

**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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

licenses and certificates by endorsement:

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



26 Services;

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

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

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

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

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

41 ENACTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

167 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

398 applicant shall:

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

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

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

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

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

408 **53E-6-1100. Article I -- Purpose.**

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

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

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

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

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

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

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

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

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

426 **53E-6-1101. Article II -- Definitions.**

427 (1) As used in this compact, and except as otherwise provided, the following  
428 definitions shall govern the terms herein:

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

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

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

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

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

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

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

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

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

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

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

458 (l) "Member state" means any state that has adopted this compact, including all  
459 agencies and officials of such a state;

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

462 (n) "Rule" means any regulation promulgated by the commission in accordance with  
463 Section 53E-9-1009, which shall have the force of law as a rule promulgated in accordance  
464 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and which shall be binding in  
465 each member state;

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

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

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

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

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

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

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

482 **53E-6-1102. Article III -- Licensure under the compact.**

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

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



491 by the receiving state's licensing authority.

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

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

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

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

513 **53E-6-1103. Article IV -- Licensure not under the compact.**

514 (1) Except as provided in Section [53E-9-1004](#), nothing in this compact shall be  
515 construed to limit or inhibit the power of a member state to regulate licensure or endorsements  
516 overseen by the member state's licensing authority.

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

520 (3) For the purposes of determining compensation, a receiving state may require  
521 additional information from teachers receiving a license under the provisions of this compact.

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

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

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

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

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

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

536 **53E-6-1104. Article V -- Teacher qualifications and requirements for licensure**  
537 **under the compact.**

538 (1) Except as provided for active military members or eligible military spouses in  
539 Subsection [53E-9-1004\(5\)](#), a teacher may only be eligible to receive a license under this  
540 compact where that teacher holds an unencumbered license in a member state.

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

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

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

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

549 **53E-6-1105. Article VI -- Discipline and adverse actions.**

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

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

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

562 **53E-6-1106. Article VII -- Establishment of the Interstate Teacher Mobility**  
563 **Compact Commission.**

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

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

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

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

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

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

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

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

583 (f) The commission shall meet at least once during each calendar year. Additional

584 meetings shall be held as set forth in the bylaws.

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

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

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

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

589 (c) establish bylaws for the commission;

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

591 (e) meet and take such actions as are consistent with the provisions of this interstate

592 compact, the bylaws, and rules of the commission;

593 (f) promulgate uniform rules to implement and administer this interstate compact. The

594 rules shall have the force and effect of law and shall be binding in all member states. In the

595 event the commission exercises its rulemaking authority in a manner that is beyond the scope

596 of the purposes of the compact, or the powers granted hereunder, then such an action by the

597 commission shall be invalid and have no force and effect of law;

598 (g) bring and prosecute legal proceedings or actions in the name of the commission,

599 provided that the standing of any member state licensing authority to sue or be sued under

600 applicable law shall not be affected;

601 (h) purchase and maintain insurance and bonds;

602 (i) borrow, accept, or contract for services of personnel, including, but not limited to,

603 employees of a member state, or an associated nongovernmental organization that is open to

604 membership by all states;

605 (j) hire employees, elect, or appoint officers, fix compensation, define duties, grant

606 such individuals appropriate authority to carry out the purposes of the compact, and establish

607 the commission's personnel policies and programs relating to conflicts of interest,

608 qualifications of personnel, and other related personnel matters;

609 (k) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,

610 improve, or use, any property, real, personal or mixed, provided that at all times the

611 commission shall avoid any appearance of impropriety;

612 (l) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of

613 any property real, personal, or mixed;

614 (m) establish a budget and make expenditures;

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

646 (iii) prepare and recommend the budget;  
647 (iv) maintain financial records on behalf of the commission;  
648 (v) monitor compliance of member states and provide reports to the commission; and  
649 (vi) perform other duties as provided in rules or bylaws.  
650 (f) (i) All meetings of the commission shall be open to the public, and public notice of  
651 meetings shall be given in accordance with commission bylaws.  
652 (ii) The commission or the executive committee or other committees of the  
653 commission may convene in a closed, nonpublic meeting if the commission or executive  
654 committee or other committees of the commission must discuss:  
655 (A) non-compliance of a Member State with its obligations under the compact;  
656 (B) the employment, compensation, discipline or other matters, practices or procedures  
657 related to specific employees or other matters related to the commission's internal personnel  
658 practices and procedures;  
659 (C) current, threatened, or reasonably anticipated litigation;  
660 (D) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
661 estate;  
662 (E) accusing any person of a crime or formally censuring any person;  
663 (F) disclosure of trade secrets or commercial or financial information that is privileged  
664 or confidential;  
665 (G) disclosure of information of a personal nature where disclosure would constitute a  
666 clearly unwarranted invasion of personal privacy;  
667 (H) disclosure of investigative records compiled for law enforcement purposes;  
668 (I) disclosure of information related to any investigative reports prepared by or on  
669 behalf of or for use of the commission or other committee charged with responsibility of  
670 investigation or determination of compliance issues pursuant to the compact;  
671 (J) matters specifically exempted from disclosure by federal or member state statute;  
672 and  
673 (K) other matters as set forth by commission bylaws and rules.  
674 (iii) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
675 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
676 reference each relevant exempting provision.

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

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

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

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

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

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

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

708 that person.

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

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

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

726 **53E-6-1107. Article VIII -- Rulemaking.**

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

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

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



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

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

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

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

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

750 (d) protect public health and safety.

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

752 **53E-6-1108. Article IX -- Facilitating information exchange.**

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

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

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

760 **53E-6-1109. Article X -- Oversight, dispute resolution, and enforcement.**

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

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

770 for professional malpractice, misconduct or any such similar matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

821 **53E-6-1110. Article XI -- Effectuation, withdrawal, and amendment.**

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

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

827 (b) A charter member state whose enactment is found to be materially different from  
828 the model Compact statute shall be entitled to the default process set forth in Section  
829 [53E-9-1011](#).

830 (c) Member states enacting the compact subsequent to the charter member states shall  
831 be subject to the process set forth in Subsection [53E-9-1008\(3\)\(t\)](#) to determine if their

832 enactments are materially different from the model compact statute and whether they qualify  
833 for participation in the compact.

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

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

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

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

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

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

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

853 **53E-6-1111. Article XII -- Construction and severability.**

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

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

861 (3) If this compact shall be held contrary to the constitution of any member state, the  
862 compact shall remain in full force and effect as to the remaining member states and in full force

863 and effect as to the member state affected as to all severable matters.

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

865 **53E-6-1112. Article XIII -- Consistent effect and conflict with other state laws.**

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

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

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

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

873 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

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

878 (a) Section **58-17b-307**;

879 (b) Sections **58-24b-302** and **58-24b-302.1**;

880 (c) Section **58-31b-302**;

881 (d) Sections **58-42a-302** and **58-42a-302.1**, of Chapter 42a, Occupational Therapy  
882 Practice Act;

883 (e) Section **58-44a-302.1**;

884 (f) Section **58-47b-302**;

885 (g) Section **58-55-302**, as Section **58-55-302** applies to alarm companies and alarm  
886 company agents;

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

889 (i) Sections **58-61-304** and **58-61-304.1**;

890 (j) Section **58-63-302**;

891 (k) Section **58-64-302**;

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

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

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

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

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

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

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

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

905 **58-1-302. License by endorsement.**

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

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

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

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

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

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

920 [~~(2)~~] (3) Subject to Subsections [~~(3) through (6);~~] (4) through (7), the division may  
921 issue a license to [~~a person~~] an applicant who:

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

924 (i) (A) the division determines that the applicant's education, experience, and skills

925 demonstrate competency in the profession for which the licensure is sought in this state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

955 (6) The division, in consultation with the applicable licensing board, may make rules in

956 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the  
957 administration and requirements of this section.

958 ~~[(6)]~~ (7) In accordance with Section 58-1-107, licensure endorsement provisions in this  
959 section are subject to and may be supplemented or altered by licensure endorsement provisions  
960 or multistate licensure compacts in specific chapters of this title.

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

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

966 **58-70a-301.1. Criminal background check.**

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

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

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

973 (2) The division shall:

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

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

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

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

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



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

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

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

994 (5) The division may not:

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

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

1001 Section 25. Section **58-70a-302** is amended to read:

1002 **58-70a-302. Qualifications for licensure.**

1003 Each applicant for licensure as a physician assistant shall:

1004 (1) submit an application in a form prescribed by the division;

1005 (2) pay a fee determined by the department under Section [63J-1-504](#);

1006 (3) have successfully completed a physician assistant program accredited by:

1007 (a) the Accreditation Review Commission on Education for the Physician Assistant; or

1008 (b) if prior to January 1, 2001, either the:

1009 (i) Committee on Accreditation of Allied Health Education Programs; or

1010 (ii) Committee on Allied Health Education and Accreditation;

1011 (4) have passed the licensing examinations required by division rule made in  
1012 collaboration with the board; [~~and~~]

1013 (5) meet with the board and representatives of the division, if requested, for the  
1014 purpose of evaluating the applicant's qualifications for licensure[-]; and

1015 (6) if the applicant is applying to participate in the PA Licensure Compact under  
1016 Chapter 70c, PA Licensure Compact, consent to a criminal background check in accordance  
1017 with Section [58-70a-301.1](#) and any requirements established by division rule made in

1018 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1019 Section 26. Section **58-70c-101** is enacted to read:

1020 **CHAPTER 70c. PA LICENSURE COMPACT**

1021 **Part 1. Compact Text**

1022 **58-70c-101. Section 1 -- Purpose.**

1023 In order to strengthen access to Medical Services, and in recognition of the advances in  
1024 the delivery of Medical Services, the Participating States of the PA Licensure Compact have  
1025 allied in common purpose to develop a comprehensive process that complements the existing  
1026 authority of State Licensing Boards to license and discipline PAs and seeks to enhance the  
1027 portability of a License to practice as a PA while safeguarding the safety of patients. This  
1028 Compact allows Medical Services to be provided by PAs, via the mutual recognition of the  
1029 Licensees Qualifying License by other Compact Participating States. This Compact also adopts  
1030 the prevailing standard for PA licensure and affirms that the practice and delivery of Medical  
1031 Services by the PA occurs where the patient is located at the time of the patient encounter, and  
1032 therefore requires the PA to be under the jurisdiction of the State Licensing Board where the  
1033 patient is located. State Licensing Boards that participate in this Compact retain the jurisdiction  
1034 to impose Adverse Action against a Compact Privilege in that State issued to a PA through the  
1035 procedures of this Compact. The PA Licensure Compact will alleviate burdens for military  
1036 families by allowing active duty military personnel and their spouses to obtain a Compact  
1037 Privilege based on having an unrestricted License in good standing from a Participating State.

1038 Section 27. Section **58-70c-102** is enacted to read:

1039 **58-70c-102. Section 1 -- Definitions.**

1040 In this Compact:

1041 A. "Adverse Action" means any administrative, civil, equitable, or criminal action  
1042 permitted by a State's laws which is imposed by a Licensing Board or other authority against a  
1043 PA License or License application or Compact Privilege such as License denial, censure,  
1044 revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's  
1045 practice.

1046 B. "Compact Privilege" means the authorization granted by a Remote State to allow a  
1047 Licensee from another Participating State to practice as a PA to provide Medical Services and  
1048 other licensed activity to a patient located in the Remote State under the Remote State's laws

1049 and regulations.

1050 C. "Conviction" means a finding by a court that an individual is guilty of a felony or  
1051 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge  
1052 by the offender.

1053 D. "Criminal Background Check" means the submission of fingerprints or other  
1054 biometric-based information for a License applicant for the purpose of obtaining that  
1055 applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the  
1056 State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

1057 E. "Data System" means the repository of information about Licensees, including but  
1058 not limited to License status and Adverse Actions, which is created and administered under the  
1059 terms of this Compact.

1060 F. "Executive Committee" means a group of directors and ex-officio individuals elected  
1061 or appointed pursuant to Section 7.F.2.

1062 G. "Impaired Practitioner" means a PA whose practice is adversely affected by  
1063 health-related condition(s) that impact their ability to practice.

1064 H. "Investigative Information" means information, records, or documents received or  
1065 generated by a Licensing Board pursuant to an investigation.

1066 I. "Jurisprudence Requirement" means the assessment of an individual's knowledge of  
1067 the laws and Rules governing the practice of a PA in a State.

1068 J. "License" means current authorization by a State, other than authorization pursuant to  
1069 a Compact Privilege, for a PA to provide Medical Services, which would be unlawful without  
1070 current authorization.

1071 K. "Licensee" means an individual who holds a License from a State to provide  
1072 Medical Services as a PA.

1073 L. "Licensing Board" means any State entity authorized to license and otherwise  
1074 regulate PAs.

1075 M. "Medical Services" means health care services provided for the diagnosis,  
1076 prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a  
1077 State's laws and regulations.

1078 N. "Model Compact" means the model for the PA Licensure Compact on file with The  
1079 Council of State Governments or other entity as designated by the Commission.

- 1080 O. "Participating State" means a State that has enacted this Compact.
- 1081 P. "PA" means an individual who is licensed as a physician assistant in a State. For
- 1082 purposes of this Compact, any other title or status adopted by a State to replace the term
- 1083 "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer
- 1084 the same rights and responsibilities to the Licensee under the provisions of this Compact at the
- 1085 time of its enactment.
- 1086 Q. "PA Licensure Compact Commission," "Compact Commission," or "Commission"
- 1087 mean the national administrative body created pursuant to Section 7.A of this Compact.
- 1088 R. "Qualifying License" means an unrestricted License issued by a Participating State to
- 1089 provide Medical Services as a PA.
- 1090 S. "Remote State" means a Participating State where a Licensee who is not licensed as a
- 1091 PA is exercising or seeking to exercise the Compact Privilege.
- 1092 T. "Rule" means a regulation promulgated by an entity that has the force and effect of
- 1093 law.
- 1094 U. "Significant Investigative Information" means Investigative Information that a
- 1095 Licensing Board, after an inquiry or investigation that includes notification and an opportunity
- 1096 for the PA to respond if required by State law, has reason to believe is not groundless and, if
- 1097 proven true, would indicate more than a minor infraction.
- 1098 V. "State" means any state, commonwealth, district, or territory of the United States.
- 1099 Section 28. Section **58-70c-103** is enacted to read:
- 1100 **58-70c-103. Section 3 -- State Participation in this Compact.**
- 1101 A. To participate in this Compact, a Participating State shall:
- 1102 1. License PAs.
- 1103 2. Participate in the Compact Commission's Data System.
- 1104 3. Have a mechanism in place for receiving and investigating complaints against
- 1105 Licensees and License applicants.
- 1106 4. Notify the Commission, in compliance with the terms of this Compact and
- 1107 Commission Rules, of any Adverse Action against a Licensee or License applicant and the
- 1108 existence of Significant Investigative Information regarding a Licensee or License applicant.
- 1109 5. Fully implement a Criminal Background Check requirement, within a time frame
- 1110 established by Commission Rule, by its Licensing Board receiving the results of a Criminal

1111 Background Check and reporting to the Commission whether the License applicant has been  
1112 granted a License.

1113 6. Comply with the Rules of the Compact Commission.

1114 7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a  
1115 requirement for PA licensure.

1116 8. Grant the Compact Privilege to a holder of a Qualifying License in a Participating  
1117 State.

1118 B. Nothing in this Compact prohibits a Participating State from charging a fee for  
1119 granting the Compact Privilege.

1120 Section 29. Section **58-70c-104** is enacted to read:

1121 **58-70c-104. Section 4 -- Compact Privilege.**

1122 A. To exercise the Compact Privilege, a Licensee must:

1123 1. Have graduated from a PA program accredited by the Accreditation Review

1124 Commission on Education for the Physician Assistant, Inc. or other programs authorized by  
1125 Commission Rule.

1126 2. Hold current NCCPA certification.

1127 3. Have no felony or misdemeanor Conviction.

1128 4. Have never had a controlled substance license, permit, or registration suspended or  
1129 revoked by a State or by the United States Drug Enforcement Administration.

1130 5. Have a unique identifier as determined by Commission Rule.

1131 6. Hold a Qualifying License.

1132 7. Have had no revocation of a License or limitation or restriction on any License  
1133 currently held due to an adverse action.

1134 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege  
1135 due to an Adverse Action, two years must have elapsed from the date on which the License or  
1136 Compact Privilege is no longer limited or restricted due to the Adverse Action.

1137 9. If a Compact Privilege has been revoked or is limited or restricted in a Participating  
1138 State for conduct that would not be a basis for disciplinary action in a Participating State in  
1139 which the Licensee is practicing or applying to practice under a Compact Privilege, that  
1140 Participating State shall have the discretion not to consider such action as an Adverse Action  
1141 requiring the denial or removal of a Compact Privilege in that State.

1142 10. Notify the Compact Commission that the Licensee is seeking the Compact Privilege  
1143 in a Remote State.

1144 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is  
1145 seeking to practice under the Compact Privilege and pay any fees applicable to satisfying the  
1146 Jurisprudence Requirement.

1147 12. Report to the Commission any Adverse Action taken by a non-participating State  
1148 within thirty (30) days after the action is taken.

1149 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying  
1150 License unless terminated pursuant to an Adverse Action. The Licensee must also comply with  
1151 all of the requirements of Subsection A above to maintain the Compact Privilege in a Remote  
1152 State. If the Participating State takes Adverse Action against a Qualifying License, the Licensee  
1153 shall lose the Compact Privilege in any Remote State in which the Licensee has a Compact  
1154 Privilege until all of the following occur:

1155 1. The License is no longer limited or restricted; and

1156 2. Two (2) years have elapsed from the date on which the License is no longer limited  
1157 or restricted due to the Adverse Action.

1158 C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and  
1159 2, the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege in  
1160 any Remote State.

1161 D. For each Remote State in which a PA seeks authority to prescribe controlled  
1162 substances, the PA shall satisfy all requirements imposed by such State in granting or renewing  
1163 such authority.

1164 Section 30. Section **58-70c-105** is enacted to read:

1165 **58-70c-105. Section 5 -- Designation of the State from Which Licensee is Applying**  
1166 **for a Compact Privilege.**

1167 A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to  
1168 the Commission the Participating State from which the Licensee is applying, in accordance  
1169 with applicable Rules adopted by the Commission, and subject to the following requirements:

1170 1. When applying for a Compact Privilege, the Licensee shall provide the Commission  
1171 with the address of the Licensee's primary residence and thereafter shall immediately report to  
1172 the Commission any change in the address of the Licensee's primary residence.

1173 2. When applying for a Compact Privilege, the Licensee is required to consent to accept  
1174 service of process by mail at the Licensee's primary residence on file with the Commission  
1175 with respect to any action brought against the Licensee by the Commission or a Participating  
1176 State, including a subpoena, with respect to any action brought or investigation conducted by  
1177 the Commission or a Participating State.

1178 Section 31. Section **58-70c-106** is enacted to read:

1179 **58-70c-106. Section 6 -- Adverse Actions.**

1180 A. A Participating State in which a Licensee is licensed shall have exclusive power to  
1181 impose Adverse Action against the Qualifying License issued by that Participating State.

1182 B. In addition to the other powers conferred by State law, a Remote State shall have the  
1183 authority, in accordance with existing State due process law, to do all of the following:

1184 1. Take Adverse Action against a PA's Compact Privilege within that State to remove a  
1185 Licensee's Compact Privilege or take other action necessary under applicable law to protect the  
1186 health and safety of its citizens.

1187 2. Issue subpoenas for both hearings and investigations that require the attendance and  
1188 testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing  
1189 Board in a Participating State for the attendance and testimony of witnesses or the production  
1190 of evidence from another Participating State shall be enforced in the latter State by any court of  
1191 competent jurisdiction, according to the practice and procedure of that court applicable to  
1192 subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness  
1193 fees, travel expenses, mileage and other fees required by the service statutes of the State in  
1194 which the witnesses or evidence are located.

1195 3. Notwithstanding paragraph 1, subpoenas may not be issued by a Participating State  
1196 to gather evidence of conduct in another State that is lawful in that other State for the purpose  
1197 of taking Adverse Action against a Licensee's Compact Privilege or application for a Compact  
1198 Privilege in that Participating State.

1199 4. Nothing in this Compact authorizes a Participating State to impose discipline against  
1200 a PA's Compact Privilege or to deny an application for a Compact Privilege in that  
1201 Participating State for the individual's otherwise lawful practice in another State.

1202 C. For purposes of taking Adverse Action, the Participating State which issued the  
1203 Qualifying License shall give the same priority and effect to reported conduct received from

1204 any other Participating State as it would if the conduct had occurred within the Participating  
1205 State which issued the Qualifying License. In so doing, that Participating State shall apply its  
1206 own State laws to determine appropriate action.

1207 D. A Participating State, if otherwise permitted by State law, may recover from the  
1208 affected PA the costs of investigations and disposition of cases resulting from any Adverse  
1209 Action taken against that PA.

1210 E. A Participating State may take Adverse Action based on the factual findings of a  
1211 Remote State, provided that the Participating State follows its own procedures for taking the  
1212 Adverse Action.

1213 F. Joint Investigations.

1214 1. In addition to the authority granted to a Participating State by its respective State PA  
1215 laws and regulations or other applicable State law, any Participating State may participate with  
1216 other Participating States in joint investigations of Licensees.

1217 2. Participating States shall share any investigative, litigation, or compliance materials  
1218 in furtherance of any joint or individual investigation initiated under this Compact.

1219 G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact  
1220 Privilege in all Remote States shall be deactivated until two (2) years have elapsed after all  
1221 restrictions have been removed from the State License. All disciplinary orders by the  
1222 Participating State which issued the Qualifying License that impose Adverse Action against a  
1223 PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all  
1224 Participating States during the pendency of the order.

1225 H. If any Participating State takes Adverse Action, it promptly shall notify the  
1226 administrator of the Data System.

1227 Section 32. Section **58-70c-107** is enacted to read:

1228 **58-70c-107. Section 7 -- Establishment of the PA Licensure Compact**  
1229 **Commission.**

1230 A. The Participating States hereby create and establish a joint government agency and  
1231 national administrative body known as the PA Licensure Compact Commission. The  
1232 Commission is an instrumentality of the Compact States acting jointly and not an  
1233 instrumentality of any one State. The Commission shall come into existence on or after the  
1234 effective date of the Compact as set forth in Section 11.A.



1235 B. Membership, Voting, and Meetings

1236 1. Each Participating State shall have and be limited to one (1) delegate selected by that  
1237 Participating State's Licensing Board or, if the State has more than one Licensing Board,  
1238 selected collectively by the Participating State's Licensing Boards.

1239 2. The delegate shall be either:

1240 a. A current PA, physician or public member of a Licensing Board or PA  
1241 Council/Committee; or

1242 b. An administrator of a Licensing Board.

1243 3. Any delegate may be removed or suspended from office as provided by the laws of  
1244 the State from which the delegate is appointed.

1245 4. The Participating State Licensing Board shall fill any vacancy occurring in the  
1246 Commission within sixty (60) days.

1247 5. Each delegate shall be entitled to one (1) vote on all matters voted on by the  
1248 Commission and shall otherwise have an opportunity to participate in the business and affairs  
1249 of the Commission. A delegate shall vote in person or by such other means as provided in the  
1250 bylaws. The bylaws may provide for delegates' participation in meetings by  
1251 telecommunications, video conference, or other means of communication.

1252 6. The Commission shall meet at least once during each calendar year. Additional  
1253 meetings shall be held as set forth in this Compact and the bylaws.

1254 7. The Commission shall establish by Rule a term of office for delegates.

1255 C. The Commission shall have the following powers and duties:

1256 1. Establish a code of ethics for the Commission;

1257 2. Establish the fiscal year of the Commission;

1258 3. Establish fees;

1259 4. Establish bylaws;

1260 5. Maintain its financial records in accordance with the bylaws;

1261 6. Meet and take such actions as are consistent with the provisions of this Compact and  
1262 the bylaws;

1263 7. Promulgate Rules to facilitate and coordinate implementation and administration of  
1264 this Compact. The Rules shall have the force and effect of law and shall be binding in all  
1265 Participating States;

1266 8. Bring and prosecute legal proceedings or actions in the name of the Commission,  
1267 provided that the standing of any State Licensing Board to sue or be sued under applicable law  
1268 shall not be affected;

1269 9. Purchase and maintain insurance and bonds;

1270 10. Borrow, accept, or contract for services of personnel, including, but not limited to,  
1271 employees of a Participating State;

1272 11. Hire employees and engage contractors, elect or appoint officers, fix compensation,  
1273 define duties, grant such individuals appropriate authority to carry out the purposes of this  
1274 Compact, and establish the Commission's personnel policies and programs relating to conflicts  
1275 of interest, qualifications of personnel, and other related personnel matters;

1276 12. Accept any and all appropriate donations and grants of money, equipment, supplies,  
1277 materials and services, and receive, utilize and dispose of the same, provided that at all times  
1278 the Commission shall avoid any appearance of impropriety or conflict of interest;

1279 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
1280 improve or use, any property, real, personal or mixed, provided that at all times the  
1281 Commission shall avoid any appearance of impropriety;

1282 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
1283 any property real, personal, or mixed;

1284 15. Establish a budget and make expenditures;

1285 16. Borrow money;

1286 17. Appoint committees, including standing committees composed of members, State  
1287 regulators, State legislators or their representatives, and consumer representatives, and such  
1288 other interested persons as may be designated in this Compact and the bylaws;

1289 18. Provide and receive information from, and cooperate with, law enforcement  
1290 agencies;

1291 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the  
1292 Commission as provided in the Commission's bylaws;

1293 20. Reserve for itself, in addition to those reserved exclusively to the Commission  
1294 under the Compact, powers that the Executive Committee may not exercise;

1295 21. Approve or disapprove a State's participation in the Compact based upon its  
1296 determination as to whether the State's Compact legislation departs in a material manner from

1297 the Model Compact language;

1298 22. Prepare and provide to the Participating States an annual report; and

1299 23. Perform such other functions as may be necessary or appropriate to achieve the  
1300 purposes of this Compact consistent with the State regulation of PA licensure and practice.

1301 D. Meetings of the Commission

1302 1. All meetings of the Commission that are not closed pursuant to this subsection shall  
1303 be open to the public. Notice of public meetings shall be posted on the Commission's website  
1304 at least thirty (30) days prior to the public meeting.

1305 2. Notwithstanding subsection D.1 of this section, the Commission may convene a  
1306 public meeting by providing at least twenty-four (24) hours prior notice on the Commission's  
1307 website, and any other means as provided in the Commission's Rules, for any of the reasons it  
1308 may dispense with notice of proposed rulemaking under Section 9.L.

1309 3. The Commission may convene in a closed, non-public meeting or non-public part of  
1310 a public meeting to receive legal advice or to discuss.

1311 a. Non-compliance of a Participating State with its obligations under this Compact;

1312 b. The employment, compensation, discipline or other matters, practices or procedures  
1313 related to specific employees or other matters related to the Commission's internal personnel  
1314 practices and procedures;

1315 c. Current, threatened, or reasonably anticipated litigation;

1316 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
1317 estate;

1318 e. Accusing any person of a crime or formally censuring any person;

1319 f. Disclosure of trade secrets or commercial or financial information that is privileged  
1320 or confidential;

1321 g. Disclosure of information of a personal nature where disclosure would constitute a  
1322 clearly unwarranted invasion of personal privacy;

1323 h. Disclosure of investigative records compiled for law enforcement purposes;

1324 i. Disclosure of information related to any investigative reports prepared by or on behalf  
1325 of or for use of the Commission or other committee charged with responsibility of investigation  
1326 or determination of compliance issues pursuant to this Compact;

1327 j. Legal advice; or

1328 k. Matters specifically exempted from disclosure by federal or Participating States'  
1329 statutes.

1330 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of  
1331 the meeting or the chair's designee shall certify that the meeting or portion of the meeting may  
1332 be closed and shall reference each relevant exempting provision.

1333 5. The Commission shall keep minutes that fully and clearly describe all matters  
1334 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
1335 including a description of the views expressed. All documents considered in connection with  
1336 an action shall be identified in such minutes. All minutes and documents of a closed meeting  
1337 shall remain under seal, subject to release by a majority vote of the Commission or order of a  
1338 court of competent jurisdiction.

1339 E. Financing of the Commission

1340 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of  
1341 its establishment, organization, and ongoing activities.

1342 2. The Commission may accept any and all appropriate revenue sources, donations, and  
1343 grants of money, equipment, supplies, materials, and services.

1344 3. The Commission may levy on and collect an annual assessment from each  
1345 Participating State and may impose Compact Privilege fees on Licensees of Participating States  
1346 to whom a Compact Privilege is granted to cover the cost of the operations and activities of the  
1347 Commission and its staff, which must be in a total amount sufficient to cover its annual budget  
1348 as approved by the Commission each year for which revenue is not provided by other sources.  
1349 The aggregate annual assessment amount levied on Participating States shall be allocated based  
1350 upon a formula to be determined by Commission Rule.

1351 a. A Compact Privilege expires when the Licensee's Qualifying License in the  
1352 Participating State from which the Licensee applied for the Compact Privilege expires.

1353 b. If the Licensee terminates the Qualifying License through which the Licensee applied  
1354 for the Compact Privilege before its scheduled expiration, and the Licensee has a Qualifying  
1355 License in another Participating State, the Licensee shall inform the Commission that it is  
1356 changing to that Participating State the Participating State through which it applies for a  
1357 Compact Privilege and pay to the Commission any Compact Privilege fee required by  
1358 Commission Rule.

1359 4. The Commission shall not incur obligations of any kind prior to securing the funds  
1360 adequate to meet the same; nor shall the Commission pledge the credit of any of the  
1361 Participating States, except by and with the authority of the Participating State.

1362 5. The Commission shall keep accurate accounts of all receipts and disbursements. The  
1363 receipts and disbursements of the Commission shall be subject to the financial review and  
1364 accounting procedures established under its bylaws. All receipts and disbursements of funds  
1365 handled by the Commission shall be subject to an annual financial review by a certified or  
1366 licensed public accountant, and the report of the financial review shall be included in and  
1367 become part of the annual report of the Commission.

1368 F. The Executive Committee

1369 1. The Executive Committee shall have the power to act on behalf of the Commission  
1370 according to the terms of this Compact and Commission Rules.

1371 2. The Executive Committee shall be composed of nine (9) members:

1372 a. Seven voting members who are elected by the Commission from the current  
1373 membership of the Commission;

1374 b. One ex-officio, nonvoting member from a recognized national PA professional  
1375 association; and

1376 c. One ex-officio, nonvoting member from a recognized national PA certification  
1377 organization.

1378 3. The ex-officio members will be selected by their respective organizations.

1379 4. The Commission may remove any member of the Executive Committee as provided  
1380 in its bylaws.

1381 5. The Executive Committee shall meet at least annually.

1382 6. The Executive Committee shall have the following duties and responsibilities:

1383 a. Recommend to the Commission changes to the Commission's Rules or bylaws,  
1384 changes to this Compact legislation, fees to be paid by Compact Participating States such as  
1385 annual dues, and any Commission Compact fee charged to Licensees for the Compact  
1386 Privilege;

1387 b. Ensure Compact administration services are appropriately provided, contractual or  
1388 otherwise;

1389 c. Prepare and recommend the budget;

1390 d. Maintain financial records on behalf of the Commission;

1391 e. Monitor Compact compliance of Participating States and provide compliance reports  
1392 to the Commission;

1393 f. Establish additional committees as necessary;

1394 g. Exercise the powers and duties of the Commission during the interim between  
1395 Commission meetings, except for issuing proposed rulemaking or adopting Commission Rules  
1396 or bylaws, or exercising any other powers and duties exclusively reserved to the Commission  
1397 by the Commission's Rules; and

1398 h. Perform other duties as provided in the Commission's Rules or bylaws.

1399 7. All meetings of the Executive Committee at which it votes or plans to vote on  
1400 matters in exercising the powers and duties of the Commission shall be open to the public and  
1401 public notice of such meetings shall be given as public meetings of the Commission are given.

1402 8. The Executive Committee may convene in a closed, non-public meeting for the same  
1403 reasons that the Commission may convene in a non-public meeting as set forth in Section 7.D.3  
1404 and shall announce the closed meeting as the Commission is required to under Section 7.D.4  
1405 and keep minutes of the closed meeting as the Commission is required to under Section 7.D.5.

1406 G. Qualified Immunity, Defense, and Indemnification

1407 1. The members, officers, executive director, employees and representatives of the  
1408 Commission shall be immune from suit and liability, both personally and in their official  
1409 capacity, for any claim for damage to or loss of property or personal injury or other civil  
1410 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
1411 or that the person against whom the claim is made had a reasonable basis for believing  
1412 occurred within the scope of Commission employment, duties or responsibilities; provided that  
1413 nothing in this paragraph shall be construed to protect any such person from suit or liability for  
1414 any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct  
1415 of that person. The procurement of insurance of any type by the Commission shall not in any  
1416 way compromise or limit the immunity granted hereunder.

1417 2. The Commission shall defend any member, officer, executive director, employee,  
1418 and representative of the Commission in any civil action seeking to impose liability arising out  
1419 of any actual or alleged act, error, or omission that occurred within the scope of Commission  
1420 employment, duties, or responsibilities, or as determined by the commission that the person

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

1426 3. The Commission shall indemnify and hold harmless any member, officer, executive  
1427 director, employee, and representative of the Commission for the amount of any settlement or  
1428 judgment obtained against that person arising out of any actual or alleged act, error, or  
1429 omission that occurred within the scope of Commission employment, duties, or  
1430 responsibilities, or that such person had a reasonable basis for believing occurred within the  
1431 scope of Commission employment, duties, or responsibilities, provided that the actual or  
1432 alleged act, error, or omission did not result from the intentional or willful or wanton  
1433 misconduct of that person.

1434 4. Venue is proper and judicial proceedings by or against the Commission shall be  
1435 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
1436 the Commission is located. The Commission may waive venue and jurisdictional defenses in  
1437 any proceedings as authorized by Commission Rules.

1438 5. Nothing herein shall be construed as a limitation on the liability of any Licensee for  
1439 professional malpractice or misconduct, which shall be governed solely by any other applicable  
1440 State laws.

1441 6. Nothing herein shall be construed to designate the venue or jurisdiction to bring  
1442 actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil  
1443 action pertaining to the practice of a PA. All such matters shall be determined exclusively by  
1444 State law other than this Compact.

1445 7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a  
1446 Participating State's state action immunity or state action affirmative defense with respect to  
1447 antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or  
1448 anticompetitive law or regulation.

1449 8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by  
1450 the Participating States or by the Commission.

1451 Section 33. Section **58-70c-108** is enacted to read:

1452 58-70c-108. Section 8 -- Data System.

1453 A. The Commission shall provide for the development, maintenance, operation, and  
1454 utilization of a coordinated data and reporting system containing licensure, Adverse Action,  
1455 and the reporting of the existence of Significant Investigative Information on all licensed PAs  
1456 and applicants denied a License in Participating States.

1457 B. Notwithstanding any other State law to the contrary, a Participating State shall  
1458 submit a uniform data set to the Data System on all PAs to whom this Compact is applicable  
1459 (utilizing a unique identifier) as required by the Rules of the Commission, including:

1460 1. Identifying information;

1461 2. Licensure data;

1462 3. Adverse Actions against a License or Compact Privilege;

1463 4. Any denial of application for licensure, and the reason(s) for such denial (excluding  
1464 the reporting of any Criminal history record information where prohibited by law);

1465 5. The existence of Significant Investigative Information; and

1466 6. Other information that may facilitate the administration of this Compact, as  
1467 determined by the Rules of the Commission.

1468 C. Significant Investigative Information pertaining to a Licensee in any Participating  
1469 State shall only be available to other Participating States.

1470 D. The Commission shall promptly notify all Participating States of any Adverse  
1471 Action taken against a Licensee or an individual applying for a License that has been reported  
1472 to it. This Adverse Action information shall be available to any other Participating State.

1473 E. Participating States contributing information to the Data System may, in accordance  
1474 with State or federal law, designate information that may not be shared with the public without  
1475 the express permission of the contributing State. Notwithstanding any such designation, such  
1476 information shall be reported to the Commission through the Data System.

1477 F. Any information submitted to the Data System that is subsequently expunged  
1478 pursuant to federal law or the laws of the Participating State contributing the information shall  
1479 be removed from the Data System upon reporting of such by the Participating State to the  
1480 Commission.

1481 G. The records and information provided to a Participating State pursuant to this  
1482 Compact or through the Data System, when certified by the Commission or an agent thereof,



1483 shall constitute the authenticated business records of the Commission, and shall be entitled to  
1484 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative  
1485 proceedings in a Participating State.

1486 Section 34. Section **58-70c-109** is enacted to read:

1487 **58-70c-109. Section 9 -- Rulemaking.**

1488 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
1489 forth in this Section and the Rules adopted thereunder. Commission Rules shall become  
1490 binding as of the date specified by the Commission for each Rule.

1491 B. The Commission shall promulgate reasonable Rules in order to effectively and  
1492 efficiently implement and administer this Compact and achieve its purposes. A Commission  
1493 Rule shall be invalid and have not force or effect only if a court of competent jurisdiction holds  
1494 that the Rule is invalid because the Commission exercised its rulemaking authority in a manner  
1495 that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or  
1496 based upon another applicable standard of review.

1497 C. The Rules of the Commission shall have the force of law in each Participating State,  
1498 provided however that where the Rules of the Commission conflict with the laws of the  
1499 Participating State that establish the medical services a PA may perform in the Participating  
1500 State, as held by a court of competent jurisdiction, the Rules of the Commission shall be  
1501 ineffective in that State to the extent of the conflict.

1502 D. If a majority of the legislatures of the Participating States rejects a Commission  
1503 Rule, by enactment of a statute or resolution in the same manner used to adopt this Compact  
1504 within four (4) years of the date of adoption of the Rule, then such Rule shall have no further  
1505 force and effect in any Participating State or to any State applying to participate in the  
1506 Compact.

1507 E. Commission Rules shall be adopted at a regular or special meeting of the  
1508 Commission.

1509 F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and  
1510 at least thirty (30) days in advance of the meeting at which the Rule will be considered and  
1511 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

- 1512 1. On the website of the Commission or other publicly accessible platform; and  
1513 2. To persons who have requested notice of the Commission's notices of proposed

1514 rulemaking, and

1515 3. In such other way(s) as the Commission may by Rule specify.

1516 G. The Notice of Proposed Rulemaking shall include:

1517 1. The time, date, and location of the public hearing on the proposed Rule and the  
1518 proposed time, date and location of the meeting in which the proposed Rule will be considered  
1519 and voted upon;

1520 2. The text of the proposed Rule and the reason for the proposed Rule;

1521 3. A request for comments on the proposed Rule from any interested person and the  
1522 date by which written comments must be received; and

1523 4. The manner in which interested persons may submit notice to the Commission of  
1524 their intention to attend the public hearing or provide any written comments.

1525 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit  
1526 written data, facts, opinions, and arguments, which shall be made available to the public.

1527 I. If the hearing is to be held via electronic means, the Commission shall publish the  
1528 mechanism for access to the electronic hearing.

1529 1. All persons wishing to be heard at the hearing shall as directed in the Notice of  
1530 Proposed Rulemaking, not less than five (5) business days before the scheduled date of the  
1531 hearing, notify the Commission of their desire to appear and testify at the hearing.

1532 2. Hearings shall be conducted in a manner providing each person who wishes to  
1533 comment a fair and reasonable opportunity to comment orally or in writing.

1534 3. All hearings shall be recorded. A copy of the recording and the written comments,  
1535 data, facts, opinions, and arguments received in response to the proposed rulemaking shall be  
1536 made available to a person upon request.

1537 4. Nothing in this section shall be construed as requiring a separate hearing on each  
1538 proposed Rule. Proposed Rules may be grouped for the convenience of the Commission at  
1539 hearings required by this section.

1540 J. Following the public hearing the Commission shall consider all written and oral  
1541 comments timely received.

1542 K. The Commission shall, by majority vote of all delegates, take final action on the  
1543 proposed Rule and shall determine the effective date of the Rule, if adopted, based on the  
1544 Rulemaking record and the full text of the Rule.

- 1545 1. If adopted, the Rule shall be posted on the Commission's website.
- 1546 2. The Commission may adopt changes to the proposed Rule provided the changes do  
1547 not enlarge the original purpose of the proposed Rule.
- 1548 3. The Commission shall provide on its website an explanation of the reasons for  
1549 substantive changes made to the proposed Rule as well as reasons for substantive changes not  
1550 made that were recommended by commenters.
- 1551 4. The Commission shall determine a reasonable effective date for the Rule. Except for  
1552 an emergency as provided in subsection L, the effective date of the Rule shall be no sooner  
1553 than thirty (30) days after the Commission issued the notice that adopted the Rule.
- 1554 L. Upon determination that an emergency exists, the Commission may consider and  
1555 adopt an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for  
1556 comment, or hearing, provided that the usual rulemaking procedures provided in this Compact  
1557 and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in  
1558 no event later than ninety (90) days after the effective date of the Rule. For the purposes of this  
1559 provision, an emergency Rule is one that must be adopted immediately by the Commission in  
1560 order to:
- 1561 1. Meet an imminent threat to public health, safety, or welfare;
- 1562 2. Prevent a loss of Commission or Participating State funds;
- 1563 3. Meet a deadline for the promulgation of a Commission Rule that is established by  
1564 federal law or Rule; or
- 1565 4. Protect public health and safety.
- 1566 M. The Commission or an authorized committee of the Commission may direct  
1567 revisions to a previously adopted Commission Rule for purposes of correcting typographical  
1568 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any  
1569 revisions shall be posted on the website of the Commission. The revision shall be subject to  
1570 challenge by any person for a period of thirty (30) days after posting. The revision may be  
1571 challenged only on grounds that the revision results in a material change to a Rule. A challenge  
1572 shall be made as set forth in the notice of revisions and delivered to the Commission prior to  
1573 the end of the notice period. If no challenge is made, the revision will take effect without  
1574 further action. If the revision is challenged, the revision may not take effect without the  
1575 approval of the Commission.

1576 N. No Participating State's rulemaking requirements shall apply under this Compact.

1577 Section 35. Section **58-70c-110** is enacted to read:

1578 **58-70c-110. Section 10 -- Oversight, Dispute Resolution, and Enforcement.**

1579 A. Oversight

1580 1. The executive and judicial branches of State government in each Participating State  
1581 shall enforce this Compact and take all actions necessary and appropriate to implement the  
1582 Compact.

1583 2. Venue is proper and judicial proceedings by or against the Commission shall be  
1584 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
1585 the Commission is located. The Commission may waive venue and jurisdictional defenses to  
1586 the extent it adopts or consents to participate in alternative dispute resolution proceedings.  
1587 Nothing herein shall affect or limit the selection or propriety of venue in any action against a  
1588 licensee for professional malpractice, misconduct or any such similar matter.

1589 3. The Commission shall be entitled to receive service of process in any proceeding  
1590 regarding the enforcement or interpretation of the Compact or the Commission's Rules and  
1591 shall have standing to intervene in such a proceeding for all purposes. Failure to provide the  
1592 Commission with service of process shall render a judgment or order in such proceeding void  
1593 as to the Commission, this Compact, or Commission Rules.

1594 B. Default, Technical Assistance, and Termination

1595 1. If the Commission determines that a Participating State has defaulted in the  
1596 performance of its obligations or responsibilities under this Compact or the Commission Rules,  
1597 the Commission shall provide written notice to the defaulting State and other Participating  
1598 States. The notice shall describe the default, the proposed means of curing the default and any  
1599 other action that the Commission may take and shall offer remedial training and specific  
1600 technical assistance regarding the default.

1601 2. If a State in default fails to cure the default, the defaulting State may be terminated  
1602 from this Compact upon an affirmative vote of a majority of the delegates of the Participating  
1603 States, and all rights, privileges and benefits conferred by this Compact upon such State may be  
1604 terminated on the effective date of termination. A cure of the default does not relieve the  
1605 offending State of obligations or liabilities incurred during the period of default.

1606 3. Termination of participation in this Compact shall be imposed only after all other

1607 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
1608 shall be given by the Commission to the governor, the majority and minority leaders of the  
1609 defaulting State's legislature, and to the Licensing Board(s) of each of the Participating States.

1610 4. A State that has been terminated is responsible for all assessments, obligations, and  
1611 liabilities incurred through the effective date of termination, including obligations that extend  
1612 beyond the effective date of termination.

1613 5. The Commission shall not bear any costs related to a State that is found to be in  
1614 default or that has been terminated from this Compact, unless agreed upon in writing between  
1615 the Commission and the defaulting State.

1616 6. The defaulting State may appeal its termination from the Compact by the  
1617 Commission by petitioning the U.S. District Court for the District of Columbia or the federal  
1618 district where the Commission has its principal offices. The prevailing member shall be  
1619 awarded all costs of such litigation, including reasonable attorney's fees.

1620 7. Upon the termination of a State's participation in the Compact, the State shall  
1621 immediately provide notice to all Licensees within that State of such termination:

1622 a. Licensees who have been granted a Compact Privilege in that State shall retain the  
1623 Compact Privilege for one hundred eighty (180) days following the effective date of such  
1624 termination.

1625 b. Licensees who are licensed in that State who have been granted a Compact Privilege  
1626 in a Participating State shall retain the Compact Privilege for one hundred eighty (180) days  
1627 unless the Licensee also has a Qualifying License in a Participating State or obtains a  
1628 Qualifying License in a Participating State before the one hundred eighty (180)-day period  
1629 ends, in which case the Compact Privilege shall continue.

1630 C. Dispute Resolution

1631 1. Upon request by a Participating State, the Commission shall attempt to resolve  
1632 disputes related to this Compact that arise among Participating States and between participating  
1633 and non-Participating States.

1634 2. The Commission shall promulgate a Rule providing for both mediation and binding  
1635 dispute resolution for disputes as appropriate.

1636 D. Enforcement.

1637 1. The Commission, in the reasonable exercise of its discretion, shall enforce the

1638 provisions of this Compact and Rules of the Commission.

1639 2. If compliance is not secured after all means to secure compliance have been  
1640 exhausted, by majority vote, the Commission may initiate legal action in the United States  
1641 District Court for the District of Columbia or the federal district where the Commission has its  
1642 principal offices, against a Participating State in default to enforce compliance with the  
1643 provisions of this Compact and the Commission's promulgated Rules and bylaws. The relief  
1644 sought may include both injunctive relief and damages. In the event judicial enforcement is  
1645 necessary, the prevailing party shall be awarded all costs of such litigation, including  
1646 reasonable attorney's fees.

1647 3. The remedies herein shall not be the exclusive remedies of the Commission. The  
1648 Commission may pursue any other remedies available under federal or State law.

1649 E. Legal Action Against the Commission

1650 1. A Participating State may initiate legal action against the Commission in the U.S.  
1651 District Court for the District of Columbia or the federal district where the Commission has its  
1652 principal offices to enforce compliance with the provisions of the Compact and its Rules. The  
1653 relief sought may include both injunctive relief and damages. In the event judicial enforcement  
1654 is necessary, the prevailing party shall be awarded all costs of such litigation, including  
1655 reasonable attorney's fees.

1656 2. No person other than a Participating State shall enforce this Compact against the  
1657 Commission.

1658 Section 36. Section **58-70c-111** is enacted to read:

1659 **58-70c-111. Section 11 -- Date of Implementation of the PA Licensure Compact**  
1660 **Commission.**

1661 A. This Compact shall come into effect on the date on which this Compact statute is  
1662 enacted into law in the seventh Participating State.

1663 1. On or after the effective date of the Compact, the Commission shall convene and  
1664 review the enactment of each of the States that enacted the Compact prior to the Commission  
1665 convening ("Charter Participating States") to determine if the statute enacted by each such  
1666 Charter Participating State is materially different than the Model Compact.

1667 a. A Charter Participating State whose enactment is found to be materially different  
1668 from the Model Compact shall be entitled to the default process set forth in Section 10.B.

1669 b. If any Participating State later withdraws from the Compact or its participation is  
1670 terminated, the Commission shall remain in existence and the Compact shall remain in effect  
1671 even if the number of Participating States should be less than seven. Participating States  
1672 enacting the Compact subsequent to the Commission convening shall be subject to the process  
1673 set forth in Section 7.C.21 to determine if their enactments are materially different from the  
1674 Model Compact and whether they qualify for participation in the Compact.

1675 2. Participating States enacting the Compact subsequent to the seven initial Charter  
1676 Participating States shall be subject to the process set forth in Section 7.C.21 to determine if  
1677 their enactments are materially different from the Model Compact and whether they qualify for  
1678 participation in the Compact.

1679 3. All actions taken for the benefit of the Commission or in furtherance of the purposes  
1680 of the administration of the Compact prior to the effective date of the Compact or the  
1681 Commission coming into existence shall be considered to be actions of the Commission unless  
1682 specifically repudiated by the Commission.

1683 B. Any State that joins this Compact shall be subject to the Commission's Rules and  
1684 bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule  
1685 that has been previously adopted by the Commission shall have the full force and effect of law  
1686 on the day this Compact becomes law in that State.

1687 C. Any Participating State may withdraw from this Compact by enacting a statute  
1688 repealing the same.

1689 1. A Participating State's withdrawal shall not take effect until one hundred eighty (180)  
1690 days after enactment of the repealing statute. During this one hundred eighty (180) day-period,  
1691 all Compact Privileges that were in effect in the withdrawing State and were granted to  
1692 Licensees licensed in the withdrawing State shall remain in effect. If any Licensee licensed in  
1693 the withdrawing State is also licensed in another Participating State or obtains a license in  
1694 another Participating State within the one hundred eighty (180) days, the Licensee's Compact  
1695 Privileges in other Participating States shall not be affected by the passage of the one hundred  
1696 eighty (180) days.

1697 2. Withdrawal shall not affect the continuing requirement of the State Licensing  
1698 Board(s) of the withdrawing State to comply with the investigative, and Adverse Action  
1699 reporting requirements of this Compact prior to the effective date of withdrawal.

1700 3. Upon the enactment of a statute withdrawing a State from this Compact, the State  
1701 shall immediately provide notice of such withdrawal to all Licensees within that State. Such  
1702 withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for  
1703 a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

1704 D. Nothing contained in this Compact shall be construed to invalidate or prevent any  
1705 PA licensure agreement or other cooperative arrangement between Participating States and  
1706 between a Participating State and non-Participating State that does not conflict with the  
1707 provisions of this Compact.

1708 E. This Compact may be amended by the Participating States. No amendment to this  
1709 Compact shall become effective and binding upon any Participating State until it is enacted  
1710 materially in the same manner into the laws of all Participating States as determined by the  
1711 Commission.

1712 Section 37. Section **58-70c-112** is enacted to read:

1713 **58-70c-112. Section 12 -- Construction and Severability.**

1714 A. This Compact and the Commission's rulemaking authority shall be liberally  
1715 construed so as to effectuate the purposes, and the implementation and administration of the  
1716 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of  
1717 Rules shall not be construed to limit the Commission's rulemaking authority solely for those  
1718 purposes.

1719 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence  
1720 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the  
1721 constitution of any Participating State, a State seeking participation in the Compact, or of the  
1722 United States, or the applicability thereof to any government, agency, person or circumstance is  
1723 held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of  
1724 this Compact and the applicability thereof to any other government, agency, person or  
1725 circumstance shall not be affected thereby.

1726 C. Notwithstanding subsection B or this section, the Commission may deny a State's  
1727 participation in the Compact or, in accordance with the requirements of Section 10.B, terminate  
1728 a Participating State's participation in the Compact, if it determines that a constitutional  
1729 requirement of a Participating State is, or would be with respect to a State seeking to  
1730 participate in the Compact, a material departure from the Compact. Otherwise, if this Compact



1731 shall be held to be contrary to the constitution of any Participating State, the Compact shall  
1732 remain in full force and effect as to the remaining Participating States and in full force and  
1733 effect as to the Participating State affected as to all severable matters.

1734 Section 38. Section **58-70c-113** is enacted to read:

1735 **58-70c-113. Section 13 -- Binding Effect of Compact.**

1736 A. Nothing herein prevents the enforcement of any other law of a Participating State  
1737 that is not inconsistent with this Compact.

1738 B. Any laws in a Participating State in conflict with this Compact are superseded to the  
1739 extent of the conflict.

1740 C. All agreements between the Commission and the Participating States are binding in  
1741 accordance with their terms.

1742 Section 39. Section **58-70c-201** is enacted to read:

1743 **Part 2. Division Implementation**

1744 **58-70c-201. Rulemaking authority -- State authority over scope of practice.**

1745 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah  
1746 Administrative Rulemaking Act, to implement this chapter.

1747 (2) Notwithstanding any provision in Sections [58-70c-101](#) through [58-70c-113](#),  
1748 Sections [58-70c-101](#) through [58-70c-113](#) do not supersede state law related to an individual's  
1749 scope of practice under this title.

1750 Section 40. Section **72-9-602.5** is enacted to read:

1751 **72-9-602.5. Certificate by endorsement.**

1752 (1) As used in this section, "license" means an authorization that permits the holder to  
1753 engage in the practice of a profession described in Section [72-9-602](#).

1754 (2) Subject to Subsections (4) through (6), the department shall issue a certificate  
1755 described in Section [72-9-602](#) to an applicant who has been licensed in another state, district,  
1756 or territory of the United States if:

1757 (a) the department determines that the license issued by the other state, district, or  
1758 territory encompasses a similar scope of practice as the certificate;

1759 (b) the applicant has at least one year of experience practicing under the license issued  
1760 in the other state, district, or territory; and

1761 (c) the applicant's license is in good standing in the other state, district, or territory.

1762 (3) Subject to Subsections (4) through (6), the department may issue a certificate  
1763 described in Section 72-9-602 to an applicant who:  
1764 (a) has been licensed in another state, district, or territory of the United States, or in a  
1765 jurisdiction outside of the United States, if:  
1766 (i) (A) the department determines that the applicant's education, experience, and skills  
1767 demonstrate competency in the occupation for which certification is sought; and  
1768 (B) the applicant has at least one year of experience practicing under the license issued  
1769 in the other state, district, territory, or jurisdiction; or  
1770 (ii) the department determines that the licensure requirements of the other state,  
1771 district, territory, or jurisdiction at the time the license was issued were substantially similar to  
1772 the requirements for the certificate; or  
1773 (b) has never been licensed in a state, district, or territory of the United States, or in a  
1774 jurisdiction outside of the United States, if:  
1775 (i) the applicant was educated in or obtained relevant experience in a state, district, or  
1776 territory of the United States, or a jurisdiction outside of the United States; and  
1777 (ii) the department determines that the education or experience was substantially  
1778 similar to the education or experience requirements for the certificate.  
1779 (4) The department may refuse to issue a certificate to an applicant under this section  
1780 if:  
1781 (a) the department determines that there is reasonable cause to believe that the  
1782 applicant is not qualified to receive the certificate; or  
1783 (b) the applicant has a previous or pending disciplinary action related to the applicant's  
1784 other license.  
1785 (5) Before the department issues a certificate to an applicant under this section, the  
1786 applicant shall:  
1787 (a) pay a fee determined by the department under Section 63J-1-504; and  
1788 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good  
1789 standing in the occupation for which certification is sought.  
1790 (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah  
1791 Administrative Rulemaking Act, prescribing the administration and requirements of this  
1792 section.