

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



1 an unrestricted license in good standing from a
2 participating state.

3 **Section 2. Definitions**

4 In this compact:

5 A. "Adverse action" means any administrative, civil,
6 equitable, or criminal action permitted by a state's
7 laws which is imposed by a licensing board or other
8 authority against a PA license or license application
9 or compact privilege such as license denial, censure,
10 revocation, suspension, probation, monitoring of the
11 licensee, or restriction on the licensee's practice.

12 B. "Compact privilege" means the authorization granted by
13 a remote state to allow a licensee from another
14 participating state to practice as a PA to provide
15 medical services and other licensed activity to a
16 patient located in the remote state under the remote
17 state's laws and regulations.

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



- 1 D. "Criminal background check" means the submission of
2 fingerprints or other biometric-based information for
3 a license applicant for the purpose of obtaining that
4 applicant's criminal history record information, as
5 defined in 28 C.F.R. § 20.3(d), from the state's
6 criminal history record repository as defined in 28
7 C.F.R. § 20.3(f), and from the Federal Bureau of
8 Investigation.
- 9 E. "Data system" means the repository of information
10 about licensees, including but not limited to license
11 status and adverse actions, which is created and
12 administered under the terms of this compact.
- 13 F. "Executive committee" means a group of directors and
14 ex-officio individuals elected or appointed pursuant
15 to section 7.F.2.
- 16 G. "Impaired practitioner" means a PA whose practice is
17 adversely affected by health-related condition(s) that
18 impact their ability to practice.
- 19 H. "Investigative information" means information,
20 records, or documents received or generated by a
21 licensing board pursuant to an investigation.



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



- 1 P. "PA" means an individual who is licensed as a
2 physician assistant in a state. For purposes of this
3 compact, any other title or status adopted by a state
4 to replace the term "physician assistant" shall be
5 deemed synonymous with "physician assistant" and shall
6 confer the same rights and responsibilities to the
7 licensee under the provisions of this compact at the
8 time of its enactment.
- 9 Q. "PA Licensure Compact Commission," "compact
10 Commission," or "Commission" mean the national
11 administrative body created pursuant to section 7.A of
12 this compact.
- 13 R. "Qualifying license" means an unrestricted license
14 issued by a participating state to provide medical
15 services as a PA.
- 16 S. "Remote state" means a participating state where a
17 licensee who is not licensed as a PA is exercising or
18 seeking to exercise the compact privilege.
- 19 T. "Rule" means a regulation promulgated by an entity
20 that has the force and effect of law.



1 U. "Significant investigative information" means
2 investigative information that a licensing board,
3 after an inquiry or investigation that includes
4 notification and an opportunity for the PA to respond
5 if required by state law, has reason to believe is not
6 groundless and, if proven true, would indicate more
7 than a minor infraction.

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

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

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

- 13 1. License PAs.
- 14 2. Participate in the compact Commission's data
15 system.
- 16 3. Have a mechanism in place for receiving and
17 investigating complaints against licensees and
18 license applicants.
- 19 4. Notify the Commission, in compliance with the
20 terms of this compact and commission rules, of
21 any adverse action against a licensee or license



- 1 applicant and the existence of significant
2 investigative information regarding a licensee or
3 license applicant.
- 4 5. Fully implement a criminal background check
5 requirement, within a time frame established by
6 Commission rules, by its licensing board
7 receiving the results of a criminal background
8 check and reporting to the Commission whether the
9 license applicant has been granted a license.
- 10 6. Comply with the rules of the compact Commission.
- 11 7. Utilize passage of a recognized national exam
12 such as the National Commission on Certification
13 of Physician Assistants (NCCPA) and Physician
14 Assistant National Certifying Examination (PANCE)
15 as a requirement for PA licensure.
- 16 8. Grant the compact privilege to a holder of a
17 qualifying license in a participating state.
- 18 B. Nothing in this compact prohibits a participating
19 state from charging a fee for granting the compact
20 privilege.

21 **Section 4. Compact Privilege**



- 1 A. To exercise the compact privilege, a licensee must:
- 2 1. Have graduated from a PA program accredited by
- 3 the Accreditation Review Commission on Education
- 4 for the Physician Assistant, Inc. or other
- 5 programs authorized by Commission rule.
- 6 2. Hold current NCCPA certification.
- 7 3. Have no felony or misdemeanor conviction.
- 8 4. Have never had a controlled substance license,
- 9 permit, or registration suspended or revoked by a
- 10 state or by the United States Drug Enforcement
- 11 Administration.
- 12 5. Have a unique identifier as determined by
- 13 Commission rule.
- 14 6. Hold a qualifying license.
- 15 7. Have had no revocation of a license or limitation
- 16 or restriction on any license currently held due
- 17 to an adverse action.
- 18 8. Have not surrendered a license in lieu of
- 19 discipline or revocation.
- 20 9. If a licensee has had a limitation or restriction
- 21 on a license or compact privilege due to an



1 adverse action, two years must have elapsed from
2 the date on which the license or compact
3 privilege is no longer limited or restricted due
4 to the adverse action.

5 10. If a compact privilege has been revoked or is
6 limited or restricted in a participating state
7 for conduct that would not be a basis for
8 disciplinary action in a participating state in
9 which the licensee is practicing or applying to
10 practice under a compact privilege, that
11 participating state shall have the discretion not
12 to consider such action as an adverse action
13 requiring the denial or removal of a compact
14 privilege in that state.

15 11. Notify the compact Commission that the licensee
16 is seeking the compact privilege in a remote
17 state.

18 12. Meet any jurisprudence requirement of a remote
19 state in which the licensee is seeking to
20 practice under the compact privilege and pay any



1 fees applicable to satisfying the jurisprudence
2 requirement.

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

6 B. The compact privilege is valid until the expiration or
7 revocation of the qualifying license unless terminated
8 pursuant to an adverse action. The licensee must also
9 comply with all of the requirements of subsection A
10 above to maintain the compact privilege in a remote
11 state. If the participating state takes adverse
12 action against a qualifying license, the licensee
13 shall lose the compact privilege in any remote state
14 in which the licensee has a compact privilege until
15 all of the following occur:

- 16 1. The license is no longer limited or restricted;
17 and
18 2. Two (2) years have elapsed from the date on which
19 the license is no longer limited or restricted
20 due to the adverse action.



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

5 D. For each remote state in which a PA seeks authority to
6 prescribe controlled substances, the PA shall satisfy
7 all requirements imposed by such state in granting or
8 renewing such authority.

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

11 A. Upon a licensee's application for a compact privilege,
12 the licensee shall identify to the Commission the
13 participating state from which the licensee is
14 applying, in accordance with applicable rules adopted
15 by the Commission, and subject to the following
16 requirements:

17 1. When applying for a compact privilege, the
18 licensee shall provide the Commission with the
19 address of the licensee's primary residence and
20 thereafter shall immediately report to the



1 Commission any change in the address of the
2 licensee's primary residence.
3 2. When applying for a compact privilege, the
4 licensee is required to consent to accept service
5 of process by mail at the licensee's primary
6 residence on file with the Commission with
7 respect to any action brought against the
8 licensee by the Commission or a participating
9 state, including a subpoena, with respect to any
10 action brought or investigation conducted by the
11 Commission or a participating state.

12 **Section 6. Adverse Actions**

- 13 A. A participating state in which a licensee is licensed
14 shall have exclusive power to impose adverse action
15 against the qualifying license issued by that
16 participating state.
17 B. In addition to the other powers conferred by state
18 law, a remote state shall have the authority, in
19 accordance with existing state due process law, to do
20 all of the following:



- 1 1. Take adverse action against a PA's compact
2 privilege within that state to remove a
3 licensee's compact privilege or take other action
4 necessary under applicable law to protect the
5 health and safety of its citizens.
- 6 2. Issue subpoenas for both hearings and
7 investigations that require the attendance and
8 testimony of witnesses as well as the production
9 of evidence. Subpoenas issued by a licensing
10 board in a participating state for the attendance
11 and testimony of witnesses or the production of
12 evidence from another participating state shall
13 be enforced in the latter state by any court of
14 competent jurisdiction, according to the practice
15 and procedure of that court applicable to
16 subpoenas issued in proceedings pending before
17 it. The issuing authority shall pay any witness
18 fees, travel expenses, mileage and other fees
19 required by the service statutes of the state in
20 which the witnesses or evidence are located.



- 1 3. Notwithstanding paragraph 2, subpoenas may not be
2 issued by a participating state to gather
3 evidence of conduct in another state that is
4 lawful in that other state for the purpose of
5 taking adverse action against a licensee's
6 compact privilege or application for a compact
7 privilege in that participating state.
- 8 4. Nothing in this compact authorizes a
9 participating state to impose discipline against
10 a PA's compact privilege or to deny an
11 application for a compact privilege in that
12 participating state for the individual's
13 otherwise lawful practice in another state.
- 14 C. For purposes of taking adverse action, the
15 participating state which issued the qualifying
16 license shall give the same priority and effect to
17 reported conduct received from any other participating
18 state as it would if the conduct had occurred within
19 the participating state which issued the qualifying
20 license. In so doing, that participating state shall



1 apply its own state laws to determine appropriate
2 action.

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

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

11 F. Joint Investigations

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

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



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



1 states acting jointly and not an instrumentality of
2 any one state. The Commission shall come into
3 existence on or after the effective date of the
4 compact as set forth in section 11.A.

5 B. Membership, Voting, and Meetings

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

12 2. The delegate shall be either:

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

16 b. An administrator of a licensing board.

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



- 1 4. The participating state licensing board shall
2 fill any vacancy occurring in the Commission
3 within sixty (60) days.
- 4 5. Each delegate shall be entitled to one (1) vote
5 on all matters voted on by the Commission and
6 shall otherwise have an opportunity to
7 participate in the business and affairs of the
8 Commission. A delegate shall vote in person or
9 by such other means as provided in the bylaws.
10 The bylaws may provide for delegates'
11 participation in meetings by telecommunications,
12 video conference, or other means of
13 communication.
- 14 6. The Commission shall meet at least once during
15 each calendar year. Additional meetings shall be
16 held as set forth in this compact and the bylaws.
- 17 7. The Commission shall establish by rule a term of
18 office for delegates.
- 19 C. The Commission shall have the following powers and
20 duties:
- 21 1. Establish a code of ethics for the Commission;



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



- 1 11. Hire employees and engage contractors, elect or
2 appoint officers, fix compensation, define
3 duties, grant such individuals appropriate
4 authority to carry out the purposes of this
5 compact, and establish the Commission's personnel
6 policies and programs relating to conflicts of
7 interest, qualifications of personnel, and other
8 related personnel matters;
- 9 12. Accept any and all appropriate donations and
10 grants of money, equipment, supplies, materials
11 and services, and receive, utilize and dispose of
12 the same; provided that at all times the
13 Commission shall avoid any appearance of
14 impropriety or conflict of interest;
- 15 13. Lease, purchase, accept appropriate gifts or
16 donations of, or otherwise own, hold, improve or
17 use, any property, real, personal or mixed;
18 provided that at all times the Commission shall
19 avoid any appearance of impropriety;



- 1 14. Sell, convey, mortgage, pledge, lease, exchange,
2 abandon, or otherwise dispose of any property
3 real, personal, or mixed;
- 4 15. Establish a budget and make expenditures;
- 5 16. Borrow money;
- 6 17. Appoint committees, including standing committees
7 composed of members, state regulators, state
8 legislators or their representatives, and
9 consumer representatives, and such other
10 interested persons as may be designated in this
11 compact and the bylaws;
- 12 18. Provide and receive information from, and
13 cooperate with, law enforcement agencies;
- 14 19. Elect a Chair, Vice Chair, Secretary and
15 Treasurer and such other officers of the
16 Commission as provided in the Commission's
17 bylaws.
- 18 20. Reserve for itself, in addition to those reserved
19 exclusively to the Commission under the compact,
20 powers that the Executive Committee may not
21 exercise;



1 21. Approve or disapprove a state's participation in
2 the compact based upon its determination as to
3 whether the state's compact legislation departs
4 in a material manner from the model compact
5 language;

6 22. Prepare and provide to the participating states
7 an annual report; and

8 23. Perform such other functions as may be necessary
9 or appropriate to achieve the purposes of this
10 compact consistent with the state regulation of
11 PA licensure and practice.

12 D. Meetings of the Commission

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

18 2. Notwithstanding subsection D.1 of this section,
19 the Commission may convene a public meeting by
20 providing at least twenty-four (24) hours prior
21 notice on the Commission's website, and any other



1 means as provided in the Commission's rules, for
2 any of the reasons it may dispense with notice of
3 proposed rulemaking under section 9.L.

- 4 3. The Commission may convene in a closed, non-
5 public meeting or non-public part of a public
6 meeting to receive legal advice or to discuss:
- 7 a. Non-compliance of a participating state with
8 its obligations under this compact;
 - 9 b. The employment, compensation, discipline or
10 other matters, practices or procedures
11 related to specific employees or other
12 matters related to the Commission's internal
13 personnel practices and procedures;
 - 14 c. Current, threatened, or reasonably
15 anticipated litigation;
 - 16 d. Negotiation of contracts for the purchase,
17 lease, or sale of goods, services, or real
18 estate;
 - 19 e. Accusing any person of a crime or formally
20 censuring any person;



- 1 f. Disclosure of trade secrets or commercial or
 - 2 financial information that is privileged or
 - 3 confidential;
 - 4 g. Disclosure of information of a personal
 - 5 nature where disclosure would constitute a
 - 6 clearly unwarranted invasion of personal
 - 7 privacy;
 - 8 h. Disclosure of investigative records compiled
 - 9 for law enforcement purposes;
 - 10 i. Disclosure of information related to any
 - 11 investigative reports prepared by or on
 - 12 behalf of or for use of the Commission or
 - 13 other committee charged with responsibility
 - 14 of investigation or determination of
 - 15 compliance issues pursuant to this compact;
 - 16 j. Legal advice; or
 - 17 k. Matters specifically exempted from
 - 18 disclosure by federal or participating
 - 19 states' statutes.
- 20 4. If a meeting, or portion of a meeting, is closed
- 21 pursuant to this provision, the chair of the



1 meeting or the chair's designee shall certify
2 that the meeting or portion of the meeting may be
3 closed and shall reference each relevant
4 exempting provision.

5 5. The Commission shall keep minutes that fully and
6 clearly describe all matters discussed in a
7 meeting and shall provide a full and accurate
8 summary of actions taken, including a description
9 of the views expressed. All documents considered
10 in connection with an action shall be identified
11 in such minutes. All minutes and documents of a
12 closed meeting shall remain under seal, subject
13 to release by a majority vote of the Commission
14 or order of a court of competent jurisdiction.

15 E. Financing of the Commission

16 1. The Commission shall pay, or provide for the
17 payment of, the reasonable expenses of its
18 establishment, organization, and ongoing
19 activities.



- 1 2. The Commission may accept any and all appropriate
2 revenue sources, donations, and grants of money,
3 equipment, supplies, materials, and services.
- 4 3. The Commission may levy on and collect an annual
5 assessment from each participating state and may
6 impose compact privilege fees on licensees of
7 participating states to whom a compact privilege
8 is granted to cover the cost of the operations
9 and activities of the Commission and its staff,
10 which must be in a total amount sufficient to
11 cover its annual budget as approved by the
12 Commission each year for which revenue is not
13 provided by other sources. The aggregate annual
14 assessment amount levied on participating states
15 shall be allocated based upon a formula to be
16 determined by Commission rule.
- 17 a. A compact privilege expires when the
18 licensee's qualifying license in the
19 participating state from which the licensee
20 applied for the compact privilege expires.



- 1 b. If the licensee terminates the qualifying
2 license through which the licensee applied
3 for the compact privilege before its
4 scheduled expiration, and the licensee has a
5 qualifying license in another participating
6 state, the licensee shall inform the
7 Commission that it is changing to that
8 participating state the participating state
9 through which it applies for a compact
10 privilege and pay to the Commission any
11 compact privilege fee required by Commission
12 rule.
- 13 4. The Commission shall not incur obligations of any
14 kind prior to securing the funds adequate to meet
15 the same; nor shall the Commission pledge the
16 credit of any of the participating states, except
17 by and with the authority of the participating
18 state.
- 19 5. The Commission shall keep accurate accounts of
20 all receipts and disbursements. The receipts and
21 disbursements of the Commission shall be subject



1 to the financial review and accounting procedures
2 established under its bylaws. All receipts and
3 disbursements of funds handled by the Commission
4 shall be subject to an annual financial review by
5 a certified or licensed public accountant, and
6 the report of the financial review shall be
7 included in and become part of the annual report
8 of the Commission.

9 F. The Executive Committee

- 10 1. The executive committee shall have the power to
11 act on behalf of the Commission according to the
12 terms of this compact and commission rules.
- 13 2. The executive committee shall be composed of nine
14 (9) members:
- 15 a. Seven voting members who are elected by the
16 Commission from the current membership of
17 the Commission;
- 18 b. One ex-officio, nonvoting member from a
19 recognized national PA professional
20 association; and



- 1 c. One ex-officio, nonvoting member from a
- 2 recognized national PA certification
- 3 organization.
- 4 3. The ex-officio members will be selected by their
- 5 respective organizations.
- 6 4. The Commission may remove any member of the
- 7 executive committee as provided in its bylaws.
- 8 5. The executive committee shall meet at least
- 9 annually.
- 10 6. The executive committee shall have the following
- 11 duties and responsibilities:
- 12 a. Recommend to the Commission changes to the
- 13 Commission's rules or bylaws, changes to
- 14 this compact legislation, fees to be paid by
- 15 compact participating states such as annual
- 16 dues, and any Commission compact fee charged
- 17 to licensees for the compact privilege;
- 18 b. Ensure compact administration services are
- 19 appropriately provided, contractual or
- 20 otherwise;
- 21 c. Prepare and recommend the budget;



- 1 d. Maintain financial records on behalf of the
- 2 Commission;
- 3 e. Monitor compact compliance of participating
- 4 states and provide compliance reports to the
- 5 Commission;
- 6 f. Establish additional committees as
- 7 necessary;
- 8 g. Exercise the powers and duties of the
- 9 Commission during the interim between
- 10 Commission meetings, except for issuing
- 11 proposed rulemaking or adopting commission
- 12 rules or bylaws, or exercising any other
- 13 powers and duties exclusively reserved to
- 14 the Commission by the Commission's rules;
- 15 and
- 16 h. Perform other duties as provided in the
- 17 Commission's rules or bylaws.
- 18 7. All meetings of the executive committee at which
- 19 it votes or plans to vote on matters in
- 20 exercising the powers and duties of the
- 21 Commission shall be open to the public and public



1 notice of such meetings shall be given as public
2 meetings of the Commission are given.

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

11 G. Qualified Immunity, Defense, and Indemnification

12 1. The members of the Commission shall be immune
13 from suit and liability, both personally and in
14 their official capacity, for any claim for damage
15 to or loss of property or personal injury or
16 other civil liability caused by or arising out of
17 any actual or alleged act, error, or omission
18 that occurred, or that the person against whom
19 the claim is made had a reasonable basis for
20 believing occurred within the scope of Commission
21 employment, duties, or responsibilities; provided



1 that nothing in this paragraph shall be construed
2 to protect any such person from suit or liability
3 for any damage, loss, injury, or liability caused
4 by the intentional or willful or wanton
5 misconduct of that person. The procurement of
6 insurance of any type by the Commission shall not
7 in any way compromise or limit the immunity
8 granted hereunder.

9 2. The Commission shall defend any member of the
10 Commission in any civil action seeking to impose
11 liability arising out of any actual or alleged
12 act, error, or omission that occurred within the
13 scope of Commission employment, duties, or
14 responsibilities, or as determined by the
15 commission that the person against whom the claim
16 is made had a reasonable basis for believing
17 occurred within the scope of Commission
18 employment, duties, or responsibilities; provided
19 that nothing herein shall be construed to
20 prohibit that person from retaining their own
21 counsel at their own expense; and provided



1 further, that the actual or alleged act, error,
2 or omission did not result from that person's
3 intentional or willful or wanton misconduct.

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

17 4. Venue is proper and judicial proceedings by or
18 against the Commission shall be brought solely
19 and exclusively in a court of competent
20 jurisdiction where the principal office of the
21 Commission is located. The Commission may waive



- 1 venue and jurisdictional defenses in any
2 proceedings as authorized by Commission rules.
- 3 5. Nothing herein shall be construed as a limitation
4 on the liability of any licensee for professional
5 malpractice or misconduct, which shall be
6 governed solely by any other applicable state
7 laws.
- 8 6. Nothing herein shall be construed to designate
9 the venue or jurisdiction to bring actions for
10 alleged acts of malpractice, professional
11 misconduct, negligence, or other such civil
12 action pertaining to the practice of a PA. All
13 such matters shall be determined exclusively by
14 state law other than this compact.
- 15 7. Nothing in this compact shall be interpreted to
16 waive or otherwise abrogate a participating
17 state's state action immunity or state action
18 affirmative defense with respect to antitrust
19 claims under the Sherman Act, Clayton Act, or any
20 other state or federal antitrust or
21 anticompetitive law or regulation.



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

4 **Section 8. Data System**

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

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

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



- 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



1 contributing state. Notwithstanding any such
2 designation, such information shall be reported to the
3 Commission through the data system.

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

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

18 **Section 9. Rulemaking**

19 A. The Commission shall exercise its rulemaking powers
20 pursuant to the criteria set forth in this section and
21 the rules adopted thereunder. A Commission rule shall



1 become binding as of the date specified by the
2 Commission for each rule.

3 B. The Commission shall promulgate reasonable rules in
4 order to effectively and efficiently implement and
5 administer this compact and achieve its purposes. A
6 Commission rule shall be invalid and have no force or
7 effect only if a court of competent jurisdiction holds
8 that the rule is invalid because the Commission
9 exercised its rulemaking authority in a manner that is
10 beyond the scope of the purposes of this compact, or
11 the powers granted hereunder, or based upon another
12 applicable standard of review.

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



- 1 D. If a majority of the legislatures of the participating
2 states rejects a Commission rule, by enactment of a
3 statute or resolution in the same manner used to adopt
4 this compact within four (4) years of the date of
5 adoption of the rule, then such rule shall have no
6 further force and effect in any participating state or
7 to any state applying to participate in the compact.
- 8 E. Commission rules shall be adopted at a regular or
9 special meeting of the Commission.
- 10 F. Prior to promulgation and adoption of a final rule or
11 rules by the Commission, and at least thirty (30) days
12 in advance of the meeting at which the rule will be
13 considered and voted upon, the Commission shall file a
14 notice of proposed rulemaking:
- 15 1. On the website of the Commission or other
16 publicly accessible platform;
- 17 2. To persons who have requested notice of the
18 Commission's notices of proposed rulemaking; and
- 19 3. In such other way(s) as the Commission may by
20 rule specify.
- 21 G. The notice of proposed rulemaking shall include:



- 1 1. The time, date, and location of the public
2 hearing on the proposed rule and the proposed
3 time, date and location of the meeting in which
4 the proposed rule will be considered and voted
5 upon;
- 6 2. The text of the proposed rule and the reason for
7 the proposed rule;
- 8 3. A request for comments on the proposed rule from
9 any interested person and the date by which
10 written comments must be received; and
- 11 4. The manner in which interested persons may submit
12 notice to the Commission of their intention to
13 attend the public hearing or provide any written
14 comments.
- 15 H. Prior to adoption of a proposed rule, the Commission
16 shall allow persons to submit written data, facts,
17 opinions, and arguments, which shall be made available
18 to the public.
- 19 I. If the hearing is to be held via electronic means, the
20 Commission shall publish the mechanism for access to
21 the electronic hearing.



- 1 1. All persons wishing to be heard at the hearing
2 shall as directed in the notice of proposed
3 rulemaking, not less than five (5) business days
4 before the scheduled date of the hearing, notify
5 the Commission of their desire to appear and
6 testify at the hearing.
- 7 2. Hearings shall be conducted in a manner providing
8 each person who wishes to comment a fair and
9 reasonable opportunity to comment orally or in
10 writing.
- 11 3. All hearings shall be recorded. A copy of the
12 recording and the written comments, data, facts,
13 opinions, and arguments received in response to
14 the proposed rulemaking shall be made available
15 to a person upon request.
- 16 4. Nothing in this section shall be construed as
17 requiring a separate hearing on each proposed
18 rule. Proposed rules may be grouped for the
19 convenience of the Commission at hearings
20 required by this section.



- 1 J. Following the public hearing, the Commission shall
2 consider all written and oral comments timely
3 received.
- 4 K. The Commission shall, by majority vote of all
5 delegates, take final action on the proposed rule and
6 shall determine the effective date of the rule, if
7 adopted, based on the rulemaking record and the full
8 text of the rule.
- 9 1. If adopted, the rule shall be posted on the
10 Commission's website.
 - 11 2. The Commission may adopt changes to the proposed
12 rule provided the changes do not enlarge the
13 original purpose of the proposed rule.
 - 14 3. The Commission shall provide on its website an
15 explanation of the reasons for substantive
16 changes made to the proposed rule as well as
17 reasons for substantive changes not made that
18 were recommended by commenters.
 - 19 4. The Commission shall determine a reasonable
20 effective date for the rule. Except for an
21 emergency as provided in subsection L, the



1 effective date of the rule shall be no sooner
2 than thirty (30) days after the Commission issued
3 the notice that it adopted the rule.

4 L. Upon determination that an emergency exists, the
5 Commission may consider and adopt an emergency rule
6 with twenty-four (24) hours prior notice, without the
7 opportunity for comment, or hearing, provided that the
8 usual rulemaking procedures provided in this compact
9 and in this section shall be retroactively applied to
10 the rule as soon as reasonably possible, in no event
11 later than ninety (90) days after the effective date
12 of the rule. For the purposes of this provision, an
13 emergency rule is one that must be adopted immediately
14 by the Commission in order to:

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



1 4. Protect public health and safety.

2 M. The Commission or an authorized committee of the
3 Commission may direct revisions to a previously
4 adopted Commission rule for purposes of correcting
5 typographical errors, errors in format, errors in
6 consistency, or grammatical errors. Public notice of
7 any revisions shall be posted on the website of the
8 Commission. The revision shall be subject to
9 challenge by any person for a period of thirty (30)
10 days after posting. The revision may be challenged
11 only on grounds that the revision results in a
12 material change to a rule. A challenge shall be made
13 as set forth in the notice of revisions and delivered
14 to the Commission prior to the end of the notice
15 period. If no challenge is made, the revision will
16 take effect without further action. If the revision
17 is challenged, the revision may not take effect
18 without the approval of the Commission.

19 N. No participating state's rulemaking requirements shall
20 apply under this compact.

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



- 1 A. Oversight
- 2 1. The executive and judicial branches of state
- 3 government in each participating state shall
- 4 enforce this compact and take all actions
- 5 necessary and appropriate to implement the
- 6 compact.
- 7 2. Venue is proper and judicial proceedings by or
- 8 against the Commission shall be brought solely
- 9 and exclusively in a court of competent
- 10 jurisdiction where the principal office of the
- 11 Commission is located. The Commission may waive
- 12 venue and jurisdictional defenses to the extent
- 13 it adopts or consents to participate in
- 14 alternative dispute resolution proceedings.
- 15 Nothing herein shall affect or limit the
- 16 selection or propriety of venue in any action
- 17 against a licensee for professional malpractice,
- 18 misconduct or any such similar matter.
- 19 3. The Commission shall be entitled to receive
- 20 service of process in any proceeding regarding
- 21 the enforcement or interpretation of the compact



1 or the Commission's rules and shall have standing
2 to intervene in such a proceeding for all
3 purposes. Failure to provide the Commission with
4 service of process shall render a judgment or
5 order in such proceeding void as to the
6 Commission, this compact, or commission rules.

7 B. Default, Technical Assistance, and Termination

8 1. If the Commission determines that a participating
9 state has defaulted in the performance of its
10 obligations or responsibilities under this
11 compact or the commission rules, the Commission
12 shall provide written notice to the defaulting
13 state and other participating states. The notice
14 shall describe the default, the proposed means of
15 curing the default and any other action that the
16 Commission may take and shall offer remedial
17 training and specific technical assistance
18 regarding the default.

19 2. If a state in default fails to cure the default,
20 the defaulting state may be terminated from this
21 compact upon an affirmative vote of a majority of



1 the delegates of the participating states, and
2 all rights, privileges and benefits conferred by
3 this compact upon such state may be terminated on
4 the effective date of termination. A cure of the
5 default does not relieve the offending state of
6 obligations or liabilities incurred during the
7 period of default.

8 3. Termination of participation in this compact
9 shall be imposed only after all other means of
10 securing compliance have been exhausted. Notice
11 of intent to suspend or terminate shall be given
12 by the Commission to the governor, the majority
13 and minority leaders of the defaulting state's
14 legislature, and to the licensing board(s) of
15 each of the participating states.

16 4. A state that has been terminated is responsible
17 for all assessments, obligations, and liabilities
18 incurred through the effective date of
19 termination, including obligations that extend
20 beyond the effective date of termination.



- 1 5. The Commission shall not bear any costs related
2 to a state that is found to be in default or that
3 has been terminated from this compact, unless
4 agreed upon in writing between the Commission and
5 the defaulting state.
- 6 6. The defaulting state may appeal its termination
7 from the compact by the Commission by petitioning
8 the U.S. District Court for the District of
9 Columbia or the federal district where the
10 Commission has its principal offices. The
11 prevailing member shall be awarded all costs of
12 such litigation, including reasonable attorney's
13 fees.
- 14 7. Upon the termination of a state's participation
15 in the compact, the state shall immediately
16 provide notice to all licensees within that state
17 of such termination:
- 18 a. Licensees who have been granted a compact
19 privilege in that state shall retain the
20 compact privilege for one hundred eighty



1 (180) days following the effective date of
2 such termination.

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

13 C. Dispute Resolution

- 14 1. Upon request by a participating state, the
15 Commission shall attempt to resolve disputes
16 related to this compact that arise among
17 participating states and between participating
18 and non-participating states.
- 19 2. The Commission shall promulgate a rule providing
20 for both mediation and binding dispute resolution
21 for disputes as appropriate.



1 D. Enforcement

2 1. The Commission, in the reasonable exercise of its
3 discretion, shall enforce the provisions of this
4 compact and rules of the Commission.

5 2. If compliance is not secured after all means to
6 secure compliance have been exhausted, by
7 majority vote, the Commission may initiate legal
8 action in the United States District Court for
9 the District of Columbia or the federal district
10 where the Commission has its principal offices,
11 against a participating state in default to
12 enforce compliance with the provisions of this
13 compact and the Commission's promulgated rules
14 and bylaws. The relief sought may include both
15 injunctive relief and damages. In the event
16 judicial enforcement is necessary, the prevailing
17 party shall be awarded all costs of such
18 litigation, including reasonable attorney's fees.

19 3. The remedies herein shall not be the exclusive
20 remedies of the Commission. The Commission may



1 pursue any other remedies available under federal
2 or state law.

3 E. Legal Action Against the Commission

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

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

17 **Section 11. Date of Implementation of the PA Licensure**
18 **Compact Commission**

19 A. This compact shall come into effect on the date on
20 which this compact statute is enacted into law in the
21 seventh participating state.



- 1 1. On or after the effective date of the compact,
2 the Commission shall convene and review the
3 enactment of each of the states that enacted the
4 compact prior to the Commission convening
5 ("charter participating states") to determine if
6 the statute enacted by each such charter
7 participating state is materially different than
8 the model compact.
- 9 a. A charter participating state whose
10 enactment is found to be materially
11 different from the model compact shall be
12 entitled to the default process set forth in
13 section 10.B.
- 14 b. If any participating state later withdraws
15 from the compact or its participation is
16 terminated, the Commission shall remain in
17 existence and the compact shall remain in
18 effect even if the number of participating
19 states should be less than seven.
- 20 Participating states enacting the compact
21 subsequent to the Commission convening shall



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

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

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

20 B. Any state that joins this compact shall be subject to
21 the Commission's rules and bylaws as they exist on the



1 date on which this compact becomes law in that state.

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

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

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



- 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.



1 E. This compact may be amended by the participating
2 states. No amendment to this compact shall become
3 effective and binding upon any participating state
4 until it is enacted materially in the same manner into
5 the laws of all participating states as determined by
6 the Commission.

7 **Section 12. Construction and Severability**

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

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



1 person or circumstance is held to be unconstitutional
2 by a court of competent jurisdiction, the validity of
3 the remainder of this compact and the applicability
4 thereof to any other government, agency, person or
5 circumstance shall not be affected thereby.

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



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

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

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

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

11 § -3 **Hawaii provisions for implementation of the**
12 **Physician Assistant Licensure Compact.** For purposes of
13 implementation of the PA Licensure Compact in the State, the
14 following provisions shall apply:

15 (1) Financial obligations.

16 (A) No public funds shall be expended for the payment
17 of annual assessments to the PA Licensure Compact
18 Commission unless appropriated by the
19 legislature;

20 (B) The department of commerce and consumer affairs
21 shall include in its annual budget request any



1 anticipated assessments due under the PA
2 Licensure Compact; and
3 (C) Payment of assessments shall be contingent upon
4 legislative appropriation and shall not be
5 construed as a mandatory obligation of the State
6 absent an appropriation.

7 (2) Indemnification.

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

14 (B) The Commission shall be responsible for funding
15 any indemnification obligations arising under the
16 Compact, applicable to its employees and
17 representatives.

18 (3) Arbitration.

19 (A) Participation by the State in any binding
20 arbitration under the Compact shall be subject to
21 the availability of appropriated funds and shall



1 not obligate the State to expend public funds
2 absent legislative authorization; and
3 (B) Any arbitration decision involving the State
4 shall be subject to judicial review under
5 applicable state law to ensure compliance with
6 constitutional requirements.

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

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

20 The sum appropriated shall be expended by the department of
21 commerce and consumer affairs for the purposes of this Act.



1 SECTION 3. This Act shall take effect on July 1, 2050;
2 provided that section 1 shall take effect on January 1, 2027.



Report Title:

Physician Assistant Licensure Compact; Governor; Authorization to Enter; Appropriation

Description:

Beginning 1/1/2027, authorizes the Governor to enter the PA Licensure Compact to create a comprehensive process that complements the existing licensing authority of the Hawaii 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. Appropriates funds. Effective 7/1/2050. (SD1)

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

