
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.

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.

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Section 3. State Participation in this compact

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

6 1. License PAs.

7 2. Participate in the compact Commission's data
8 system.

9 3. Have a mechanism in place for receiving and
10 investigating complaints against licensees and
11 license applicants.

12 4. Notify the Commission, in compliance with the
13 terms of this compact and commission rules, of
14 any adverse action against a licensee or license
15 applicant and the existence of significant
16 investigative information regarding a licensee or
17 licensee applicant.

18 5. Fully implement a criminal background check
19 requirement, within a time frame established by
20 Commission rules, by its licensing board
21 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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which the licensee is practicing or applying to practice under a compact privilege, that participating state shall have the discretion not to consider such action as an adverse action requiring the denial or removal of a compact privilege in that state.

11. Notify the compact Commission that the licensee is seeking the compact privilege in a remote state.
 12. Meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement.
 13. Report to the Commission any adverse action taken by a non-participating state within thirty (30) days after the action is taken.

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

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:

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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against the qualifying license issued by that participating state.

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

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

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

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12. 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. 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.

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1 individual investigation initiated under this
2 compact.

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

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

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

17 **Commission**

18 A. The participating states hereby create and establish a
19 joint government agency and national administrative
20 body known as the PA Licensure Compact Commission.
21 The Commission is an instrumentality of the compact
22 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 compact, and establish the Commission's personnel
2 policies and programs relating to conflicts of
3 interest, qualifications of personnel, and other
4 related personnel matters;
- 5 12. Accept any and all appropriate donations and
6 grants of money, equipment, supplies, materials
7 and services, and receive, utilize and dispose of
8 the same; provided that at all times the
9 Commission shall avoid any appearance of
10 impropriety or conflict of interest;
- 11 13. Lease, purchase, accept appropriate gifts or
12 donations of, or otherwise own, hold, improve or
13 use, any property, real, personal or mixed;
14 provided that at all times the Commission shall
15 avoid any appearance of impropriety;
- 16 14. Sell, convey, mortgage, pledge, lease, exchange,
17 abandon, or otherwise dispose of any property
18 real, personal, or mixed;
- 19 15. Establish a budget and make expenditures;
- 20 16. Borrow money;
- 21 17. Appoint committees, including standing committees
22 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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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

- 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 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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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

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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- 1 2. The text of the proposed rule and the reason for
 - 2 the proposed rule;
 - 3 3. A request for comments on the proposed rule from
 - 4 any interested person and the date by which
 - 5 written comments must be received; and
 - 6 4. The manner in which interested persons may submit
 - 7 notice to the Commission of their intention to
 - 8 attend the public hearing or provide any written
 - 9 comments.
- 10 H. Prior to adoption of a proposed rule, the Commission
- 11 shall allow persons to submit written data, facts,
- 12 opinions, and arguments, which shall be made available
- 13 to the public.
- 14 I. If the hearing is to be held via electronic means, the
- 15 Commission shall publish the mechanism for access to
- 16 the electronic hearing.
- 17 1. All persons wishing to be heard at the hearing
- 18 shall as directed in the notice of proposed
- 19 rulemaking, not less than five (5) business days
- 20 before the scheduled date of the hearing, notify
- 21 the Commission of their desire to appear and
- 22 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. If adopted, the rule shall be posted on the
2 Commission's website.
 3. 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. 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. 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

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

1. Meet an imminent threat to public health, safety, or welfare;
 2. Prevent a loss of Commission or participating state funds;
 3. Meet a deadline for the promulgation of a Commission rule that is established by federal law or rule; or
 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

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.

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

12 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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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. 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

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

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

E. Legal Action Against the Commission

1. A participating state may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages.

In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

Section 11. Date of Implementation of the PA Licensure

22 Compact Commission

- 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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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

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

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

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

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

7 § -3 **Hawaii provisions for implementation of the PA**

8 **Licensure Compact.** For purposes of implementation of the PA
9 Licensure Compact in the State of Hawaii, the following
10 provisions apply:

11 (1) Financial obligations.

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

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

20 (C) Payment of assessments shall be contingent upon
21 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.

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:

Nashik K. Nakamura

BY REQUEST

JAN 26 2026

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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

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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.