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# A BILL FOR AN ACT

RELATING TO THE PHYSICIAN ASSISTANT LICENSURE COMPACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4                               **"CHAPTER**

5                               **PHYSICIAN ASSISTANT LICENSURE COMPACT**

6       §     -1   **Short title.** This chapter may be cited as the  
7 Physician Assistant Licensure Compact.

8       §     -2   **Terms and provisions of compact; authorization;**  
9 **governor.** The legislature hereby authorizes the governor to  
10 enter into a compact on behalf of the State of Hawaii with any  
11 other state legally joining therein, in the form substantially  
12 as follows:

13                               **PA LICENSURE COMPACT**

14       **Section 1. Purpose**

15       In order to strengthen access to medical services, and in  
16 recognition of the advances in the delivery of medical  
17 services, the participating states of the PA Licensure  
18 Compact have allied in common purpose to develop a

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1 comprehensive process that complements the existing  
2 authority of state licensing boards to license and  
3 discipline PAs and seeks to enhance the portability of a  
4 license to practice as a PA while safeguarding the safety  
5 of patients. This compact allows medical services to be  
6 provided by PAs, via the mutual recognition of the  
7 licensee's qualifying license by other compact  
8 participating states. This compact also adopts the  
9 prevailing standard for PA licensure and affirms that the  
10 practice and delivery of medical services by the PA occurs  
11 where the patient is located at the time of the patient  
12 encounter, and therefore requires the PA to be under the  
13 jurisdiction of the state licensing board where the patient  
14 is located. State licensing boards that participate in  
15 this compact retain the jurisdiction to impose adverse  
16 action against a compact privilege in that state issued to  
17 a PA through the procedures of this compact. The PA  
18 Licensure Compact will alleviate burdens for military  
19 families by allowing active duty military personnel and  
20 their spouses to obtain a compact privilege based on having  
21 an unrestricted license in good standing from a  
22 participating state.

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**Section 2. Definitions**

In this compact:

- A. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a PA license or license application or compact privilege such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.
- B. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.
- C. "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender.
- D. "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that

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1 applicant's criminal history record information, as  
2 defined in 28 C.F.R. § 20.3(d), from the state's  
3 criminal history record repository as defined in 28  
4 C.F.R. § 20.3(f), and from the Federal Bureau of  
5 Investigation.

6 E. "Data system" means the repository of information  
7 about licensees, including but not limited to license  
8 status and adverse actions, which is created and  
9 administered under the terms of this compact.

10 F. "Executive committee" means a group of directors and  
11 ex-officio individuals elected or appointed pursuant  
12 to section 7.F.2.

13 G. "Impaired practitioner" means a PA whose practice is  
14 adversely affected by health-related condition(s) that  
15 impact their ability to practice.

16 H. "Investigative information" means information,  
17 records, or documents received or generated by a  
18 licensing board pursuant to an investigation.

19 I. "Jurisprudence requirement" means the assessment of an  
20 individual's knowledge of the laws and rules governing  
21 the practice of a PA in a state.

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- 1 J. "License" means current authorization by a state,  
2 other than authorization pursuant to a compact  
3 privilege, for a PA to provide medical services, which  
4 would be unlawful without current authorization.
- 5 K. "Licensee" means an individual who holds a license  
6 from a state to provide medical services as a PA.
- 7 L. "Licensing board" means any state entity authorized to  
8 license and otherwise regulate PAs.
- 9 M. "Medical services" means health care services provided  
10 for the diagnosis, prevention, treatment, cure or  
11 relief of a health condition, injury, or disease, as  
12 defined by a state's laws and regulations.
- 13 N. "Model compact" means the model for the PA Licensure  
14 Compact on file with The Council of state Governments  
15 or other entity as designated by the Commission.
- 16 O. "Participating state" means a state that has enacted  
17 this compact.
- 18 P. "PA" means an individual who is licensed as a  
19 physician assistant in a state. For purposes of this  
20 compact, any other title or status adopted by a state  
21 to replace the term "physician assistant" shall be  
22 deemed synonymous with "physician assistant" and shall

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1 confer the same rights and responsibilities to the  
2 licensee under the provisions of this compact at the  
3 time of its enactment.

4 Q. "PA Licensure Compact Commission," "compact  
5 Commission," or "Commission" mean the national  
6 administrative body created pursuant to section 7.A of  
7 this compact.

8 R. "Qualifying license" means an unrestricted license  
9 issued by a participating state to provide medical  
10 services as a PA.

11 S. "Remote state" means a participating state where a  
12 licensee who is not licensed as a PA is exercising or  
13 seeking to exercise the compact privilege.

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

16 U. "Significant investigative information" means  
17 investigative information that a licensing board,  
18 after an inquiry or investigation that includes  
19 notification and an opportunity for the PA to respond  
20 if required by state law, has reason to believe is not  
21 groundless and, if proven true, would indicate more  
22 than a minor infraction.

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

**Section 3. State Participation in this compact**

A. To participate in this compact, a participating state shall:

1. License PAs.
2. Participate in the compact Commission's data system.
3. Have a mechanism in place for receiving and investigating complaints against licensees and license applicants.
4. Notify the Commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee or license applicant and the existence of significant investigative information regarding a licensee or license applicant.
5. Fully implement a criminal background check requirement, within a time frame established by Commission rules, by its licensing board receiving the results of a criminal background

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1 check and reporting to the Commission whether the  
2 license applicant has been granted a license.

3 6. Comply with the rules of the compact Commission.

4 7. Utilize passage of a recognized national exam  
5 such as the National Commission on Certification  
6 of Physician Assistants (NCCPA) and Physician  
7 Assistant National Certifying Examination (PANCE)  
8 as a requirement for PA licensure.

9 8. Grant the compact privilege to a holder of a  
10 qualifying license in a participating state.

11 B. Nothing in this compact prohibits a participating  
12 state from charging a fee for granting the compact  
13 privilege.

### 14 **Section 4. Compact Privilege**

15 A. To exercise the compact privilege, a licensee must:

16 1. Have graduated from a PA program accredited by  
17 the Accreditation Review Commission on Education  
18 for the Physician Assistant, Inc. or other  
19 programs authorized by Commission rule.

20 2. Hold current NCCPA certification.

21 3. Have no felony or misdemeanor conviction.



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- 1           4. Have never had a controlled substance license,  
2           permit, or registration suspended or revoked by a  
3           state or by the United States Drug Enforcement  
4           Administration.
- 5           5. Have a unique identifier as determined by  
6           Commission rule.
- 7           6. Hold a qualifying license.
- 8           7. Have had no revocation of a license or limitation  
9           or restriction on any license currently held due  
10          to an adverse action.
- 11          8. Have not surrendered a license in lieu of  
12          discipline or revocation.
- 13          9. If a licensee has had a limitation or restriction  
14          on a license or compact privilege due to an  
15          adverse action, two years must have elapsed from  
16          the date on which the license or compact  
17          privilege is no longer limited or restricted due  
18          to the adverse action.
- 19          10. If a compact privilege has been revoked or is  
20          limited or restricted in a participating state  
21          for conduct that would not be a basis for  
22          disciplinary action in a participating state in

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1           which the licensee is practicing or applying to  
2           practice under a compact privilege, that  
3           participating state shall have the discretion not  
4           to consider such action as an adverse action  
5           requiring the denial or removal of a compact  
6           privilege in that state.

7           11. Notify the compact Commission that the licensee  
8           is seeking the compact privilege in a remote  
9           state.

10          12. Meet any jurisprudence requirement of a remote  
11          state in which the licensee is seeking to  
12          practice under the compact privilege and pay any  
13          fees applicable to satisfying the jurisprudence  
14          requirement.

15          13. Report to the Commission any adverse action taken  
16          by a non-participating state within thirty (30)  
17          days after the action is taken.

18          B. The compact privilege is valid until the expiration or  
19          revocation of the qualifying license unless terminated  
20          pursuant to an adverse action. The licensee must also  
21          comply with all of the requirements of subsection A  
22          above to maintain the compact privilege in a remote

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1 state. If the participating state takes adverse  
2 action against a qualifying license, the licensee  
3 shall lose the compact privilege in any remote state  
4 in which the licensee has a compact privilege until  
5 all of the following occur:

- 6 1. The license is no longer limited or restricted;  
7 and
- 8 2. Two (2) years have elapsed from the date on which  
9 the license is no longer limited or restricted  
10 due to the adverse action.

11 C. Once a restricted or limited license satisfies the  
12 requirements of subsection B.1 and 2, the licensee  
13 must meet the requirements of subsection A to obtain a  
14 compact privilege in any remote state.

15 D. For each remote state in which a PA seeks authority to  
16 prescribe controlled substances, the PA shall satisfy  
17 all requirements imposed by such state in granting or  
18 renewing such authority.

19 **Section 5. Designation of the State from Which Licensee is**  
20 **Applying for a Compact Privilege**

21 A. Upon a licensee's application for a compact privilege,  
22 the licensee shall identify to the Commission the

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1 participating state from which the licensee is  
2 applying, in accordance with applicable rules adopted  
3 by the Commission, and subject to the following  
4 requirements:

- 5 1. When applying for a compact privilege, the  
6 licensee shall provide the Commission with the  
7 address of the licensee's primary residence and  
8 thereafter shall immediately report to the  
9 Commission any change in the address of the  
10 licensee's primary residence.
- 11 2. When applying for a compact privilege, the  
12 licensee is required to consent to accept service  
13 of process by mail at the licensee's primary  
14 residence on file with the Commission with  
15 respect to any action brought against the  
16 licensee by the Commission or a participating  
17 state, including a subpoena, with respect to any  
18 action brought or investigation conducted by the  
19 Commission or a participating state.

### 20 **Section 6. Adverse Actions**

- 21 A. A participating state in which a licensee is licensed  
22 shall have exclusive power to impose adverse action

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1           against the qualifying license issued by that  
2           participating state.

3           B.   In addition to the other powers conferred by state  
4           law, a remote state shall have the authority, in  
5           accordance with existing state due process law, to do  
6           all of the following:

7           1.   Take adverse action against a PA's compact  
8           privilege within that state to remove a  
9           licensee's compact privilege or take other action  
10          necessary under applicable law to protect the  
11          health and safety of its citizens.

12          2.   Issue subpoenas for both hearings and  
13          investigations that require the attendance and  
14          testimony of witnesses as well as the production  
15          of evidence. Subpoenas issued by a licensing  
16          board in a participating state for the attendance  
17          and testimony of witnesses or the production of  
18          evidence from another participating state shall  
19          be enforced in the latter state by any court of  
20          competent jurisdiction, according to the practice  
21          and procedure of that court applicable to  
22          subpoenas issued in proceedings pending before

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1           it. The issuing authority shall pay any witness  
2           fees, travel expenses, mileage and other fees  
3           required by the service statutes of the state in  
4           which the witnesses or evidence are located.

5           3. Notwithstanding paragraph 2, subpoenas may not be  
6           issued by a participating state to gather  
7           evidence of conduct in another state that is  
8           lawful in that other state for the purpose of  
9           taking adverse action against a licensee's  
10          compact privilege or application for a compact  
11          privilege in that participating state.

12          4. Nothing in this compact authorizes a  
13          participating state to impose discipline against  
14          a PA's compact privilege or to deny an  
15          application for a compact privilege in that  
16          participating state for the individual's  
17          otherwise lawful practice in another state.

18          C. For purposes of taking adverse action, the  
19          participating state which issued the qualifying  
20          license shall give the same priority and effect to  
21          reported conduct received from any other participating  
22          state as it would if the conduct had occurred within

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1           the participating state which issued the qualifying  
2           license. In so doing, that participating state shall  
3           apply its own state laws to determine appropriate  
4           action.

5           D. A participating state, if otherwise permitted by state  
6           law, may recover from the affected PA the costs of  
7           investigations and disposition of cases resulting from  
8           any adverse action taken against that PA.

9           E. A participating state may take adverse action based on  
10          the factual findings of a remote state, provided that  
11          the participating state follows its own procedures for  
12          taking the adverse action.

13          F. Joint Investigations

14           1. In addition to the authority granted to a  
15           participating state by its respective state PA  
16           laws and regulations or other applicable state  
17           law, any participating state may participate with  
18           other participating states in joint  
19           investigations of licensees.

20           2. Participating states shall share any  
21           investigative, litigation, or compliance  
22           materials in furtherance of any joint or

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individual investigation initiated under this compact.

G. If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in all remote states shall be deactivated until two (2) years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state which issued the qualifying license that impose adverse action against a PA's license shall include a statement that the PA's compact privilege is deactivated in all participating states during the pendency of the order.

H. If any participating state takes adverse action, it shall promptly notify the administrator of the data system.

**Section 7. Establishment of the PA Licensure Compact**

**Commission**

A. The participating states hereby create and establish a joint government agency and national administrative body known as the PA Licensure Compact Commission. The Commission is an instrumentality of the compact states acting jointly and not an instrumentality of



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1 any one state. The Commission shall come into  
2 existence on or after the effective date of the  
3 compact as set forth in section 11.A.

4 B. Membership, Voting, and Meetings

5 1. Each participating state shall have and be  
6 limited to one (1) delegate selected by that  
7 participating state's licensing board or, if the  
8 state has more than one licensing board, selected  
9 collectively by the participating state's  
10 licensing boards.

11 2. The delegate shall be either:

12 a. A current PA, physician, or public member of  
13 a licensing board or PA council/committee;  
14 or

15 b. An administrator of a licensing board.

16 3. Any delegate may be removed or suspended from  
17 office as provided by the laws of the state from  
18 which the delegate is appointed.

19 4. The participating state licensing board shall  
20 fill any vacancy occurring in the Commission  
21 within sixty (60) days.

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

11          6.    The Commission shall meet at least once during  
12                  each calendar year.  Additional meetings shall be  
13                  held as set forth in this compact and the bylaws.

14          7.    The Commission shall establish by rule a term of  
15                  office for delegates.

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

- 18                1.    Establish a code of ethics for the Commission;
- 19                2.    Establish the fiscal year of the Commission;
- 20                3.    Establish fees;
- 21                4.    Establish bylaws;

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- 1           5.    Maintain its financial records in accordance with
- 2                the bylaws;
- 3           6.    Meet and take such actions as are consistent with
- 4                the provisions of this compact and the bylaws;
- 5           7.    Promulgate rules to facilitate and coordinate
- 6                implementation and administration of this
- 7                compact. The rules shall have the force and
- 8                effect of law and shall be binding in all
- 9                participating states;
- 10          8.    Bring and prosecute legal proceedings or actions
- 11                in the name of the Commission, provided that the
- 12                standing of any state licensing board to sue or
- 13                be sued under applicable law shall not be
- 14                affected;
- 15          9.    Purchase and maintain insurance and bonds;
- 16          10.   Borrow, accept, or contract for services of
- 17                personnel, including, but not limited to,
- 18                employees of a participating state;
- 19          11.   Hire employees and engage contractors, elect or
- 20                appoint officers, fix compensation, define
- 21                duties, grant such individuals appropriate
- 22                authority to carry out the purposes of this

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compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

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

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

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

15. Establish a budget and make expenditures;

16. Borrow money;

17. Appoint committees, including standing committees composed of members, state regulators, state

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1           legislators or their representatives, and  
2           consumer representatives, and such other  
3           interested persons as may be designated in this  
4           compact and the bylaws;

5           18. Provide and receive information from, and  
6           cooperate with, law enforcement agencies;

7           19. Elect a Chair, Vice Chair, Secretary and  
8           Treasurer and such other officers of the  
9           Commission as provided in the Commission's  
10          bylaws.

11          20. Reserve for itself, in addition to those reserved  
12          exclusively to the Commission under the compact,  
13          powers that the Executive Committee may not  
14          exercise;

15          21. Approve or disapprove a state's participation in  
16          the compact based upon its determination as to  
17          whether the state's compact legislation departs  
18          in a material manner from the model compact  
19          language;

20          22. Prepare and provide to the participating states  
21          an annual report; and

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1           23. Perform such other functions as may be necessary  
2           or appropriate to achieve the purposes of this  
3           compact consistent with the state regulation of  
4           PA licensure and practice.

5       D. Meetings of the Commission

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

11          2. Notwithstanding subsection D.1 of this section,  
12          the Commission may convene a public meeting by  
13          providing at least twenty-four (24) hours prior  
14          notice on the Commission's website, and any other  
15          means as provided in the Commission's rules, for  
16          any of the reasons it may dispense with notice of  
17          proposed rulemaking under section 9.L.

18          3. The Commission may convene in a closed, non-  
19          public meeting or non-public part of a public  
20          meeting to receive legal advice or to discuss:  
21          a. Non-compliance of a participating state with  
22          its obligations under this compact;

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- 1                   b.    The employment, compensation, discipline or  
2                   other matters, practices or procedures  
3                   related to specific employees or other  
4                   matters related to the Commission's internal  
5                   personnel practices and procedures;  
6                   c.    Current, threatened, or reasonably  
7                   anticipated litigation;  
8                   d.    Negotiation of contracts for the purchase,  
9                   lease, or sale of goods, services, or real  
10                  estate;  
11                  e.    Accusing any person of a crime or formally  
12                  censuring any person;  
13                  f.    Disclosure of trade secrets or commercial or  
14                  financial information that is privileged or  
15                  confidential;  
16                  g.    Disclosure of information of a personal  
17                  nature where disclosure would constitute a  
18                  clearly unwarranted invasion of personal  
19                  privacy;  
20                  h.    Disclosure of investigative records compiled  
21                  for law enforcement purposes;

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- i. Disclosure of information related to any  
investigative reports prepared by or on  
behalf of or for use of the Commission or  
other committee charged with responsibility  
of investigation or determination of  
compliance issues pursuant to this compact;
- j. Legal advice; or
- k. Matters specifically exempted from  
disclosure by federal or participating  
states' statutes.

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

5. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified



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1 in such minutes. All minutes and documents of a  
2 closed meeting shall remain under seal, subject  
3 to release by a majority vote of the Commission  
4 or order of a court of competent jurisdiction.

5 E. Financing of the Commission

- 6 1. The Commission shall pay, or provide for the  
7 payment of, the reasonable expenses of its  
8 establishment, organization, and ongoing  
9 activities.
- 10 2. The Commission may accept any and all appropriate  
11 revenue sources, donations, and grants of money,  
12 equipment, supplies, materials, and services.
- 13 3. The Commission may levy on and collect an annual  
14 assessment from each participating state and may  
15 impose compact privilege fees on licensees of  
16 participating states to whom a compact privilege  
17 is granted to cover the cost of the operations  
18 and activities of the Commission and its staff,  
19 which must be in a total amount sufficient to  
20 cover its annual budget as approved by the  
21 Commission each year for which revenue is not  
22 provided by other sources. The aggregate annual

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1           assessment amount levied on participating states  
2           shall be allocated based upon a formula to be  
3           determined by Commission rule.

4           a.    A compact privilege expires when the  
5                licensee's qualifying license in the  
6                participating state from which the licensee  
7                applied for the compact privilege expires.  
8           b.    If the licensee terminates the qualifying  
9                license through which the licensee applied  
10               for the compact privilege before its  
11               scheduled expiration, and the licensee has a  
12               qualifying license in another participating  
13               state, the licensee shall inform the  
14               Commission that it is changing to that  
15               participating state the participating state  
16               through which it applies for a compact  
17               privilege and pay to the Commission any  
18               compact privilege fee required by Commission  
19               rule.

20           4.    The Commission shall not incur obligations of any  
21                kind prior to securing the funds adequate to meet  
22                the same; nor shall the Commission pledge the

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1 credit of any of the participating states, except  
2 by and with the authority of the participating  
3 state.

4 5. The Commission shall keep accurate accounts of  
5 all receipts and disbursements. The receipts and  
6 disbursements of the Commission shall be subject  
7 to the financial review and accounting procedures  
8 established under its bylaws. All receipts and  
9 disbursements of funds handled by the Commission  
10 shall be subject to an annual financial review by  
11 a certified or licensed public accountant, and  
12 the report of the financial review shall be  
13 included in and become part of the annual report  
14 of the Commission.

15 F. The Executive Committee

16 1. The executive committee shall have the power to  
17 act on behalf of the Commission according to the  
18 terms of this compact and commission rules.

19 2. The executive committee shall be composed of nine  
20 (9) members:

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- 1           a.     Seven voting members who are elected by the
- 2                     Commission from the current membership of
- 3                     the Commission;
- 4           b.     One ex-officio, nonvoting member from a
- 5                     recognized national PA professional
- 6                     association; and
- 7           c.     One ex-officio, nonvoting member from a
- 8                     recognized national PA certification
- 9                     organization.
- 10          3.     The ex-officio members will be selected by their
- 11                     respective organizations.
- 12          4.     The Commission may remove any member of the
- 13                     executive committee as provided in its bylaws.
- 14          5.     The executive committee shall meet at least
- 15                     annually.
- 16          6.     The executive committee shall have the following
- 17                     duties and responsibilities:
- 18                 a.     Recommend to the Commission changes to the
- 19                     Commission's rules or bylaws, changes to
- 20                     this compact legislation, fees to be paid by
- 21                     compact participating states such as annual

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1 dues, and any Commission compact fee charged  
2 to licensees for the compact privilege;

3 b. Ensure compact administration services are  
4 appropriately provided, contractual or  
5 otherwise;

6 c. Prepare and recommend the budget;

7 d. Maintain financial records on behalf of the  
8 Commission;

9 e. Monitor compact compliance of participating  
10 states and provide compliance reports to the  
11 Commission;

12 f. Establish additional committees as  
13 necessary;

14 g. Exercise the powers and duties of the  
15 Commission during the interim between  
16 Commission meetings, except for issuing  
17 proposed rulemaking or adopting commission  
18 rules or bylaws, or exercising any other  
19 powers and duties exclusively reserved to  
20 the Commission by the Commission's rules;  
21 and

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1           h.     Perform other duties as provided in the  
2                     Commission's rules or bylaws.

3           7.     All meetings of the executive committee at which  
4                     it votes or plans to vote on matters in  
5                     exercising the powers and duties of the  
6                     Commission shall be open to the public and public  
7                     notice of such meetings shall be given as public  
8                     meetings of the Commission are given.

9           8.     The executive committee may convene in a closed,  
10                    non-public meeting for the same reasons that the  
11                    Commission may convene in a non-public meeting as  
12                    set forth in section 7.D.3 and shall announce the  
13                    closed meeting as the Commission is required to  
14                    under section 7.D.4 and keep minutes of the  
15                    closed meeting as the Commission is required to  
16                    under section 7.D.5.

17       G.     Qualified Immunity, Defense, and Indemnification

18           1.     The members of the Commission shall be immune  
19                    from suit and liability, both personally and in  
20                    their official capacity, for any claim for damage  
21                    to or loss of property or personal injury or  
22                    other civil liability caused by or arising out of

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1 any actual or alleged act, error, or omission  
2 that occurred, or that the person against whom  
3 the claim is made had a reasonable basis for  
4 believing occurred within the scope of Commission  
5 employment, duties, or responsibilities; provided  
6 that nothing in this paragraph shall be construed  
7 to protect any such person from suit or liability  
8 for any damage, loss, injury, or liability caused  
9 by the intentional or willful or wanton  
10 misconduct of that person. The procurement of  
11 insurance of any type by the Commission shall not  
12 in any way compromise or limit the immunity  
13 granted hereunder.

14 2. The Commission shall defend any member of the  
15 Commission in any civil action seeking to impose  
16 liability arising out of any actual or alleged  
17 act, error, or omission that occurred within the  
18 scope of Commission employment, duties, or  
19 responsibilities, or as determined by the  
20 commission that the person against whom the claim  
21 is made had a reasonable basis for believing  
22 occurred within the scope of Commission

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1           employment, duties, or responsibilities; provided  
2           that nothing herein shall be construed to  
3           prohibit that person from retaining their own  
4           counsel at their own expense; and provided  
5           further, that the actual or alleged act, error,  
6           or omission did not result from that person's  
7           intentional or willful or wanton misconduct.

8           3.   The Commission shall indemnify and hold harmless  
9           any member of the Commission for the amount of  
10          any settlement or judgment obtained against that  
11          person arising out of any actual or alleged act,  
12          error, or omission that occurred within the scope  
13          of Commission employment, duties, or  
14          responsibilities, or that such person had a  
15          reasonable basis for believing occurred within  
16          the scope of Commission employment, duties, or  
17          responsibilities, provided that the actual or  
18          alleged act, error, or omission did not result  
19          from the intentional or willful or wanton  
20          misconduct of that person.

21          4.   Venue is proper and judicial proceedings by or  
22          against the Commission shall be brought solely



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1                   and exclusively in a court of competent  
2                   jurisdiction where the principal office of the  
3                   Commission is located. The Commission may waive  
4                   venue and jurisdictional defenses in any  
5                   proceedings as authorized by Commission rules.

6                5. Nothing herein shall be construed as a limitation  
7                   on the liability of any licensee for professional  
8                   malpractice or misconduct, which shall be  
9                   governed solely by any other applicable state  
10                  laws.

11               6. Nothing herein shall be construed to designate  
12                  the venue or jurisdiction to bring actions for  
13                  alleged acts of malpractice, professional  
14                  misconduct, negligence, or other such civil  
15                  action pertaining to the practice of a PA. All  
16                  such matters shall be determined exclusively by  
17                  state law other than this compact.

18               7. Nothing in this compact shall be interpreted to  
19                  waive or otherwise abrogate a participating  
20                  state's state action immunity or state action  
21                  affirmative defense with respect to antitrust  
22                  claims under the Sherman Act, Clayton Act, or any

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1           other state or federal antitrust or  
2           anticompetitive law or regulation.

3           8.    Nothing in this compact shall be construed to be  
4           a waiver of sovereign immunity by the  
5           participating states or by the Commission.

## 6       **Section 8. Data System**

7       A.    The Commission shall provide for the development,  
8       maintenance, operation, and utilization of a  
9       coordinated data and reporting system containing  
10      licensure, adverse action, and the reporting of the  
11      existence of significant investigative information on  
12      all licensed PAs and applicants denied a license in  
13      participating states.

14      B.    Notwithstanding any other state law to the contrary, a  
15      participating state shall submit a uniform data set to  
16      the data system on all PAs to whom this compact is  
17      applicable (utilizing a unique identifier) as required  
18      by the rules of the Commission, including:

- 19      1.    Identifying information;
- 20      2.    Licensure data;
- 21      3.    Adverse actions against a license or compact  
22      privilege;

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1           4.   Any denial of application for licensure, and the  
2               reason(s) for such denial (excluding the  
3               reporting of any criminal history record  
4               information where prohibited by law);

5           5.   The existence of significant investigative  
6               information; and

7           6.   Other information that may facilitate the  
8               administration of this compact, as determined by  
9               the rules of the Commission.

10          C.   Significant investigative information pertaining to a  
11               licensee in any participating state shall only be  
12               available to other participating states.

13          D.   The Commission shall promptly notify all participating  
14               states of any adverse action taken against a licensee  
15               or an individual applying for a license that has been  
16               reported to it. This adverse action information shall  
17               be available to any other participating state.

18          E.   Participating states contributing information to the  
19               data system may, in accordance with state or federal  
20               law, designate information that may not be shared with  
21               the public without the express permission of the  
22               contributing state. Notwithstanding any such

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1 designation, such information shall be reported to the  
2 Commission through the data system.

3 F. Any information submitted to the data system that is  
4 subsequently expunged pursuant to federal law or the  
5 laws of the participating state contributing the  
6 information shall be removed from the data system upon  
7 reporting of such by the participating state to the  
8 Commission.

9 G. The records and information provided to a  
10 participating state pursuant to this compact or  
11 through the data system, when certified by the  
12 Commission or an agent thereof, shall constitute the  
13 authenticated business records of the Commission, and  
14 shall be entitled to any associated hearsay exception  
15 in any relevant judicial, quasi-judicial or  
16 administrative proceedings in a participating state.

## 17 **Section 9. Rulemaking**

18 A. The Commission shall exercise its rulemaking powers  
19 pursuant to the criteria set forth in this section and  
20 the rules adopted thereunder. A Commission rule shall  
21 become binding as of the date specified by the  
22 Commission for each rule.

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1       B.    The Commission shall promulgate reasonable rules in  
2           order to effectively and efficiently implement and  
3           administer this compact and achieve its purposes. A  
4           Commission rule shall be invalid and have not force or  
5           effect only if a court of competent jurisdiction holds  
6           that the rule is invalid because the Commission  
7           exercised its rulemaking authority in a manner that is  
8           beyond the scope of the purposes of this compact, or  
9           the powers granted hereunder, or based upon another  
10          applicable standard of review.

11       C.   The rules of the Commission shall have the force of  
12          law in each participating state, provided however that  
13          where the rules of the Commission conflict with the  
14          laws of the participating state that establish the  
15          medical services a PA may perform in the participating  
16          state, as held by a court of competent jurisdiction,  
17          the rules of the Commission shall be ineffective in  
18          that state to the extent of the conflict.

19       D.   If a majority of the legislatures of the participating  
20          states rejects a Commission rule, by enactment of a  
21          statute or resolution in the same manner used to adopt  
22          this compact within four (4) years of the date of

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1 adoption of the rule, then such rule shall have no  
2 further force and effect in any participating state or  
3 to any state applying to participate in the compact.

4 E. Commission rules shall be adopted at a regular or  
5 special meeting of the Commission.

6 F. Prior to promulgation and adoption of a final rule or  
7 rules by the Commission, and at least thirty (30) days  
8 in advance of the meeting at which the rule will be  
9 considered and voted upon, the Commission shall file a  
10 notice of proposed rulemaking:

- 11 1. On the website of the Commission or other  
12 publicly accessible platform; and
- 13 2. To persons who have requested notice of the  
14 Commission's notices of proposed rulemaking, and
- 15 3. In such other way(s) as the Commission may by  
16 rule specify.

17 G. The notice of proposed rulemaking shall include:

- 18 1. The time, date, and location of the public  
19 hearing on the proposed rule and the proposed  
20 time, date and location of the meeting in which  
21 the proposed rule will be considered and voted  
22 upon;

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2. The text of the proposed rule and the reason for the proposed rule;

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

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

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

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

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

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

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

10          4.    Nothing in this section shall be construed as  
11                   requiring a separate hearing on each proposed  
12                   rule.   Proposed rules may be grouped for the  
13                   convenience of the Commission at hearings  
14                   required by this section.

15          J.    Following the public hearing, the Commission shall  
16                   consider all written and oral comments timely  
17                   received.

18          K.    The Commission shall, by majority vote of all  
19                   delegates, take final action on the proposed rule and  
20                   shall determine the effective date of the rule, if  
21                   adopted, based on the rulemaking record and the full  
22                   text of the rule.



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- 1           1.    If adopted, the rule shall be posted on the  
2                Commission's website.
- 3           2.    The Commission may adopt changes to the proposed  
4                rule provided the changes do not enlarge the  
5                original purpose of the proposed rule.
- 6           3.    The Commission shall provide on its website an  
7                explanation of the reasons for substantive  
8                changes made to the proposed rule as well as  
9                reasons for substantive changes not made that  
10              were recommended by commenters.
- 11          4.    The Commission shall determine a reasonable  
12                effective date for the rule.   Except for an  
13                emergency as provided in subsection L, the  
14                effective date of the rule shall be no sooner  
15                than thirty (30) days after the Commission issued  
16                the notice that it adopted the rule.

17          L.    Upon determination that an emergency exists, the  
18                Commission may consider and adopt an emergency rule  
19                with twenty-four (24) hours prior notice, without the  
20                opportunity for comment, or hearing, provided that the  
21                usual rulemaking procedures provided in this compact  
22                and in this section shall be retroactively applied to

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1 the rule as soon as reasonably possible, in no event  
2 later than ninety (90) days after the effective date  
3 of the rule. For the purposes of this provision, an  
4 emergency rule is one that must be adopted immediately  
5 by the Commission in order to:

- 6 1. Meet an imminent threat to public health, safety,  
7 or welfare;
- 8 2. Prevent a loss of Commission or participating  
9 state funds;
- 10 3. Meet a deadline for the promulgation of a  
11 Commission rule that is established by federal  
12 law or rule; or
- 13 4. Protect public health and safety.

14 M. The Commission or an authorized committee of the  
15 Commission may direct revisions to a previously  
16 adopted Commission rule for purposes of correcting  
17 typographical errors, errors in format, errors in  
18 consistency, or grammatical errors. Public notice of  
19 any revisions shall be posted on the website of the  
20 Commission. The revision shall be subject to  
21 challenge by any person for a period of thirty (30)  
22 days after posting. The revision may be challenged

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1           only on grounds that the revision results in a  
2           material change to a rule. A challenge shall be made  
3           as set forth in the notice of revisions and delivered  
4           to the Commission prior to the end of the notice  
5           period. If no challenge is made, the revision will  
6           take effect without further action. If the revision  
7           is challenged, the revision may not take effect  
8           without the approval of the Commission.

9       N. No participating state's rulemaking requirements shall  
10       apply under this compact.

## **Section 10. Oversight, Dispute Resolution, and Enforcement**

### **A. Oversight**

- 13           1. The executive and judicial branches of state  
14           government in each participating state shall  
15           enforce this compact and take all actions  
16           necessary and appropriate to implement the  
17           compact.
- 18           2. Venue is proper and judicial proceedings by or  
19           against the Commission shall be brought solely  
20           and exclusively in a court of competent  
21           jurisdiction where the principal office of the  
22           Commission is located. The Commission may waive

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1 venue and jurisdictional defenses to the extent  
2 it adopts or consents to participate in  
3 alternative dispute resolution proceedings.  
4 Nothing herein shall affect or limit the  
5 selection or propriety of venue in any action  
6 against a licensee for professional malpractice,  
7 misconduct or any such similar matter.

8 3. The Commission shall be entitled to receive  
9 service of process in any proceeding regarding  
10 the enforcement or interpretation of the compact  
11 or the Commission's rules and shall have standing  
12 to intervene in such a proceeding for all  
13 purposes. Failure to provide the Commission with  
14 service of process shall render a judgment or  
15 order in such proceeding void as to the  
16 Commission, this compact, or commission rules.

17 B. Default, Technical Assistance, and Termination

18 1. If the Commission determines that a participating  
19 state has defaulted in the performance of its  
20 obligations or responsibilities under this  
21 compact or the commission rules, the Commission  
22 shall provide written notice to the defaulting

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1 state and other participating states. The notice  
2 shall describe the default, the proposed means of  
3 curing the default and any other action that the  
4 Commission may take and shall offer remedial  
5 training and specific technical assistance  
6 regarding the default.

7 2. If a state in default fails to cure the default,  
8 the defaulting state may be terminated from this  
9 compact upon an affirmative vote of a majority of  
10 the delegates of the participating states, and  
11 all rights, privileges and benefits conferred by  
12 this compact upon such state may be terminated on  
13 the effective date of termination. A cure of the  
14 default does not relieve the offending state of  
15 obligations or liabilities incurred during the  
16 period of default.

17 3. Termination of participation in this compact  
18 shall be imposed only after all other means of  
19 securing compliance have been exhausted. Notice  
20 of intent to suspend or terminate shall be given  
21 by the Commission to the governor, the majority  
22 and minority leaders of the defaulting state's

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1 legislature, and to the licensing board(s) of  
2 each of the participating states.

3 4. A state that has been terminated is responsible  
4 for all assessments, obligations, and liabilities  
5 incurred through the effective date of  
6 termination, including obligations that extend  
7 beyond the effective date of termination.

8 5. The Commission shall not bear any costs related  
9 to a state that is found to be in default or that  
10 has been terminated from this compact, unless  
11 agreed upon in writing between the Commission and  
12 the defaulting state.

13 6. The defaulting state may appeal its termination  
14 from the compact by the Commission by petitioning  
15 the U.S. District Court for the District of  
16 Columbia or the federal district where the  
17 Commission has its principal offices. The  
18 prevailing member shall be awarded all costs of  
19 such litigation, including reasonable attorney's  
20 fees.

21 7. Upon the termination of a state's participation  
22 in the compact, the state shall immediately

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1 provide notice to all licensees within that state  
2 of such termination:

- 3 a. Licensees who have been granted a compact  
4 privilege in that state shall retain the  
5 compact privilege for one hundred eighty  
6 (180) days following the effective date of  
7 such termination.
- 8 b. Licensees who are licensed in that state who  
9 have been granted a compact privilege in a  
10 participating state shall retain the compact  
11 privilege for one hundred eighty (180) days  
12 unless the licensee also has a qualifying  
13 license in a participating state or obtains  
14 a qualifying license in a participating  
15 state before the one hundred eighty (180)-  
16 day period ends, in which case the compact  
17 privilege shall continue.

18 C. Dispute Resolution

- 19 1. Upon request by a participating state, the  
20 Commission shall attempt to resolve disputes  
21 related to this compact that arise among

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1 participating states and between participating  
2 and non-participating states.

3 2. The Commission shall promulgate a rule providing  
4 for both mediation and binding dispute resolution  
5 for disputes as appropriate.

6 D. Enforcement

7 1. The Commission, in the reasonable exercise of its  
8 discretion, shall enforce the provisions of this  
9 compact and rules of the Commission.

10 2. If compliance is not secured after all means to  
11 secure compliance have been exhausted, by  
12 majority vote, the Commission may initiate legal  
13 action in the United states District Court for  
14 the District of Columbia or the federal district  
15 where the Commission has its principal offices,  
16 against a participating state in default to  
17 enforce compliance with the provisions of this  
18 compact and the Commission's promulgated rules  
19 and bylaws. The relief sought may include both  
20 injunctive relief and damages. In the event  
21 judicial enforcement is necessary, the prevailing



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1 party shall be awarded all costs of such  
2 litigation, including reasonable attorney's fees.

3 3. The remedies herein shall not be the exclusive  
4 remedies of the Commission. The Commission may  
5 pursue any other remedies available under federal  
6 or state law.

7 E. Legal Action Against the Commission

8 1. A participating state may initiate legal action  
9 against the Commission in the U.S. District Court  
10 for the District of Columbia or the federal  
11 district where the Commission has its principal  
12 offices to enforce compliance with the provisions  
13 of the compact and its rules. The relief sought  
14 may include both injunctive relief and damages.  
15 In the event judicial enforcement is necessary,  
16 the prevailing party shall be awarded all costs  
17 of such litigation, including reasonable  
18 attorney's fees.

19 2. No person other than a participating state shall  
20 enforce this compact against the Commission.

21 **Section 11. Date of Implementation of the PA Licensure**

22 **Compact Commission**

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1       A.    This compact shall come into effect on the date on  
2            which this compact statute is enacted into law in the  
3            seventh participating state.

4        1.    On or after the effective date of the compact,  
5            the Commission shall convene and review the  
6            enactment of each of the states that enacted the  
7            compact prior to the Commission convening  
8            ("charter participating states") to determine if  
9            the statute enacted by each such charter  
10           participating state is materially different than  
11           the model compact.

12       a.    A charter participating state whose  
13            enactment is found to be materially  
14            different from the model compact shall be  
15            entitled to the default process set forth in  
16            section 10.B.

17       b.    If any participating state later withdraws  
18            from the compact or its participation is  
19            terminated, the Commission shall remain in  
20            existence and the compact shall remain in  
21            effect even if the number of participating  
22            states should be less than seven.

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1           Participating states enacting the compact  
2           subsequent to the Commission convening shall  
3           be subject to the process set forth in  
4           section 7.C.21 to determine if their  
5           enactments are materially different from the  
6           model compact and whether they qualify for  
7           participation in the compact.

8           2.   Participating states enacting the compact  
9           subsequent to the seven initial charter  
10          participating states shall be subject to the  
11          process set forth in section 7.C.21 to determine  
12          if their enactments are materially different from  
13          the model compact and whether they qualify for  
14          participation in the compact.

15          3.   All actions taken for the benefit of the  
16          Commission or in furtherance of the purposes of  
17          the administration of the compact prior to the  
18          effective date of the compact or the Commission  
19          coming into existence shall be considered to be  
20          actions of the Commission unless specifically  
21          repudiated by the Commission.

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1       B.   Any state that joins this compact shall be subject to  
2           the Commission's rules and bylaws as they exist on the  
3           date on which this compact becomes law in that state.

4           Any rule that has been previously adopted by the  
5           Commission shall have the full force and effect of law  
6           on the day this compact becomes law in that state.

7       C.   Any participating state may withdraw from this compact  
8           by enacting a statute repealing the same.

9           1.   A participating state's withdrawal shall not take  
10           effect until one hundred eighty (180) days after  
11           enactment of the repealing statute. During this  
12           one hundred eighty (180) day-period, all compact  
13           privileges that were in effect in the withdrawing  
14           state and were granted to licensees licensed in  
15           the withdrawing state shall remain in effect. If  
16           any licensee licensed in the withdrawing state is  
17           also licensed in another participating state or  
18           obtains a license in another participating state  
19           within the one hundred eighty (180) days, the  
20           licensee's compact privileges in other  
21           participating states shall not be affected by the  
22           passage of the one hundred eighty (180) days.

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1           2.    Withdrawal shall not affect the continuing  
2                    requirement of the state licensing board(s) of  
3                    the withdrawing state to comply with the  
4                    investigative, and adverse action reporting  
5                    requirements of this compact prior to the  
6                    effective date of withdrawal.

7           3.    Upon the enactment of a statute withdrawing a  
8                    state from this compact, the state shall  
9                    immediately provide notice of such withdrawal to  
10                   all licensees within that state.   Such  
11                   withdrawing state shall continue to recognize all  
12                   licenses granted pursuant to this compact for a  
13                   minimum of one hundred eighty (180) days after  
14                   the date of such notice of withdrawal.

15       D.    Nothing contained in this compact shall be construed  
16                   to invalidate or prevent any PA licensure agreement or  
17                   other cooperative arrangement between participating  
18                   states and between a participating state and non-  
19                   participating state that does not conflict with the  
20                   provisions of this compact.

21       E.    This compact may be amended by the participating  
22                   states.  No amendment to this compact shall become

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1           effective and binding upon any participating state  
2           until it is enacted materially in the same manner into  
3           the laws of all participating states as determined by  
4           the Commission.

5           **Section 12. Construction and Severability**

6           A. This compact and the Commission's rulemaking authority  
7           shall be liberally construed so as to effectuate the  
8           purposes, and the implementation and administration of  
9           the compact. Provisions of the compact expressly  
10          authorizing or requiring the promulgation of rules  
11          shall not be construed to limit the Commission's  
12          rulemaking authority solely for those purposes.

13          B. The provisions of this compact shall be severable and  
14          if any phrase, clause, sentence or provision of this  
15          compact is held by a court of competent jurisdiction  
16          to be contrary to the constitution of any  
17          participating state, a state seeking participation in  
18          the compact, or of the United states, or the  
19          applicability thereof to any government, agency,  
20          person or circumstance is held to be unconstitutional  
21          by a court of competent jurisdiction, the validity of  
22          the remainder of this compact and the applicability

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thereof to any other government, agency, person or  
circumstance shall not be affected thereby.

C. Notwithstanding subsection B or this section, the  
Commission may deny a state's participation in the  
compact or, in accordance with the requirements of  
section 10.B, terminate a participating state's  
participation in the compact, if it determines that a  
constitutional requirement of a participating state  
is, or would be with respect to a state seeking to  
participate in the compact, a material departure from  
the compact. If any provision of the compact or its  
implementation in Hawaii is found to be  
unconstitutional or invalid, such provision shall be  
severed, and the remaining provisions shall remain in  
full force and effect. Severed provisions shall not  
be enforceable within the State of Hawaii unless and  
until constitutionally compliant amendments are  
enacted.

## **Section 13. Binding Effect of compact**

A. Nothing herein prevents the enforcement of any other  
law of a participating state that is not inconsistent  
with this compact.

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B. Any laws in a participating state in conflict with this compact are superseded to the extent of the conflict.

C. All agreements between the Commission and the participating states are binding in accordance with their terms.

§ -3 **Hawaii provisions for implementation of the PA Licensure Compact.** For purposes of implementation of the PA Licensure Compact in the State of Hawaii, the following provisions apply:

(1) Financial obligations.

(A) No public funds shall be expended for the payment of annual assessments to the PA Licensure Compact Commission unless appropriated by the Hawaii State Legislature;

(B) The department of commerce and consumer affairs shall include in its annual budget request any anticipated assessments due under the PA Licensure Compact; and

(C) Payment of assessments shall be contingent upon legislative appropriation and shall not be



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1                   construed as a mandatory obligation of the State  
2                   absent such appropriation.

3           (2)   Indemnification.

4           (A)   The State of Hawaii shall not be obligated to  
5                   indemnify or hold harmless any employee, officer,  
6                   or representative of the PA Licensure Compact  
7                   Commission for any settlement or judgment unless  
8                   expressly authorized by law and appropriated by  
9                   the legislature; and

10          (B)   The Commission shall be responsible for funding  
11                   any indemnification obligations arising under the  
12                   Compact, applicable to its employees and  
13                   representatives.

14          (3)   Arbitration.

15          (A)   Participation by the State of Hawaii in any  
16                   binding arbitration under the Compact shall be  
17                   subject to the availability of appropriated funds  
18                   and shall not obligate the State to expend public  
19                   money absent legislative authorization; and

20          (B)   Any arbitration decision involving the State of  
21                   Hawaii shall be subject to judicial review under

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1 applicable state law to ensure compliance with  
2 constitutional requirements.

3 (4) Severability. If any provision of the PA Licensure  
4 Compact or its implementation in Hawaii is found to be  
5 unconstitutional or invalid, such provision shall be  
6 severed, and the remaining provisions shall remain in  
7 full force and effect. Severed provisions shall not  
8 be enforceable within the State of Hawaii unless and  
9 until constitutionality compliant amendments are  
10 enacted."

11 SECTION 2. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$75,000 or so much  
13 thereof as may be necessary for fiscal year 2026-2027 and the  
14 same sum or so much thereof as may be necessary for fiscal year  
15 2027-2028 for necessary upgrades to the internal database of the  
16 department of commerce and consumer affairs' professional and  
17 vocational licensing division. The sums appropriated shall be  
18 expended by the department of commerce and consumer affairs for  
19 the purposes of this Act.

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1       SECTION 3. This Act shall take effect upon its approval;  
2       provided that section 1 shall take effect on January 1, 2027.

3

INTRODUCED BY: Nachin K. Mahum

BY REQUEST

JAN 26 2026

# H.B. NO. 2286

**Report Title:**

Physician Assistant Licensure Compact; Authorization to Enter

**Description:**

Authorizes the Governor to enter the PA Licensure Compact to create a comprehensive process that complements the existing licensing authority of the state medical board and provides a streamlined process that allows a PA to become licensed in multiple states, thereby enhancing the portability of a PA license and ensuring the safety of patients.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE PHYSICIAN ASSISTANT LICENSURE COMPACT.

PURPOSE: To authorize the Governor to enter the State into the multistate Physician Assistant Licensure Compact, which will allow a physician assistant who is licensed by a home state to practice under a multistate licensure privilege in each party state.

MEANS: Add a new chapter, titled "Physician Assistant Licensure Compact," to the Hawaii Revised Statutes (HRS).

JUSTIFICATION: Hawaii is facing a shortage of at least 5,000 healthcare workers statewide which provide timely and routine care. Access to care is more limited to residents who reside in rural parts of the State with the proportion of shortages, including physician assistants coverage, doubling on neighboring islands in comparison to Oahu. Unfortunately, Hawaii's physician assistant schools have not been able to train enough physician assistants to meet the increased demand.

Currently, 19 states are part of the Physician Assistant Licensure Compact, which allows licensed physician assistants to have a mutually recognized qualifying license, with the privilege to practice in their home state and remote states enhancing portability of a license. While Hawaii is currently not entered into the compact, possible inclusion could help support our healthcare providers with a mechanism to ensure quality healthcare is available to our residents.

Impact on the public: At a critical time when our healthcare providers continue to be impacted by a shortage of vital healthcare

workers, we need to continue our efforts to attract and retain these important healthcare providers. Hawaii entering into the Physician Assistant Licensure Compact is one method to help address the ongoing shortages and to ensure that our State's residents have access to important and potentially life-saving healthcare.

Impact on the department and other agencies:

The bill will impact the Hawaii Medical Board and the Professional and Vocational Licensing Division within the Department regarding how they process licensing requests and collect fees if this bill becomes law.

GENERAL FUND:	\$75,000 for fiscal year 2026-2027 and \$75,000 for fiscal year 2027-2028.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	CCA 105.
OTHER AFFECTED AGENCIES:	Department of Commerce and Consumer Affairs Hawaii Medical Board, Hawaii Health Systems Corporation, Department of Health, and Department of Budget and Finance.
EFFECTIVE DATE:	Upon approval; provided that section 1 shall take effect on January 1, 2027.