code Annotated 1953
- 49           **58-70a-301.1**, Utah Code Annotated 1953
- 50           **58-70c-101**, Utah Code Annotated 1953
- 51           **58-70c-102**, Utah Code Annotated 1953
- 52           **58-70c-103**, Utah Code Annotated 1953
- 53           **58-70c-104**, Utah Code Annotated 1953
- 54           **58-70c-105**, Utah Code Annotated 1953
- 55           **58-70c-106**, Utah Code Annotated 1953
- 56           **58-70c-107**, Utah Code Annotated 1953

- 57 [58-70c-108](#), Utah Code Annotated 1953
- 58 [58-70c-109](#), Utah Code Annotated 1953
- 59 [58-70c-110](#), Utah Code Annotated 1953
- 60 [58-70c-111](#), Utah Code Annotated 1953
- 61 [58-70c-112](#), Utah Code Annotated 1953
- 62 [58-70c-113](#), Utah Code Annotated 1953
- 63 [58-70c-201](#), Utah Code Annotated 1953
- 64 [72-9-602.5](#), Utah Code Annotated 1953

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

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

68 **4-1-112. License by endorsement.**

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

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

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

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

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

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

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

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

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

86 (ii) the department determines that the licensure requirements of the other state,  
87 district, territory, or jurisdiction at the time the license was issued were substantially similar to

88 the requirements for the license sought in this state; or

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

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

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

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

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

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

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

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

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

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

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

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

111 **9-23-301.5. License by endorsement.**

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

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

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

118 (b) the applicant has at least one year of experience practicing under the license issued

119 in the other state, district, or territory; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

150 section.

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

152 **13-1-17. License by endorsement.**

153 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

180 (i) the applicant was educated in or obtained relevant experience in a state, district, or

181 territory of the United States, or a jurisdiction outside of the United States; and

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

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

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

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

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

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

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

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

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

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

200 **19-1-208. License by endorsement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



243 **26B-3-102. License by endorsement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

273 (b) the applicant has a previous or pending disciplinary action related to the applicant's

274 other license.

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

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

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

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

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

285 Section 6. Section **35A-13-606.5** is enacted to read:

286 **35A-13-606.5. Certificate by endorsement.**

287 (1) As used in this section, "license" means an authorization that permits the holder to  
288 engage in the practice of a profession described in Section [35A-13-605](#).

289 (2) Subject to Subsections (3) through (5), the director may issue a certificate described  
290 in Section [35A-13-605](#) to an applicant who has been licensed in another state, district, or  
291 territory of the United States, or in a jurisdiction outside of the United States, if:

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

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

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

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

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

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

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

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

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

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

311 **40-2-403. Certificate by endorsement.**

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

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

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

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

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

322 (3) Subject to Subsections (4) through (6), the commission may issue a certificate  
323 described in Section [40-2-401](#) to an applicant who:

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

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

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

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

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

335 (i) the applicant was educated in or obtained relevant experience in a state, district, or

336 territory of the United States, or a jurisdiction outside of the United States; and

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

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

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

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

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

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

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

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

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

354 **53E-6-205. License by endorsement.**

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

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

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

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

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

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

366 (i) (A) the state board determines that the applicant's education, experience, and skills

367 demonstrate competency in the profession for which licensure is sought in this state; and  
368 (B) the applicant has at least one year of experience practicing under the certificate; or  
369 (ii) the state board determines that the certification requirements of the other state,  
370 district, territory, or jurisdiction at the time the certificate was issued were substantially similar  
371 to the requirements for the license sought in this state; or  
372 (b) has never been issued a certificate in a state, district, or territory of the United  
373 States, or in a jurisdiction outside of the United States, if:  
374 (i) the applicant was educated in or obtained relevant experience in a state, district, or  
375 territory of the United States, or a jurisdiction outside of the United States; and  
376 (ii) the state board determines that the education or experience was substantially  
377 similar to the education or experience requirements for the license sought in this state.  
378 (3) The state board may refuse to issue a license to an applicant under this section if:  
379 (a) the state board determines that there is reasonable cause to believe that the applicant  
380 is not qualified to receive the license in this state; or  
381 (b) the applicant has a previous or pending disciplinary action related to the applicant's  
382 certificate.  
383 (4) Before the state board issues a license to an applicant under this section, the  
384 applicant shall:  
385 (a) pay a fee determined by the state board under Section [63J-1-504](#); and  
386 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good  
387 standing in the profession for which licensure is sought in this state.  
388 (5) The state board may make rules in accordance with Title 63G, Chapter 3, Utah  
389 Administrative Rulemaking Act, prescribing the administration and requirements of this  
390 section.  
391 (6) This section is subject to and may be supplemented or altered by licensure  
392 endorsement provisions or multistate licensure compacts in specific chapters of this chapter.  
393 Section 9. Section **58-1-301.5** is amended to read:  
394 **58-1-301.5. Division access to Bureau of Criminal Identification records.**  
395 (1) The division shall have direct access to local files maintained by the Bureau of  
396 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification,  
397 for background screening of individuals who are applying for licensure, licensure renewal,

398 licensure reinstatement, or relicensure, as required in:

399 (a) Section 58-17b-307;

400 (b) Sections 58-24b-302 and 58-24b-302.1;

401 (c) Section 58-31b-302;

402 (d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy  
403 Practice Act;

404 (e) Section 58-44a-302.1;

405 (f) Section 58-47b-302;

406 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm  
407 company agents;

408 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, and 58-60-405, of Chapter 60, Mental  
409 Health Professional Practice Act;

410 (i) Sections 58-61-304 and 58-61-304.1;

411 (j) Section 58-63-302;

412 (k) Section 58-64-302;

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

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

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

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

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

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

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

425 Section 10. Section 58-1-302 is amended to read:

426 **58-1-302. License by endorsement.**

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

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

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

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

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

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

441           [~~(2)~~] (3) Subject to Subsections [~~(3) through (6);~~] (4) through (7), the division may  
442 issue a license to [~~a person~~] an applicant who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

479 [~~(6)~~] (7) In accordance with Section [58-1-107](#), licensure endorsement provisions in this  
480 section are subject to and may be supplemented or altered by licensure endorsement provisions  
481 or multistate licensure compacts in specific chapters of this title.

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

486 Section 11. Section **58-70a-301.1** is enacted to read:

487 **58-70a-301.1. Criminal background check.**

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

490 (a) submit fingerprint cards in a form acceptable to the division at the time the license



491 application is filed; and

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

494 (2) The division shall:

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

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

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

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

506 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
507 and regional criminal records databases;

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

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

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

515 (5) The division may not:

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

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

522 Section 12. Section **58-70a-302** is amended to read:

523 **58-70a-302. Qualifications for licensure.**

524 Each applicant for licensure as a physician assistant shall:

- 525 (1) submit an application in a form prescribed by the division;
- 526 (2) pay a fee determined by the department under Section [63J-1-504](#);
- 527 (3) have successfully completed a physician assistant program accredited by:
  - 528 (a) the Accreditation Review Commission on Education for the Physician Assistant; or
  - 529 (b) if prior to January 1, 2001, either the:
    - 530 (i) Committee on Accreditation of Allied Health Education Programs; or
    - 531 (ii) Committee on Allied Health Education and Accreditation;
- 532 (4) have passed the licensing examinations required by division rule made in
- 533 collaboration with the board; [~~and~~]
- 534 (5) meet with the board and representatives of the division, if requested, for the
- 535 purpose of evaluating the applicant's qualifications for licensure[-]; and
- 536 (6) if the applicant is applying to participate in the PA Licensure Compact under
- 537 Chapter 70c, PA Licensure Compact, consent to a criminal background check in accordance
- 538 with Section [58-70a-301.1](#) and any requirements established by division rule made in
- 539 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

540 Section 13. Section **58-70c-101** is enacted to read:

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

542 **Part 1. Compact Text**

543 **58-70c-101. Section 1 -- Purpose.**

544 In order to strengthen access to Medical Services, and in recognition of the advances in  
545 the delivery of Medical Services, the Participating States of the PA Licensure Compact have  
546 allied in common purpose to develop a comprehensive process that complements the existing  
547 authority of State Licensing Boards to license and discipline PAs and seeks to enhance the  
548 portability of a License to practice as a PA while safeguarding the safety of patients. This  
549 Compact allows Medical Services to be provided by PAs, via the mutual recognition of the  
550 Licensees Qualifying License by other Compact Participating States. This Compact also adopts  
551 the prevailing standard for PA licensure and affirms that the practice and delivery of Medical  
552 Services by the PA occurs where the patient is located at the time of the patient encounter, and

553 therefore requires the PA to be under the jurisdiction of the State Licensing Board where the  
554 patient is located. State Licensing Boards that participate in this Compact retain the jurisdiction  
555 to impose Adverse Action against a Compact Privilege in that State issued to a PA through the  
556 procedures of this Compact. The PA Licensure Compact will alleviate burdens for military  
557 families by allowing active duty military personnel and their spouses to obtain a Compact  
558 Privilege based on having an unrestricted License in good standing from a Participating State.

559 Section 14. Section **58-70c-102** is enacted to read:

560 **58-70c-102. Section 1 -- Definitions.**

561 In this Compact:

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

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

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

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

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

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

583 G. "Impaired Practitioner" means a PA whose practice is adversely affected by

584 health-related condition(s) that impact their ability to practice.

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

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

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

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

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

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

599 N. "Model Compact" means the model for the PA Licensure Compact on file with The  
600 Council of State Governments or other entity as designated by the Commission.

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

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

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

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

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

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

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

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

620 Section 15. Section **58-70c-103** is enacted to read:

621 **58-70c-103. Section 3 -- State Participation in this Compact.**

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

623 1. License PAs.

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

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

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

630 5. Fully implement a Criminal Background Check requirement, within a time frame  
631 established by Commission Rule, by its Licensing Board receiving the results of a Criminal  
632 Background Check and reporting to the Commission whether the License applicant has been  
633 granted a License.

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

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

637 8. Grant the Compact Privilege to a holder of a Qualifying License in a Participating  
638 State.

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

641 Section 16. Section **58-70c-104** is enacted to read:

642 **58-70c-104. Section 4 -- Compact Privilege.**

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

644 1. Have graduated from a PA program accredited by the Accreditation Review

645 Commission on Education for the Physician Assistant, Inc. or other programs authorized by

646 Commission Rule.

647 2. Hold current NCCPA certification.

648 3. Have no felony or misdemeanor Conviction.

649 4. Have never had a controlled substance license, permit, or registration suspended or

650 revoked by a State or by the United States Drug Enforcement Administration.

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

652 6. Hold a Qualifying License.

653 7. Have had no revocation of a License or limitation or restriction on any License

654 currently held due to an adverse action.

655 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege

656 due to an Adverse Action, two years must have elapsed from the date on which the License or

657 Compact Privilege is no longer limited or restricted due to the Adverse Action.

658 9. If a Compact Privilege has been revoked or is limited or restricted in a Participating

659 State for conduct that would not be a basis for disciplinary action in a Participating State in

660 which the Licensee is practicing or applying to practice under a Compact Privilege, that

661 Participating State shall have the discretion not to consider such action as an Adverse Action

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

663 10. Notify the Compact Commission that the Licensee is seeking the Compact Privilege

664 in a Remote State.

665 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is

666 seeking to practice under the Compact Privilege and pay any fees applicable to satisfying the

667 Jurisprudence Requirement.

668 12. Report to the Commission any Adverse Action taken by a non-participating State

669 within thirty (30) days after the action is taken.

670 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying

671 License unless terminated pursuant to an Adverse Action. The Licensee must also comply with

672 all of the requirements of Subsection A above to maintain the Compact Privilege in a Remote

673 State. If the Participating State takes Adverse Action against a Qualifying License, the Licensee

674 shall lose the Compact Privilege in any Remote State in which the Licensee has a Compact

675 Privilege until all of the following occur:

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

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

679 C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and  
680 2, the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege in  
681 any Remote State.

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

685 Section 17. Section **58-70c-105** is enacted to read:

686 **58-70c-105. Section 5 -- Designation of the State from Which Licensee is Applying**  
687 **for a Compact Privilege.**

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

691 1. When applying for a Compact Privilege, the Licensee shall provide the Commission  
692 with the address of the Licensee's primary residence and thereafter shall immediately report to  
693 the Commission any change in the address of the Licensee's primary residence.

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

699 Section 18. Section **58-70c-106** is enacted to read:

700 **58-70c-106. Section 6 -- Adverse Actions.**

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

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

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

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

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

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

723 C. For purposes of taking Adverse Action, the Participating State which issued the  
724 Qualifying License shall give the same priority and effect to reported conduct received from  
725 any other Participating State as it would if the conduct had occurred within the Participating  
726 State which issued the Qualifying License. In so doing, that Participating State shall apply its  
727 own State laws to determine appropriate action.

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

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

734 F. Joint Investigations.

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

738 2. Participating States shall share any investigative, litigation, or compliance materials



739 in furtherance of any joint or individual investigation initiated under this Compact.

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

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

748 Section 19. Section **58-70c-107** is enacted to read:

749 **58-70c-107. Section 7 -- Establishment of the PA Licensure Compact**  
750 **Commission.**

751 A. The Participating States hereby create and establish a joint government agency and  
752 national administrative body known as the PA Licensure Compact Commission. The  
753 Commission is an instrumentality of the Compact States acting jointly and not an  
754 instrumentality of any one State. The Commission shall come into existence on or after the  
755 effective date of the Compact as set forth in Section 11.A.

756 B. Membership, Voting, and Meetings

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

760 2. The delegate shall be either:

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

763 b. An administrator of a Licensing Board.

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

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

768 5. Each delegate shall be entitled to one (1) vote on all matters voted on by the  
769 Commission and shall otherwise have an opportunity to participate in the business and affairs

770 of the Commission. A delegate shall vote in person or by such other means as provided in the  
771 bylaws. The bylaws may provide for delegates' participation in meetings by  
772 telecommunications, video conference, or other means of communication.

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

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

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

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

778 2. Establish the fiscal year of the Commission;

779 3. Establish fees;

780 4. Establish bylaws;

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

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

784 7. Promulgate Rules to facilitate and coordinate implementation and administration of  
785 this Compact. The Rules shall have the force and effect of law and shall be binding in all  
786 Participating States;

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

790 9. Purchase and maintain insurance and bonds;

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

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

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

800 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,

801 improve or use, any property, real, personal or mixed, provided that at all times the  
802 Commission shall avoid any appearance of impropriety;

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

805 15. Establish a budget and make expenditures;

806 16. Borrow money;

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

810 18. Provide and receive information from, and cooperate with, law enforcement  
811 agencies;

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

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

816 21. Approve or disapprove a State's participation in the Compact based upon its  
817 determination as to whether the State's Compact legislation departs in a material manner from  
818 the Model Compact language;

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

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

822 D. Meetings of the Commission

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

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

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

- 832 a. Non-compliance of a Participating State with its obligations under this Compact;  
833 b. The employment, compensation, discipline or other matters, practices or procedures  
834 related to specific employees or other matters related to the Commission's internal personnel  
835 practices and procedures;  
836 c. Current, threatened, or reasonably anticipated litigation;  
837 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
838 estate;  
839 e. Accusing any person of a crime or formally censuring any person;  
840 f. Disclosure of trade secrets or commercial or financial information that is privileged  
841 or confidential;  
842 g. Disclosure of information of a personal nature where disclosure would constitute a  
843 clearly unwarranted invasion of personal privacy;  
844 h. Disclosure of investigative records compiled for law enforcement purposes;  
845 i. Disclosure of information related to any investigative reports prepared by or on behalf  
846 of or for use of the Commission or other committee charged with responsibility of investigation  
847 or determination of compliance issues pursuant to this Compact;  
848 j. Legal advice; or  
849 k. Matters specifically exempted from disclosure by federal or Participating States'  
850 statutes.  
851 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of  
852 the meeting or the chair's designee shall certify that the meeting or portion of the meeting may  
853 be closed and shall reference each relevant exempting provision.  
854 5. The Commission shall keep minutes that fully and clearly describe all matters  
855 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
856 including a description of the views expressed. All documents considered in connection with  
857 an action shall be identified in such minutes. All minutes and documents of a closed meeting  
858 shall remain under seal, subject to release by a majority vote of the Commission or order of a  
859 court of competent jurisdiction.  
860 E. Financing of the Commission  
861 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of  
862 its establishment, organization, and ongoing activities.

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

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

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

874 b. If the Licensee terminates the Qualifying License through which the Licensee applied  
875 for the Compact Privilege before its scheduled expiration, and the Licensee has a Qualifying  
876 License in another Participating State, the Licensee shall inform the Commission that it is  
877 changing to that Participating State the Participating State through which it applies for a  
878 Compact Privilege and pay to the Commission any Compact Privilege fee required by  
879 Commission Rule.

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

883 5. The Commission shall keep accurate accounts of all receipts and disbursements. The  
884 receipts and disbursements of the Commission shall be subject to the financial review and  
885 accounting procedures established under its bylaws. All receipts and disbursements of funds  
886 handled by the Commission shall be subject to an annual financial review by a certified or  
887 licensed public accountant, and the report of the financial review shall be included in and  
888 become part of the annual report of the Commission.

889 F. The Executive Committee

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

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

893 a. Seven voting members who are elected by the Commission from the current

894 membership of the Commission;

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

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

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

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

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

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

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

908 b. Ensure Compact administration services are appropriately provided, contractual or  
909 otherwise;

910 c. Prepare and recommend the budget;

911 d. Maintain financial records on behalf of the Commission;

912 e. Monitor Compact compliance of Participating States and provide compliance reports  
913 to the Commission;

914 f. Establish additional committees as necessary;

915 g. Exercise the powers and duties of the Commission during the interim between  
916 Commission meetings, except for issuing proposed rulemaking or adopting Commission Rules  
917 or bylaws, or exercising any other powers and duties exclusively reserved to the Commission  
918 by the Commission's Rules; and

919 h. Perform other duties as provided in the Commission's Rules or bylaws.

920 7. All meetings of the Executive Committee at which it votes or plans to vote on  
921 matters in exercising the powers and duties of the Commission shall be open to the public and  
922 public notice of such meetings shall be given as public meetings of the Commission are given.

923 8. The Executive Committee may convene in a closed, non-public meeting for the same  
924 reasons that the Commission may convene in a non-public meeting as set forth in Section 7.D.3

925 and shall announce the closed meeting as the Commission is required to under Section 7.D.4  
926 and keep minutes of the closed meeting as the Commission is required to under Section 7.D.5.

927 G. Qualified Immunity, Defense, and Indemnification

928 1. The members, officers, executive director, employees and representatives of the  
929 Commission shall be immune from suit and liability, both personally and in their official  
930 capacity, for any claim for damage to or loss of property or personal injury or other civil  
931 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
932 or that the person against whom the claim is made had a reasonable basis for believing  
933 occurred within the scope of Commission employment, duties or responsibilities; provided that  
934 nothing in this paragraph shall be construed to protect any such person from suit or liability for  
935 any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct  
936 of that person. The procurement of insurance of any type by the Commission shall not in any  
937 way compromise or limit the immunity granted hereunder.

938 2. The Commission shall defend any member, officer, executive director, employee,  
939 and representative of the Commission in any civil action seeking to impose liability arising out  
940 of any actual or alleged act, error, or omission that occurred within the scope of Commission  
941 employment, duties, or responsibilities, or as determined by the commission that the person  
942 against whom the claim is made had a reasonable basis for believing occurred within the scope  
943 of Commission employment, duties, or responsibilities, provided that nothing herein shall be  
944 construed to prohibit that person from retaining their own counsel at their own expense, and  
945 provided further, that the actual or alleged act, error, or omission did not result from that  
946 person's intentional or willful or wanton misconduct.

947 3. The Commission shall indemnify and hold harmless any member, officer, executive  
948 director, employee, and representative of the Commission for the amount of any settlement or  
949 judgment obtained against that person arising out of any actual or alleged act, error, or  
950 omission that occurred within the scope of Commission employment, duties, or  
951 responsibilities, or that such person had a reasonable basis for believing occurred within the  
952 scope of Commission employment, duties, or responsibilities, provided that the actual or  
953 alleged act, error, or omission did not result from the intentional or willful or wanton  
954 misconduct of that person.

955 4. Venue is proper and judicial proceedings by or against the Commission shall be

956 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
957 the Commission is located. The Commission may waive venue and jurisdictional defenses in  
958 any proceedings as authorized by Commission Rules.

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

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

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

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

972 Section 20. Section **58-70c-108** is enacted to read:

973 **58-70c-108. Section 8 -- Data System.**

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

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

981 1. Identifying information;

982 2. Licensure data;

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

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

986 5. The existence of Significant Investigative Information; and



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

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

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

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

998 F. Any information submitted to the Data System that is subsequently expunged  
999 pursuant to federal law or the laws of the Participating State contributing the information shall  
1000 be removed from the Data System upon reporting of such by the Participating State to the  
1001 Commission.

1002 G. The records and information provided to a Participating State pursuant to this  
1003 Compact or through the Data System, when certified by the Commission or an agent thereof,  
1004 shall constitute the authenticated business records of the Commission, and shall be entitled to  
1005 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative  
1006 proceedings in a Participating State.

1007 Section 21. Section **58-70c-109** is enacted to read:

1008 **58-70c-109. Section 9 -- Rulemaking.**

1009 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
1010 forth in this Section and the Rules adopted thereunder. Commission Rules shall become  
1011 binding as of the date specified by the Commission for each Rule.

1012 B. The Commission shall promulgate reasonable Rules in order to effectively and  
1013 efficiently implement and administer this Compact and achieve its purposes. A Commission  
1014 Rule shall be invalid and have not force or effect only if a court of competent jurisdiction holds  
1015 that the Rule is invalid because the Commission exercised its rulemaking authority in a manner  
1016 that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or  
1017 based upon another applicable standard of review.

1018 C. The Rules of the Commission shall have the force of law in each Participating State,  
1019 provided however that where the Rules of the Commission conflict with the laws of the  
1020 Participating State that establish the medical services a PA may perform in the Participating  
1021 State, as held by a court of competent jurisdiction, the Rules of the Commission shall be  
1022 ineffective in that State to the extent of the conflict.

1023 D. If a majority of the legislatures of the Participating States rejects a Commission  
1024 Rule, by enactment of a statute or resolution in the same manner used to adopt this Compact  
1025 within four (4) years of the date of adoption of the Rule, then such Rule shall have no further  
1026 force and effect in any Participating State or to any State applying to participate in the  
1027 Compact.

1028 E. Commission Rules shall be adopted at a regular or special meeting of the  
1029 Commission.

1030 F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and  
1031 at least thirty (30) days in advance of the meeting at which the Rule will be considered and  
1032 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1033 1. On the website of the Commission or other publicly accessible platform; and  
1034 2. To persons who have requested notice of the Commission's notices of proposed  
1035 rulemaking, and

1036 3. In such other way(s) as the Commission may by Rule specify.

1037 G. The Notice of Proposed Rulemaking shall include:

1038 1. The time, date, and location of the public hearing on the proposed Rule and the  
1039 proposed time, date and location of the meeting in which the proposed Rule will be considered  
1040 and voted upon;

1041 2. The text of the proposed Rule and the reason for the proposed Rule;

1042 3. A request for comments on the proposed Rule from any interested person and the  
1043 date by which written comments must be received; and

1044 4. The manner in which interested persons may submit notice to the Commission of  
1045 their intention to attend the public hearing or provide any written comments.

1046 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit  
1047 written data, facts, opinions, and arguments, which shall be made available to the public.

1048 I. If the hearing is to be held via electronic means, the Commission shall publish the

1049 mechanism for access to the electronic hearing.

1050 1. All persons wishing to be heard at the hearing shall as directed in the Notice of  
1051 Proposed Rulemaking, not less than five (5) business days before the scheduled date of the  
1052 hearing, notify the Commission of their desire to appear and testify at the hearing.

1053 2. Hearings shall be conducted in a manner providing each person who wishes to  
1054 comment a fair and reasonable opportunity to comment orally or in writing.

1055 3. All hearings shall be recorded. A copy of the recording and the written comments,  
1056 data, facts, opinions, and arguments received in response to the proposed rulemaking shall be  
1057 made available to a person upon request.

1058 4. Nothing in this section shall be construed as requiring a separate hearing on each  
1059 proposed Rule. Proposed Rules may be grouped for the convenience of the Commission at  
1060 hearings required by this section.

1061 J. Following the public hearing the Commission shall consider all written and oral  
1062 comments timely received.

1063 K. The Commission shall, by majority vote of all delegates, take final action on the  
1064 proposed Rule and shall determine the effective date of the Rule, if adopted, based on the  
1065 Rulemaking record and the full text of the Rule.

1066 1. If adopted, the Rule shall be posted on the Commission's website.

1067 2. The Commission may adopt changes to the proposed Rule provided the changes do  
1068 not enlarge the original purpose of the proposed Rule.

1069 3. The Commission shall provide on its website an explanation of the reasons for  
1070 substantive changes made to the proposed Rule as well as reasons for substantive changes not  
1071 made that were recommended by commenters.

1072 4. The Commission shall determine a reasonable effective date for the Rule. Except for  
1073 an emergency as provided in subsection L, the effective date of the Rule shall be no sooner  
1074 than thirty (30) days after the Commission issued the notice that adopted the Rule.

1075 L. Upon determination that an emergency exists, the Commission may consider and  
1076 adopt an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for  
1077 comment, or hearing, provided that the usual rulemaking procedures provided in this Compact  
1078 and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in  
1079 no event later than ninety (90) days after the effective date of the Rule. For the purposes of this

1080 provision, an emergency Rule is one that must be adopted immediately by the Commission in  
1081 order to:

1082 1. Meet an imminent threat to public health, safety, or welfare;

1083 2. Prevent a loss of Commission or Participating State funds;

1084 3. Meet a deadline for the promulgation of a Commission Rule that is established by  
1085 federal law or Rule; or

1086 4. Protect public health and safety.

1087 M. The Commission or an authorized committee of the Commission may direct

1088 revisions to a previously adopted Commission Rule for purposes of correcting typographical

1089 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any

1090 revisions shall be posted on the website of the Commission. The revision shall be subject to

1091 challenge by any person for a period of thirty (30) days after posting. The revision may be

1092 challenged only on grounds that the revision results in a material change to a Rule. A challenge

1093 shall be made as set forth in the notice of revisions and delivered to the Commission prior to

1094 the end of the notice period. If no challenge is made, the revision will take effect without

1095 further action. If the revision is challenged, the revision may not take effect without the

1096 approval of the Commission.

1097 N. No Participating State's rulemaking requirements shall apply under this Compact.

1098 Section 22. Section **58-70c-110** is enacted to read:

1099 **58-70c-110. Section 10 -- Oversight, Dispute Resolution, and Enforcement.**

1100 A. Oversight

1101 1. The executive and judicial branches of State government in each Participating State

1102 shall enforce this Compact and take all actions necessary and appropriate to implement the

1103 Compact.

1104 2. Venue is proper and judicial proceedings by or against the Commission shall be

1105 brought solely and exclusively in a court of competent jurisdiction where the principal office of

1106 the Commission is located. The Commission may waive venue and jurisdictional defenses to

1107 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

1108 Nothing herein shall affect or limit the selection or propriety of venue in any action against a

1109 licensee for professional malpractice, misconduct or any such similar matter.

1110 3. The Commission shall be entitled to receive service of process in any proceeding

1111 regarding the enforcement or interpretation of the Compact or the Commission's Rules and  
1112 shall have standing to intervene in such a proceeding for all purposes. Failure to provide the  
1113 Commission with service of process shall render a judgment or order in such proceeding void  
1114 as to the Commission, this Compact, or Commission Rules.

1115 B. Default, Technical Assistance, and Termination

1116 1. If the Commission determines that a Participating State has defaulted in the  
1117 performance of its obligations or responsibilities under this Compact or the Commission Rules,  
1118 the Commission shall provide written notice to the defaulting State and other Participating  
1119 States. The notice shall describe the default, the proposed means of curing the default and any  
1120 other action that the Commission may take and shall offer remedial training and specific  
1121 technical assistance regarding the default.

1122 2. If a State in default fails to cure the default, the defaulting State may be terminated  
1123 from this Compact upon an affirmative vote of a majority of the delegates of the Participating  
1124 States, and all rights, privileges and benefits conferred by this Compact upon such State may be  
1125 terminated on the effective date of termination. A cure of the default does not relieve the  
1126 offending State of obligations or liabilities incurred during the period of default.

1127 3. Termination of participation in this Compact shall be imposed only after all other  
1128 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
1129 shall be given by the Commission to the governor, the majority and minority leaders of the  
1130 defaulting State's legislature, and to the Licensing Board(s) of each of the Participating States.

1131 4. A State that has been terminated is responsible for all assessments, obligations, and  
1132 liabilities incurred through the effective date of termination, including obligations that extend  
1133 beyond the effective date of termination.

1134 5. The Commission shall not bear any costs related to a State that is found to be in  
1135 default or that has been terminated from this Compact, unless agreed upon in writing between  
1136 the Commission and the defaulting State.

1137 6. The defaulting State may appeal its termination from the Compact by the  
1138 Commission by petitioning the U.S. District Court for the District of Columbia or the federal  
1139 district where the Commission has its principal offices. The prevailing member shall be  
1140 awarded all costs of such litigation, including reasonable attorney's fees.

1141 7. Upon the termination of a State's participation in the Compact, the State shall

1142 immediately provide notice to all Licensees within that State of such termination:

1143 a. Licensees who have been granted a Compact Privilege in that State shall retain the  
1144 Compact Privilege for one hundred eighty (180) days following the effective date of such  
1145 termination.

1146 b. Licensees who are licensed in that State who have been granted a Compact Privilege  
1147 in a Participating State shall retain the Compact Privilege for one hundred eighty (180) days  
1148 unless the Licensee also has a Qualifying License in a Participating State or obtains a  
1149 Qualifying License in a Participating State before the one hundred eighty (180)-day period  
1150 ends, in which case the Compact Privilege shall continue.

1151 C. Dispute Resolution

1152 1. Upon request by a Participating State, the Commission shall attempt to resolve  
1153 disputes related to this Compact that arise among Participating States and between participating  
1154 and non-Participating States.

1155 2. The Commission shall promulgate a Rule providing for both mediation and binding  
1156 dispute resolution for disputes as appropriate.

1157 D. Enforcement.

1158 1. The Commission, in the reasonable exercise of its discretion, shall enforce the  
1159 provisions of this Compact and Rules of the Commission.

1160 2. If compliance is not secured after all means to secure compliance have been  
1161 exhausted, by majority vote, the Commission may initiate legal action in the United States  
1162 District Court for the District of Columbia or the federal district where the Commission has its  
1163 principal offices, against a Participating State in default to enforce compliance with the  
1164 provisions of this Compact and the Commission's promulgated Rules and bylaws. The relief  
1165 sought may include both injunctive relief and damages. In the event judicial enforcement is  
1166 necessary, the prevailing party shall be awarded all costs of such litigation, including  
1167 reasonable attorney's fees.

1168 3. The remedies herein shall not be the exclusive remedies of the Commission. The  
1169 Commission may pursue any other remedies available under federal or State law.

1170 E. Legal Action Against the Commission

1171 1. A Participating State may initiate legal action against the Commission in the U.S.  
1172 District Court for the District of Columbia or the federal district where the Commission has its

1173 principal offices to enforce compliance with the provisions of the Compact and its Rules. The  
1174 relief sought may include both injunctive relief and damages. In the event judicial enforcement  
1175 is necessary, the prevailing party shall be awarded all costs of such litigation, including  
1176 reasonable attorney's fees.

1177 2. No person other than a Participating State shall enforce this Compact against the  
1178 Commission.

1179 Section 23. Section **58-70c-111** is enacted to read:

1180 **58-70c-111. Section 11 -- Date of Implementation of the PA Licensure Compact**  
1181 **Commission.**

1182 A. This Compact shall come into effect on the date on which this Compact statute is  
1183 enacted into law in the seventh Participating State.

1184 1. On or after the effective date of the Compact, the Commission shall convene and  
1185 review the enactment of each of the States that enacted the Compact prior to the Commission  
1186 convening ("Charter Participating States") to determine if the statute enacted by each such  
1187 Charter Participating State is materially different than the Model Compact.

1188 a. A Charter Participating State whose enactment is found to be materially different  
1189 from the Model Compact shall be entitled to the default process set forth in Section 10.B.

1190 b. If any Participating State later withdraws from the Compact or its participation is  
1191 terminated, the Commission shall remain in existence and the Compact shall remain in effect  
1192 even if the number of Participating States should be less than seven. Participating States  
1193 enacting the Compact subsequent to the Commission convening shall be subject to the process  
1194 set forth in Section 7.C.21 to determine if their enactments are materially different from the  
1195 Model Compact and whether they qualify for participation in the Compact.

1196 2. Participating States enacting the Compact subsequent to the seven initial Charter  
1197 Participating States shall be subject to the process set forth in Section 7.C.21 to determine if  
1198 their enactments are materially different from the Model Compact and whether they qualify for  
1199 participation in the Compact.

1200 3. All actions taken for the benefit of the Commission or in furtherance of the purposes  
1201 of the administration of the Compact prior to the effective date of the Compact or the  
1202 Commission coming into existence shall be considered to be actions of the Commission unless  
1203 specifically repudiated by the Commission.

1204 B. Any State that joins this Compact shall be subject to the Commission's Rules and  
1205 bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule  
1206 that has been previously adopted by the Commission shall have the full force and effect of law  
1207 on the day this Compact becomes law in that State.

1208 C. Any Participating State may withdraw from this Compact by enacting a statute  
1209 repealing the same.

1210 1. A Participating State's withdrawal shall not take effect until one hundred eighty (180)  
1211 days after enactment of the repealing statute. During this one hundred eighty (180) day-period,  
1212 all Compact Privileges that were in effect in the withdrawing State and were granted to  
1213 Licensees licensed in the withdrawing State shall remain in effect. If any Licensee licensed in  
1214 the withdrawing State is also licensed in another Participating State or obtains a license in  
1215 another Participating State within the one hundred eighty (180) days, the Licensee's Compact  
1216 Privileges in other Participating States shall not be affected by the passage of the one hundred  
1217 eighty (180) days.

1218 2. Withdrawal shall not affect the continuing requirement of the State Licensing  
1219 Board(s) of the withdrawing State to comply with the investigative, and Adverse Action  
1220 reporting requirements of this Compact prior to the effective date of withdrawal.

1221 3. Upon the enactment of a statute withdrawing a State from this Compact, the State  
1222 shall immediately provide notice of such withdrawal to all Licensees within that State. Such  
1223 withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for  
1224 a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

1225 D. Nothing contained in this Compact shall be construed to invalidate or prevent any  
1226 PA licensure agreement or other cooperative arrangement between Participating States and  
1227 between a Participating State and non-Participating State that does not conflict with the  
1228 provisions of this Compact.

1229 E. This Compact may be amended by the Participating States. No amendment to this  
1230 Compact shall become effective and binding upon any Participating State until it is enacted  
1231 materially in the same manner into the laws of all Participating States as determined by the  
1232 Commission.

1233 Section 24. Section **58-70c-112** is enacted to read:

1234 **58-70c-112. Section 12 -- Construction and Severability.**



1235 A. This Compact and the Commission's rulemaking authority shall be liberally  
1236 construed so as to effectuate the purposes, and the implementation and administration of the  
1237 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of  
1238 Rules shall not be construed to limit the Commission's rulemaking authority solely for those  
1239 purposes.

1240 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence  
1241 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the  
1242 constitution of any Participating State, a State seeking participation in the Compact, or of the  
1243 United States, or the applicability thereof to any government, agency, person or circumstance is  
1244 held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of  
1245 this Compact and the applicability thereof to any other government, agency, person or  
1246 circumstance shall not be affected thereby.

1247 C. Notwithstanding subsection B or this section, the Commission may deny a State's  
1248 participation in the Compact or, in accordance with the requirements of Section 10.B, terminate  
1249 a Participating State's participation in the Compact, if it determines that a constitutional  
1250 requirement of a Participating State is, or would be with respect to a State seeking to  
1251 participate in the Compact, a material departure from the Compact. Otherwise, if this Compact  
1252 shall be held to be contrary to the constitution of any Participating State, the Compact shall  
1253 remain in full force and effect as to the remaining Participating States and in full force and  
1254 effect as to the Participating State affected as to all severable matters.

1255 Section 25. Section **58-70c-113** is enacted to read:

1256 **58-70c-113. Section 13 -- Binding Effect of Compact.**

1257 A. Nothing herein prevents the enforcement of any other law of a Participating State  
1258 that is not inconsistent with this Compact.

1259 B. Any laws in a Participating State in conflict with this Compact are superseded to the  
1260 extent of the conflict.

1261 C. All agreements between the Commission and the Participating States are binding in  
1262 accordance with their terms.

1263 Section 26. Section **58-70c-201** is enacted to read:

1264 **Part 2. Division Implementation**

1265 **58-70c-201. Rulemaking authority -- State authority over scope of practice.**

1266 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah  
1267 Administrative Rulemaking Act, to implement this chapter.

1268 (2) Notwithstanding any provision in Sections 58-70c-101 through 58-70c-113,  
1269 Sections 58-70c-101 through 58-70c-113 do not supersede state law related to an individual's  
1270 scope of practice under this title.

1271 Section 27. Section **72-9-602.5** is enacted to read:

1272 **72-9-602.5. Certificate by endorsement.**

1273 (1) As used in this section, "license" means an authorization that permits the holder to  
1274 engage in the practice of a profession described in Section 72-9-602.

1275 (2) Subject to Subsections (4) through (6), the department shall issue a certificate  
1276 described in Section 72-9-602 to an applicant who has been licensed in another state, district,  
1277 or territory of the United States if:

1278 (a) the department determines that the license issued by the other state, district, or  
1279 territory encompasses a similar scope of practice as the certificate;

1280 (b) the applicant has at least one year of experience practicing under the license issued  
1281 in the other state, district, or territory; and

1282 (c) the applicant's license is in good standing in the other state, district, or territory.

1283 (3) Subject to Subsections (4) through (6), the department may issue a certificate  
1284 described in Section 72-9-602 to an applicant who:

1285 (a) has been licensed in another state, district, or territory of the United States, or in a  
1286 jurisdiction outside of the United States, if:

1287 (i) (A) the department determines that the applicant's education, experience, and skills  
1288 demonstrate competency in the occupation for which certification is sought; and

1289 (B) the applicant has at least one year of experience practicing under the license issued  
1290 in the other state, district, territory, or jurisdiction; or

1291 (ii) the department determines that the licensure requirements of the other state,  
1292 district, territory, or jurisdiction at the time the license was issued were substantially similar to  
1293 the requirements for the certificate; or

1294 (b) has never been licensed in a state, district, or territory of the United States, or in a  
1295 jurisdiction outside of the United States, if:

1296 (i) the applicant was educated in or obtained relevant experience in a state, district, or

1297 territory of the United States, or a jurisdiction outside of the United States; and

1298 (ii) the department determines that the education or experience was substantially  
1299 similar to the education or experience requirements for the certificate.

1300 (4) The department may refuse to issue a certificate to an applicant under this section

1301 if:

1302 (a) the department determines that there is reasonable cause to believe that the  
1303 applicant is not qualified to receive the certificate; or

1304 (b) the applicant has a previous or pending disciplinary action related to the applicant's  
1305 other license.

1306 (5) Before the department issues a certificate to an applicant under this section, the  
1307 applicant shall:

1308 (a) pay a fee determined by the department under Section [63J-1-504](#); and

1309 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good  
1310 standing in the occupation for which certification is sought.

1311 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah  
1312 Administrative Rulemaking Act, prescribing the administration and requirements of this  
1313 section.