

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 10

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE  
PHYSICIAN ASSISTANT LICENSURE INTERSTATE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 15 of this act may be cited as the "Physician Assistant  
Licensure Interstate Compact".

SECTION 2. [NEW MATERIAL] PHYSICIAN ASSISTANT LICENSURE  
INTERSTATE COMPACT ENTERED INTO.--The "Physician Assistant  
Licensure Interstate Compact" is enacted into law and entered  
into on behalf of New Mexico with any and all other states  
legally joining therein in a form substantially as follows.

SECTION 3. [NEW MATERIAL] PURPOSE.--In order to  
strengthen access to medical services, and in recognition of  
the advances in the delivery of medical services, the

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

25 SECTION 4. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Physician Assistant Licensure Interstate Compact:

2 A. "adverse action" means any administrative,  
3 civil, equitable or criminal action permitted by a state's laws  
4 that is imposed by a licensing board or other authority against  
5 a physician assistant license or license application or compact  
6 privilege, including license denial, censure, revocation,  
7 suspension, probation, monitoring of the licensee or  
8 restriction on the licensee's practice;

9 B. "commission", "physician assistant licensure  
10 compact commission" or "compact commission" means the national  
11 administrative body created pursuant to Section 9 of this  
12 compact;

13 C. "compact" means the Physician Assistant  
14 Licensure Interstate Compact;

15 D. "compact privilege" means the authorization  
16 granted by a remote state to allow a licensee from another  
17 participating state to practice as a physician assistant to  
18 provide medical services and other licensed activity to a  
19 patient located in the remote state under the remote state's  
20 laws and regulations;

21 E. "conviction" means a finding by a court that an  
22 individual is guilty of a felony or misdemeanor offense through  
23 adjudication or entry of a plea of guilt or no contest to the  
24 charge by the offender;

25 F. "criminal background check" means the submission

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1 of fingerprints or other biometric-based information for a  
2 license applicant for the purpose of obtaining that applicant's  
3 criminal history record information, as defined in 28 C.F.R.  
4 Section 20.3(d), from the state's criminal history record  
5 repository as defined in 28 C.F.R. Section 20.3(f);

6 G. "data system" means the repository of  
7 information about licensees, including license status and  
8 adverse actions, that is created and administered under the  
9 terms of this compact;

10 H. "executive committee" means a group of directors  
11 and ex-officio individuals elected or appointed pursuant to  
12 Section 9 of this compact;

13 I. "impaired practitioner" means a physician  
14 assistant whose practice is adversely affected by health-  
15 related conditions that impact the physician assistant's  
16 ability to practice;

17 J. "investigative information" means information,  
18 records or documents received or generated by a licensing board  
19 pursuant to an investigation;

20 K. "jurisprudence requirement" means the assessment  
21 of an individual's knowledge of the laws and rules governing  
22 the practice of a physician assistant in a state;

23 L. "license" means current authorization by a  
24 state, other than authorization pursuant to a compact  
25 privilege, for a physician assistant to provide medical

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1 services that would be unlawful without current authorization;

2 M. "licensee" means an individual who holds a  
3 license from a state to provide medical services as a physician  
4 assistant;

5 N. "licensing board" means any state entity  
6 authorized to license and otherwise regulate physician  
7 assistants;

8 O. "medical services" means health care services  
9 provided for the diagnosis, prevention, treatment, cure or  
10 relief of a health condition, injury or disease, as defined by  
11 a state's laws and regulations;

12 P. "model compact" means the model for the  
13 Physician Assistant Licensure Interstate Compact on file with  
14 the council of state governments or other entity as designated  
15 by the commission;

16 Q. "participating state" means a state that has  
17 enacted this compact;

18 R. "physician assistant" means an individual who is  
19 licensed as a physician assistant in a state. For purposes of  
20 this compact, any other title or status adopted by a state to  
21 replace the term "physician assistant" shall be deemed  
22 synonymous with "physician assistant" and shall confer the same  
23 rights and responsibilities to the licensee under the  
24 provisions of this compact at the time of its enactment;

25 S. "qualifying license" means an unrestricted

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1 license issued by a participating state to provide medical  
2 services as a physician assistant;

3 T. "remote state" means a participating state where  
4 a licensee who is not licensed as a physician assistant is  
5 exercising or seeking to exercise the compact privilege;

6 U. "rule" means a regulation promulgated by an  
7 entity that has the force and effect of law;

8 V. "significant investigative information" means  
9 investigative information that a licensing board, after an  
10 inquiry or investigation that includes notification and an  
11 opportunity for the physician assistant to respond if required  
12 by state law, has reason to believe is not groundless and, if  
13 proven true, would indicate more than a minor infraction; and

14 W. "state" means any state, commonwealth, district  
15 or territory of the United States.

16 SECTION 5. [NEW MATERIAL] STATE PARTICIPATION IN  
17 COMPACT.--

18 A. To participate in the compact, a participating  
19 state shall:

20 (1) license physician assistants;

21 (2) participate in the commission's data  
22 system;

23 (3) have a mechanism in place for receiving  
24 and investigating complaints against licensees and license  
25 applicants;

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1                   (4) notify the commission, in compliance with  
2 the terms of the compact and commission rules, of any adverse  
3 action against a licensee or license applicant and the  
4 existence of significant investigative information regarding a  
5 licensee or license applicant;

6                   (5) fully implement a criminal background  
7 check requirement, within a time frame established by  
8 commission rule, by requiring the state's licensing board to  
9 receive the results of a criminal background check and report  
10 to the commission whether the license applicant has been  
11 granted a license;

12                   (6) comply with the rules of the compact  
13 commission;

14                   (7) use passage of a recognized national exam,  
15 such as the national commission on certification of physician  
16 assistants' physician assistant national certifying  
17 examination, as a requirement for physician assistant  
18 licensure; and

19                   (8) grant the compact privilege to a holder of  
20 a qualifying license in a participating state.

21                   B. Nothing in this compact prohibits a  
22 participating state from charging a fee for granting the  
23 compact privilege.

24                   SECTION 6. [NEW MATERIAL] COMPACT PRIVILEGE.--

25                   A. To exercise the compact privilege, a licensee

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1 shall:

2 (1) have graduated from a physician assistant  
3 program accredited by the accreditation review commission on  
4 education for the physician assistant, inc. or other programs  
5 authorized by commission rule;

6 (2) hold current national commission on  
7 certification of physician assistants certification;

8 (3) have no felony or misdemeanor conviction;

9 (4) have never had a controlled substance  
10 license, permit or registration suspended or revoked by a state  
11 or by the United States drug enforcement 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  
16 limitation or restriction on any license currently held due to  
17 an adverse action;

18 (8) if the licensee has had a limitation or  
19 restriction on a license or compact privilege due to an adverse  
20 action, not exercise the compact privilege until two years have  
21 elapsed from the date on which the license or compact privilege  
22 is no longer limited or restricted due to the adverse action;

23 (9) notify the compact commission that the  
24 licensee is seeking the compact privilege in a remote state;

25 (10) meet any jurisprudence requirement of a

1 remote state in which the licensee is seeking to practice under  
2 the compact privilege and pay any fees applicable to satisfying  
3 the jurisprudence requirement; and

4 (11) report to the commission any adverse  
5 action taken by a nonparticipating state within thirty days  
6 after the action is taken.

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

16 (1) the license is no longer limited or  
17 restricted; and

18 (2) two years have elapsed from the date on  
19 which the license is no longer limited or restricted due to the  
20 adverse action.

21 C. Once a restricted or limited license satisfies  
22 the requirements of Subsection B of this section, the licensee  
23 shall meet the requirements of Subsection A of this section to  
24 re-obtain a compact privilege in any remote state.

25 D. For each remote state in which a physician

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1 assistant seeks authority to prescribe controlled substances,  
2 the physician assistant shall satisfy all requirements imposed  
3 by the state in granting or renewing the authority.

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

12 SECTION 7. [NEW MATERIAL] DESIGNATION OF THE STATE FROM  
13 WHICH A LICENSEE IS APPLYING FOR A COMPACT PRIVILEGE.--Upon a  
14 licensee's application for a compact privilege, the licensee  
15 shall identify to the commission the participating state from  
16 which the licensee is applying, in accordance with applicable  
17 rules adopted by the commission, and be subject to the  
18 following requirements:

19 A. when applying for a compact privilege, the  
20 licensee shall provide the commission with the address of the  
21 licensee's primary residence and thereafter shall immediately  
22 report to the commission any change in the address of the  
23 licensee's primary residence; and

24 B. when applying for a compact privilege, the  
25 licensee is required to consent to accept service of process by

1 mail at the licensee's primary residence on file with the  
2 commission with respect to any action brought, or investigation  
3 conducted, by the commission or a participating state,  
4 including a subpoena.

5 SECTION 8. [NEW MATERIAL] ADVERSE ACTIONS.--

6 A. A participating state in which a licensee is  
7 licensed shall have exclusive power to impose adverse action  
8 against the qualifying license issued by that participating  
9 state.

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

14 (1) take adverse action against a physician  
15 assistant's compact privilege within that state to remove a  
16 licensee's compact privilege or take other action necessary  
17 under applicable law to protect the health and safety of the  
18 state's residents; and

19 (2) issue subpoenas for hearings and  
20 investigations that require the attendance and testimony of  
21 witnesses as well as the production of evidence. Subpoenas  
22 issued by a licensing board in a participating state for the  
23 attendance and testimony of witnesses or the production of  
24 evidence from another participating state shall be enforced in  
25 the latter state by any court of competent jurisdiction,

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1 according to the practice and procedure of that court  
2 applicable to subpoenas issued in proceedings pending before  
3 that court. The issuing authority shall pay any witness fees,  
4 travel expenses, mileage and other fees required by the service  
5 statutes of the state in which the witnesses or evidence are  
6 located.

7 C. Notwithstanding Paragraph (2) of Subsection B of  
8 this section, subpoenas shall not be issued by a participating  
9 state to gather evidence of conduct in another state that is  
10 lawful in that other state for the purpose of taking adverse  
11 action against a licensee's compact privilege or application  
12 for a compact privilege in that participating state. Nothing  
13 in this compact authorizes a participating state to impose  
14 discipline against a physician assistant's compact privilege or  
15 to deny an application for a compact privilege in that  
16 participating state for the individual's otherwise lawful  
17 practice in another state.

18 D. For purposes of taking adverse action, the  
19 participating state that issued the qualifying license shall  
20 give the same priority and effect to reported conduct received  
21 from any other participating state as it would if the conduct  
22 had occurred within the participating state that issued the  
23 qualifying license. In so doing, that participating state  
24 shall apply the state's own laws to determine appropriate  
25 action.

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1           E. A participating state, if otherwise permitted by  
2 state law, may recover from the affected physician assistant  
3 the costs of investigations and disposition of cases resulting  
4 from any adverse action taken against that physician assistant.

5           F. A participating state may take adverse action  
6 based on the factual findings of a remote state; provided that  
7 the participating state follows its own procedures for taking  
8 the adverse action.

9           G. In addition to the authority granted to a  
10 participating state by the state's physician assistant laws and  
11 regulations or other applicable state law, any participating  
12 state may participate with other participating states in joint  
13 investigations of licensees. Participating states shall share  
14 any investigative, litigation or compliance materials in  
15 furtherance of any joint or individual investigation initiated  
16 under this compact.

17           H. If an adverse action is taken against a  
18 physician assistant's qualifying license, the physician  
19 assistant's compact privilege in all remote states shall be  
20 deactivated until two years have elapsed after all restrictions  
21 have been removed from the state qualifying license. All  
22 disciplinary orders by the participating state that issued the  
23 qualifying license that impose adverse action against a  
24 physician assistant's license shall include a statement that  
25 the physician assistant's compact privilege is deactivated in

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1 all participating states during the pendency of the order.

2 I. A license, certification or authorization that  
3 is automatically suspended or revoked pursuant to this section  
4 shall be immediately reinstated if the suspension or revocation  
5 is solely on the basis that a physician assistant performed,  
6 recommended or provided reproductive health services or gender-  
7 affirming care.

8 J. If any participating state takes adverse action,  
9 the participating state shall promptly notify the administrator  
10 of the data system.

11 SECTION 9. [NEW MATERIAL] PHYSICIAN ASSISTANT LICENSURE  
12 COMPACT COMMISSION.--

13 A. The participating states hereby create and  
14 establish a joint government agency and national administrative  
15 body known as "the physician assistant licensure compact  
16 commission". The commission is an instrumentality of the  
17 participating states acting jointly and not an instrumentality  
18 of any one state. The commission shall come into existence on  
19 or after the effective date of the compact as set forth in  
20 Section 13 of this compact.

21 B. Membership, voting and meetings of the  
22 commission shall proceed as follows:

23 (1) each participating state shall have and be  
24 limited to one delegate selected by that participating state's  
25 licensing board or, if the state has more than one licensing

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1 board, selected collectively by the participating state's  
2 licensing boards;

3 (2) a delegate shall be either:

4 (a) a current physician assistant,  
5 physician or public member of a licensing board or physician  
6 assistant council or committee; or

7 (b) an administrator of a licensing  
8 board;

9 (3) a delegate may be removed or suspended  
10 from office as provided by the laws of the state from which the  
11 delegate is appointed;

12 (4) a participating state's licensing board  
13 shall fill any vacancy occurring in the commission within sixty  
14 days;

15 (5) each delegate shall be entitled to one  
16 vote on all matters voted on by the commission and shall  
17 otherwise have an opportunity to participate in the business  
18 and affairs of the commission. A delegate shall vote in person  
19 or by such other means as provided in the commission's bylaws.  
20 The bylaws may provide for delegates' participation in meetings  
21 by telecommunications, video conference or other means of  
22 communication;

23 (6) the commission shall meet at least once  
24 per each calendar year. Additional meetings shall be held as  
25 set forth in this compact and the commission's bylaws; and

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1 (7) the commission shall establish by rule a  
2 term of office for delegates.

3 C. The commission has the powers and duties to:

4 (1) establish a code of ethics for the  
5 commission;

6 (2) establish the fiscal year of the  
7 commission;

8 (3) establish fees;

9 (4) establish bylaws;

10 (5) maintain the commission's financial  
11 records in accordance with the commission's bylaws;

12 (6) meet and take actions that are consistent  
13 with the provisions of this compact and the commission's  
14 bylaws;

15 (7) promulgate rules to facilitate and  
16 coordinate implementation and administration of this compact.

17 The rules shall have the force and effect of law and shall be  
18 binding in all participating states;

19 (8) bring and prosecute legal proceedings or  
20 actions in the name of the commission; provided that the  
21 standing of any state licensing board to sue or be sued under  
22 applicable law shall not be affected;

23 (9) purchase and maintain insurance and bonds;

24 (10) borrow, accept or contract for services  
25 of personnel, including employees of a participating state;

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1                   (11) hire employees and engage contractors,  
2 elect or appoint officers, fix compensation, define duties,  
3 grant individuals appropriate authority to carry out the  
4 purposes of this compact and establish the commission's  
5 personnel policies and programs relating to conflicts of  
6 interest, qualifications of personnel and other related  
7 personnel matters;

8                   (12) accept any and all appropriate donations  
9 and grants of money, equipment, supplies, materials and  
10 services and receive, use and dispose of the same; provided  
11 that at all times the commission shall avoid any appearance of  
12 impropriety or conflict of interest;

13                   (13) lease, purchase, accept appropriate gifts  
14 or donations of or otherwise own, hold, improve or use any  
15 property, real, personal or mixed; provided that at all times  
16 the commission shall avoid any appearance of impropriety;

17                   (14) sell, convey, mortgage, pledge, lease,  
18 exchange, abandon or otherwise dispose of any property, real,  
19 personal or mixed;

20                   (15) establish a budget and make expenditures;

21                   (16) borrow money;

22                   (17) appoint committees, including standing  
23 committees composed of members, state regulators, state  
24 legislators or their representatives, consumer representatives  
25 and other interested persons as may be designated in this

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1 compact and the commission's bylaws;

2 (18) provide and receive information from, and  
3 cooperate with, law enforcement agencies;

4 (19) elect a chair, vice chair, secretary,  
5 treasurer and other officers of the commission as provided in  
6 the commission's bylaws;

7 (20) in addition to powers reserved  
8 exclusively to the commission under this compact, reserve  
9 powers for the commission that the executive committee may not  
10 exercise;

11 (21) approve or disapprove a state's  
12 participation in this compact based on the commission's  
13 determination as to whether the state's compact legislation  
14 departs in a material manner from the model compact language;

15 (22) prepare and provide to the participating  
16 states an annual report; and

17 (23) perform other functions as may be  
18 necessary or appropriate to achieve purposes of this compact  
19 that are consistent with state regulation of physician  
20 assistant licensure and practice.

21 D. Meetings of the commission shall proceed as  
22 follows:

23 (1) all meetings of the commission that are  
24 not closed pursuant to this subsection shall be open to the  
25 public. Notice of public meetings shall be posted on the

1 commission's website at least thirty days prior to the public  
2 meeting;

3 (2) notwithstanding Paragraph (1) of this  
4 subsection, the commission may convene a public meeting by  
5 providing at least twenty-four hours' prior notice on the  
6 commission's website, and by any other means as provided in the  
7 commission's rules, for any of the reasons that the commission  
8 may dispense with notice of proposed rulemaking under  
9 Subsection R of Section 11 of this compact;

10 (3) the commission may convene in a closed,  
11 nonpublic meeting or nonpublic part of a public meeting to  
12 receive legal advice or to discuss:

13 (a) noncompliance of a participating  
14 state with the state's obligations under this compact;

15 (b) the employment, compensation,  
16 discipline or other matters, practices or procedures related to  
17 specific employees or to the commission's internal personnel  
18 practices and procedures;

19 (c) current, threatened or reasonably  
20 anticipated litigation;

21 (d) negotiation of contracts for the  
22 purchase, lease or sale of goods, services or real estate;

23 (e) accusing any person of a crime or  
24 formally censuring any person;

25 (f) disclosure of trade secrets or

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1 commercial or financial information that is privileged or  
2 confidential;

3 (g) disclosure of information of a  
4 personal nature where disclosure would constitute a clearly  
5 unwarranted invasion of personal privacy;

6 (h) disclosure of investigative records  
7 compiled for law enforcement purposes;

8 (i) disclosure of information related to  
9 any investigative reports prepared by or on behalf of or for  
10 use by the commission or other committee charged with the  
11 responsibility of investigation or determination of compliance  
12 issues pursuant to this compact;

13 (j) legal advice; or

14 (k) matters specifically exempted from  
15 disclosure by federal or participating states' statutes;

16 (4) if a meeting, or portion of a meeting, is  
17 closed pursuant to this subsection, the chair of the meeting or  
18 the chair's designee shall certify that the meeting or portion  
19 of the meeting may be closed and shall reference each relevant  
20 exempting provision; and

21 (5) the commission shall keep minutes that  
22 fully and clearly describe all matters discussed in a meeting  
23 and shall provide a full and accurate summary of actions taken,  
24 including a description of the views expressed. All documents  
25 considered in connection with an action shall be identified in

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

5 E. The commission shall be financed as follows:

6 (1) the commission shall pay, or provide for  
7 the payment of, the reasonable expenses of its establishment,  
8 organization and ongoing activities;

9 (2) the commission may accept any and all  
10 appropriate revenue sources, donations and grants of money,  
11 equipment, supplies, materials and services;

12 (3) the commission may levy and collect an  
13 annual assessment from each participating state and may impose  
14 compact privilege fees on licensees of participating states to  
15 whom a compact privilege is granted to cover the cost of the  
16 operations and activities of the commission and its staff,  
17 which shall be in a total amount sufficient to cover its annual  
18 budget as approved by the commission each year for which  
19 revenue is not provided by other sources. The aggregate annual  
20 assessment amount levied on participating states shall be  
21 allocated based upon a formula to be determined by commission  
22 rule. A compact privilege expires when the licensee's  
23 qualifying license in the participating state from which the  
24 licensee applied for the compact privilege expires. If the  
25 licensee terminates the qualifying license in the participating

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1 state from which the licensee applied for the compact privilege  
2 before its scheduled expiration, and the licensee has a  
3 qualifying license in another participating state, the licensee  
4 shall inform the commission that the licensee is changing to  
5 that participating state for the purposes of applying for a  
6 compact privilege and paying to the commission any compact  
7 privilege fee required by commission rule;

8 (4) the commission shall not incur obligations  
9 of any kind prior to securing the funds adequate to meet the  
10 same; nor shall the commission pledge the credit of any of the  
11 participating states, except by and with the authority of the  
12 participating state; and

13 (5) the commission shall keep accurate  
14 accounts of all receipts and disbursements. The receipts and  
15 disbursements of the commission shall be subject to the  
16 financial review and accounting procedures established under  
17 the commission's bylaws. All receipts and disbursements of  
18 funds handled by the commission shall be subject to an annual  
19 financial review by a certified or licensed public accountant,  
20 and the report of the financial review shall be included in and  
21 become part of the annual report of the commission.

22 F. The executive committee shall function as  
23 follows:

24 (1) the executive committee has the power to  
25 act on behalf of the commission according to the provisions of

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1 this compact and commission rules;

2 (2) the executive committee is composed of the  
3 following nine members:

4 (a) seven voting members who are elected  
5 by the commission from the current membership of the  
6 commission;

7 (b) one ex-officio, nonvoting member  
8 from a recognized national physician assistant professional  
9 association; and

10 (c) one ex-officio, nonvoting member  
11 from a recognized national physician assistant certification  
12 organization;

13 (3) the ex-officio members of the executive  
14 committee shall be selected by their respective organizations;

15 (4) the commission may remove any member of  
16 the executive committee as provided in the commission's bylaws;

17 (5) the executive committee shall meet at  
18 least annually;

19 (6) the executive committee has the following  
20 duties and responsibilities:

21 (a) recommending to the commission  
22 changes to the commission's rules or bylaws, changes to the  
23 compact legislation, fees to be paid by participating states,  
24 such as annual dues, and any commission fee charged to  
25 licensees for a compact privilege;

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1 (b) ensuring compact administration  
2 services are appropriately provided, contractual or otherwise;

3 (c) preparing and recommending the  
4 commission's budget;

5 (d) maintaining financial records on  
6 behalf of the commission;

7 (e) monitoring compact compliance of  
8 participating states and providing compliance reports to the  
9 commission;

10 (f) establishing additional committees  
11 as necessary;

12 (g) exercising the powers and duties of  
13 the commission during the interim between commission meetings,  
14 except for issuing proposed rulemaking or adopting commission  
15 rules or bylaws, or exercising any other powers and duties  
16 exclusively reserved to the commission by the commission's  
17 rules; and

18 (h) performing other duties as provided  
19 by the commission's rules or bylaws;

20 (7) all meetings of the executive committee at  
21 which the executive committee votes or plans to vote on matters  
22 of exercising the powers and duties of the commission shall be  
23 open to the public, and public notice of such meetings shall be  
24 given in the same manner as notice of public meetings; and

25 (8) the executive committee may convene in a

1 closed, nonpublic meeting for the same reasons that the  
2 commission may convene in a nonpublic meeting as provided in  
3 this section and shall announce the closed meeting and keep  
4 minutes of the closed meeting as the commission is required  
5 pursuant to this section.

6 G. With respect to qualified immunity, defense and  
7 indemnification:

8 (1) the members, officers, executive director,  
9 employees and representatives of the commission shall be immune  
10 from suit and liability, both personally and in their official  
11 capacity, for any claim for damage to or loss of property or  
12 personal injury or other civil liability caused by or arising  
13 from any actual or alleged act, error or omission that  
14 occurred, or that the person against whom the claim is made had  
15 a reasonable basis for believing occurred within the scope of  
16 commission employment, duties or responsibilities; provided  
17 that nothing in this paragraph shall be construed to protect  
18 any such person from suit or liability for any damage, loss,  
19 injury or liability caused by the intentional or willful or  
20 wanton misconduct of that person. The procurement of insurance  
21 of any type by the commission shall not in any way compromise  
22 or limit the immunity granted by this compact;

23 (2) the liability of the commission within any  
24 member state may not exceed the limits of liability set forth  
25 under the constitution and laws of that state for state

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1 officials, employees and agents. The commission is considered  
2 to be an instrumentality of the states for the purpose of any  
3 such action;

4 (3) the commission shall defend any member,  
5 officer, executive director, employee and representative of the  
6 commission in any civil action seeking to impose liability  
7 arising out of any actual or alleged act, error or omission  
8 that occurred within the scope of commission employment, duties  
9 or responsibilities, or as determined by the commission that  
10 the person against whom the claim is made had a reasonable  
11 basis for believing occurred within the scope of commission  
12 employment, duties or responsibilities; provided that nothing  
13 in this paragraph shall be construed to prohibit that person  
14 from retaining counsel at the person's own expense; and  
15 provided further that the actual or alleged act, error or  
16 omission did not result from that person's intentional or  
17 willful or wanton misconduct;

18 (4) the commission shall indemnify and hold  
19 harmless any member, officer, executive director, employee and  
20 representative of the commission for the amount of any  
21 settlement or judgment obtained against that person arising out  
22 of any actual or alleged act, error or omission that occurred  
23 within the scope of commission employment, duties or  
24 responsibilities, or that the person had a reasonable basis for  
25 believing occurred within the scope of commission employment,

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1 duties or responsibilities; provided that the actual or alleged  
2 act, error or omission did not result from the intentional or  
3 willful or wanton misconduct of that person;

4 (5) venue is proper and judicial proceedings  
5 by or against the commission shall be brought solely and  
6 exclusively in a court of competent jurisdiction where the  
7 principal office of the commission is located. The commission  
8 may waive venue and jurisdictional defenses in any proceedings  
9 as authorized by commission rules;

10 (6) nothing in this compact shall be construed  
11 as a limitation on the liability of any licensee for  
12 professional malpractice or misconduct, which shall be governed  
13 solely by any other applicable state laws;

14 (7) nothing in this compact shall be construed  
15 to designate the venue or jurisdiction to bring actions for  
16 alleged acts of malpractice, professional misconduct,  
17 negligence or other civil action pertaining to the practice of  
18 a physician assistant. All such matters shall be determined  
19 exclusively by state law other than this compact;

20 (8) nothing in this compact shall be  
21 interpreted to waive or otherwise abrogate a participating  
22 state's state action immunity or state action affirmative  
23 defense with respect to antitrust claims under the federal  
24 Sherman Act, as amended, the federal Clayton Act, as amended,  
25 or any other state or federal antitrust or anticompetitive law

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1 or regulation; and

2 (9) nothing in this compact shall be construed  
3 to be a waiver of sovereign immunity by the participating  
4 states or by the commission.

5 SECTION 10. [NEW MATERIAL] DATA SYSTEM.--

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

12 B. Notwithstanding any other state law to the  
13 contrary, a participating state shall submit a uniform data set  
14 to the data system on all physician assistants to whom this  
15 compact is applicable, using 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  
20 compact privilege;  
21 (4) any denial of application for licensure,  
22 and the reason for such denial, excluding the reporting of any  
23 criminal history record information where prohibited by law;  
24 (5) the existence of significant investigative  
25 information; and

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1                   (6) other information that may facilitate the  
2 administration of this compact, as determined by the rules of  
3 the commission.

4                   C. Significant investigative information pertaining  
5 to a licensee in any participating state shall only be  
6 available to other participating states.

7                   D. The commission shall promptly notify all  
8 participating states of any adverse action taken against a  
9 license or a person applying for a license that has been  
10 reported to the commission. Adverse action information shall  
11 be available to any participating state.

12                   E. All information provided to the commission or  
13 distributed by member boards shall be confidential, filed under  
14 seal and used only for investigatory or disciplinary matters;  
15 provided that information submitted to the New Mexico medical  
16 board is subject to the confidentiality and transparency  
17 requirements imposed by New Mexico law or court order.

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

24                   G. Any information submitted to the data system  
25 that is subsequently expunged pursuant to federal law or the

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1 laws of the participating state contributing the information  
2 shall be removed from the data system upon reporting of the  
3 expungement by the participating state to the commission.

4 H. The records and information provided to a  
5 participating state pursuant to this compact or through the  
6 data system, when certified by the commission or an agent of  
7 the commission, shall constitute the authenticated business  
8 records of the commission and shall be entitled to any  
9 associated hearsay exception in any relevant judicial,  
10 quasi-judicial or administrative proceedings in a participating  
11 state.

12 SECTION 11. [NEW MATERIAL] RULEMAKING.--

13 A. The commission shall exercise rulemaking powers  
14 pursuant to the criteria set forth in this section and the  
15 rules promulgated pursuant to this section. Commission rules  
16 shall become binding as of the date specified by the commission  
17 for each rule.

18 B. The commission shall promulgate reasonable rules  
19 in order to effectively and efficiently implement and  
20 administer this compact and achieve the compact's purposes. A  
21 commission rule shall be invalid and have no force or effect  
22 only if a court of competent jurisdiction holds that the rule  
23 is invalid because the commission exercised its rulemaking  
24 authority in a manner that is beyond the scope of the purposes  
25 of or the powers granted by this compact or based upon another

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underscored material = new  
[bracketed material] = delete

1 applicable standard of review.

2 C. The rules of the commission shall have the force  
3 of law in each participating state; provided that when the  
4 rules of the commission conflict with the laws of the  
5 participating state that establish the medical services a  
6 physician assistant may perform in the participating state, as  
7 held by a court of competent jurisdiction, the rules of the  
8 commission shall be ineffective in that state to the extent of  
9 the conflict.

10 D. If a majority of the legislatures of the  
11 participating states rejects a commission rule by enactment of  
12 a statute or resolution in the same manner used to adopt this  
13 compact within four years of the date of adoption of the rule,  
14 the rule shall have no further force and effect in any  
15 participating state or to any state applying to participate in  
16 the compact.

17 E. Commission rules shall be adopted at a regular  
18 or special meeting of the commission.

19 F. Prior to promulgation and adoption of a final  
20 rule by the commission, and at least thirty days in advance of  
21 the meeting at which the rule will be considered and voted  
22 upon, the commission shall file a notice of proposed  
23 rulemaking:

24 (1) on the website of the commission or other  
25 publicly accessible platform;

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1 (2) to persons who have requested notice of  
2 the commission's notices of proposed rulemaking; and

3 (3) in other ways that the commission may  
4 specify by rule.

5 G. The notice of proposed rulemaking shall include:

6 (1) the time, date and location of the public  
7 hearing on the proposed rule and the proposed time, date and  
8 location of the meeting in which the proposed rule will be  
9 considered and voted upon;

10 (2) the text of the proposed rule and the  
11 reason for the proposed rule;

12 (3) a request for comments on the proposed  
13 rule from any interested person and the date by which written  
14 comments must be received; and

15 (4) the manner in which interested persons may  
16 submit notice to the commission of their intention to attend  
17 the public hearing or provide written comments.

18 H. Prior to adoption of a proposed rule, the  
19 commission shall allow persons to submit written data, facts,  
20 opinions and arguments, which the commission shall make  
21 available to the public.

22 I. If the hearing is to be held via electronic  
23 means, the commission shall publish the mechanism for access to  
24 the electronic hearing.

25 J. A person wishing to be heard at the hearing

1 shall, as directed in the notice of proposed rulemaking, no  
2 less than five business days before the scheduled date of the  
3 hearing, notify the commission of the person's desire to appear  
4 and testify at the hearing. Hearings shall be conducted in a  
5 manner that provides each person who wishes to comment a fair  
6 and reasonable opportunity to comment orally or in writing.

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

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

15 M. Following a public hearing, the commission shall  
16 consider all written and oral comments timely received.

17 N. The commission shall, by majority vote of all  
18 delegates, take final action on a proposed rule and shall  
19 determine the effective date of the rule, if adopted, based on  
20 the rulemaking record and the full text of the rule. If  
21 adopted, the rule shall be posted on the commission's website.

22 O. The commission may adopt changes to a proposed  
23 rule; provided that the changes do not enlarge the original  
24 purpose of the proposed rule.

25 P. The commission shall provide on the commission's

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1 website an explanation of the reasons for substantive changes  
2 made to a proposed rule as well as reasons for substantive  
3 changes not made that were recommended by commenters.

4 Q. The commission shall determine a reasonable  
5 effective date for a rule. Except for an emergency as provided  
6 in Subsection R of this section, the effective date of a rule  
7 shall be no sooner than thirty days after the commission issued  
8 the notice that the commission adopted the rule.

9 R. Upon determination that an emergency exists, the  
10 commission may consider and adopt an emergency rule with  
11 twenty-four hours' prior notice, without the opportunity for  
12 comment or hearing; provided that the usual rulemaking  
13 procedures provided in this compact and in this section shall  
14 be retroactively applied to the rule as soon as reasonably  
15 possible, but in no event later than ninety days after the  
16 effective date of the rule. For the purposes of this compact,  
17 an emergency rule is a rule that must be adopted immediately by  
18 the commission in order to:

19 (1) meet an imminent threat to public health,  
20 safety or welfare;

21 (2) prevent a loss of commission or  
22 participating state funds;

23 (3) meet a deadline for the promulgation of a  
24 commission rule that is established by federal law or rule; or

25 (4) protect public health and safety.

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

16           T. No participating state's rulemaking requirements  
17 shall apply under this compact.

18           SECTION 12. [NEW MATERIAL] OVERSIGHT--DISPUTE  
19 RESOLUTION--ENFORCEMENT.--

20           A. The executive and judicial branches of  
21 government in each participating state shall enforce this  
22 compact and take all actions necessary and appropriate to  
23 implement the compact. The provisions of this compact and the  
24 rules promulgated pursuant to this compact shall have standing  
25 as law but shall not override existing state authority to

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1 regulate the practice of physician assistants.

2 B. Venue is proper and judicial proceedings by or  
3 against the commission shall be brought solely and exclusively  
4 in a court of competent jurisdiction where the principal office  
5 of the commission is located. The commission may waive venue  
6 and jurisdictional defenses to the extent the commission adopts  
7 or consents to participate in alternative dispute resolution  
8 proceedings. Nothing in this compact shall affect or limit the  
9 selection or propriety of venue in any action against a  
10 licensee for professional malpractice, misconduct or any  
11 similar matter.

12 C. All courts shall give deference and take  
13 judicial notice of the Physician Assistant Licensure Interstate  
14 Compact and rules promulgated pursuant to that compact in any  
15 judicial or administrative proceeding in a member state  
16 pertaining to the subject matter of that compact that may  
17 affect the powers, responsibilities or actions of the  
18 commission.

19 D. The commission is entitled to receive service of  
20 process in any proceeding regarding the enforcement or  
21 interpretation of this compact or the commission's rules and  
22 has standing to intervene in the proceeding for all purposes.  
23 Failure to provide the commission with service of process shall  
24 render a judgment or order void as to the commission, this  
25 compact or commission rules.

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1           E. If the commission determines that a  
2 participating state has defaulted in the performance of the  
3 state's obligations or responsibilities under this compact or  
4 commission rules, the commission shall provide written notice  
5 to the defaulting state and other participating states. The  
6 notice shall describe the default, the proposed means of curing  
7 the default and any other action that the commission may take  
8 and shall offer remedial training and specific technical  
9 assistance regarding the default.

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

18           G. Termination of participation in this compact  
19 shall be imposed only after all other means of securing  
20 compliance have been exhausted. Notice of intent to suspend or  
21 terminate shall be given by the commission to the governor, the  
22 majority and minority leaders of the defaulting state's  
23 legislature and the licensing boards of each of the  
24 participating states.

25           H. A state that has been terminated is responsible

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1 for all assessments, obligations and liabilities incurred  
2 through the effective date of termination, including  
3 obligations that extend beyond the effective date of  
4 termination.

5 I. The commission shall not bear any cost related  
6 to a state that is found to be in default or that has been  
7 terminated from the compact, unless agreed upon in writing  
8 between the commission and the defaulting state.

9 J. The defaulting state may appeal the state's  
10 termination from this compact by the commission by petitioning  
11 the United States district court for the District of Columbia  
12 or the federal district where the commission has its principal  
13 offices. The prevailing party shall be awarded all costs of  
14 the litigation, including reasonable attorney fees.

15 K. Upon the termination of a state's participation  
16 in this compact, the state shall immediately provide notice to  
17 all licensees within that state of the termination. Licensees  
18 who:

19 (1) have been granted a compact privilege in  
20 that state shall retain the compact privilege for one hundred  
21 eighty days following the effective date of the termination;  
22 and

23 (2) are licensed in that state who have been  
24 granted a compact privilege in a participating state shall  
25 retain the compact privilege for one hundred eighty days unless

1 the licensee also has a qualifying license in a participating  
2 state or obtains a qualifying license in a participating state  
3 before the one-hundred-eighty-day period ends, in which case  
4 the compact privilege shall continue.

5 L. Upon request by a participating state, the  
6 commission shall attempt to resolve disputes related to this  
7 compact that arise among participating states and between  
8 participating and nonparticipating states. The commission  
9 shall promulgate a rule providing for both mediation and  
10 binding dispute resolution for disputes as appropriate.

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

25 N. The remedies provided in this compact shall not

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1 be the exclusive remedies of the commission. The commission  
2 may pursue any other remedies available under federal or state  
3 law.

4 O. A participating state may initiate legal action  
5 against the commission in the United States district court for  
6 the District of Columbia or the federal district where the  
7 commission has its principal offices to enforce compliance with  
8 the provisions of this compact and the commission's rules. The  
9 relief sought may include both injunctive relief and damages.  
10 In the event judicial enforcement is necessary, the prevailing  
11 party shall be awarded all costs of such litigation, including  
12 reasonable attorney fees. No entity other than a participating  
13 state shall enforce this compact against the commission.

14 SECTION 13. [NEW MATERIAL] EFFECTIVE DATE OF THE  
15 PHYSICIAN ASSISTANT LICENSURE INTERSTATE COMPACT COMMISSION.--

16 A. This compact shall come into effect on the date  
17 on which this compact statute is enacted into law in the  
18 seventh participating state.

19 B. On or after the effective date of this compact,  
20 the commission shall convene and review the enactment of each  
21 of the participating state statutes that enacted the compact  
22 prior to the commission convening to determine if the statute  
23 enacted by each charter participating state is materially  
24 different than the model compact.

25 C. A charter participating state whose enactment is

1 found to be materially different from the model compact shall  
2 be entitled to the default process set forth in Section 12 of  
3 this compact. If any participating state later withdraws from  
4 this compact or its participation is terminated, the commission  
5 shall remain in existence and the compact shall remain in  
6 effect even if the number of participating states is fewer than  
7 seven. Participating states enacting this compact subsequent  
8 to the commission convening shall be subject to the process set  
9 forth in Paragraph (21) of Subsection C of Section 9 of this  
10 compact to determine if the enactments are materially different  
11 from the model compact and whether those states qualify for  
12 participation in the compact.

13 D. Participating states enacting this compact  
14 subsequent to the seven initial charter participating states  
15 shall be subject to the process set forth in Paragraph (21) of  
16 Subsection C of Section 9 of this compact to determine if the  
17 enactments are materially different from the model compact and  
18 whether the states qualify for participation in the compact.

19 E. All actions taken for the benefit of the  
20 commission or in furtherance of the purposes of the  
21 administration of this compact prior to the effective date of  
22 the compact or the commission coming into existence shall be  
23 considered to be actions of the commission unless specifically  
24 repudiated by the commission.

25 F. Any state that joins this compact shall be

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1 subject to the commission's rules and bylaws as they exist on  
2 the date on which the compact becomes law in that state. Any  
3 rule that has been previously adopted by the commission shall  
4 have the full force and effect of law on the day the compact  
5 becomes law in that state.

6 G. Any participating state may withdraw from this  
7 compact by enacting a statute repealing the same. Legislation  
8 enacted in New Mexico for the purposes of withdrawing from the  
9 compact shall provide for a wind-up period that lasts at least  
10 one year after the effective date of the legislation to allow  
11 the member board of the withdrawing state to wind up its  
12 affairs with the commission and provide written notice of the  
13 withdrawal to the governor of each other member state.

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

25 I. Withdrawal of a participating state shall not

1 affect the continuing requirement of the state licensing board  
2 or boards of the withdrawing state to comply with the  
3 investigative and adverse action reporting requirements of the  
4 compact prior to the effective date of withdrawal.

5 J. Upon the enactment of a statute withdrawing a  
6 participating state from this compact, the withdrawing state  
7 shall immediately provide notice of the withdrawal to all  
8 licensees within that state. The withdrawing state shall  
9 continue to recognize all licenses granted pursuant to this  
10 compact for a minimum of one hundred eighty days after the date  
11 of the notice of withdrawal.

12 K. Nothing contained in this compact shall be  
13 construed to invalidate or prevent any physician assistant  
14 licensure agreement or other cooperative arrangement between  
15 participating states and between a participating state and  
16 nonparticipating state that does not conflict with the  
17 provisions of this compact.

18 L. This compact may be amended by the participating  
19 states. No amendment to this compact shall become effective  
20 and binding upon any participating state until it is enacted  
21 materially in the same manner into the laws of all  
22 participating states as determined by the commission.

23 SECTION 14. [NEW MATERIAL] CONSTRUCTION AND  
24 SEVERABILITY.--

25 A. This compact and the commission's rulemaking

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1 authority shall be liberally construed so as to effectuate the  
2 purposes and the implementation and administration of the  
3 compact. Provisions of this compact expressly authorizing or  
4 requiring the promulgation of rules shall not be construed to  
5 limit the commission's rulemaking authority solely for those  
6 purposes.

7 B. The provisions of this compact shall be  
8 severable, and if any phrase, clause, sentence or provision of  
9 this compact is held by a court of competent jurisdiction to be  
10 contrary to the constitution of any participating state, a  
11 state seeking participation in the compact or the United  
12 States, or if the applicability of the compact to any  
13 government, agency, person or circumstance is held to be  
14 unconstitutional by a court of competent jurisdiction, the  
15 validity of the remainder of the compact and the applicability  
16 thereof to any other government, agency, person or circumstance  
17 shall not be affected.

18 C. Notwithstanding Subsection B of this section,  
19 the commission may deny a state's participation in this compact  
20 or, in accordance with the requirements of Section 12 of this  
21 compact, terminate a participating state's participation in the  
22 compact, if it determines that a constitutional requirement of  
23 a participating state is, or would be with respect to a state  
24 seeking to participate in the compact, a material departure  
25 from the compact. Otherwise, if this compact shall be held to

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1 be contrary to the constitution of any participating state, the  
 2 compact shall remain in full force and effect as to the  
 3 remaining participating states and in full force and effect as  
 4 to the participating state affected as to all severable  
 5 matters.

6 SECTION 15. [NEW MATERIAL] BINDING EFFECT OF COMPACT.--

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

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

12 C. All agreements between the commission and the  
 13 participating states are binding in accordance with their  
 14 terms.

15 D. If any provision of this compact exceeds the  
 16 constitutional limits imposed on the legislature of any member  
 17 state, such provision shall be ineffective to the extent of the  
 18 conflict with the constitutional provision in question in that  
 19 member state.

20 SECTION 16. A new section of the Physician Assistant Act  
 21 is enacted to read:

22 "[NEW MATERIAL] PARTICIPATION IN PHYSICIAN ASSISTANT  
 23 LICENSURE INTERSTATE COMPACT AS CONDITION OF EMPLOYMENT  
 24 PROHIBITED.--An employer shall not require a physician  
 25 assistant licensed in this state pursuant to the Physician

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1 Assistant Act to seek licensure through the Physician Assistant  
2 Licensure Interstate Compact as a condition of initial or  
3 continued employment as a physician assistant in this state.  
4 An employer may require that a physician assistant obtain and  
5 maintain a license to practice as a physician assistant in  
6 multiple states if the physician assistant is free to obtain  
7 and maintain the licenses by any means authorized by the laws  
8 of the respective states."

9 SECTION 17. A new section of the Physician Assistant Act  
10 is enacted to read:

11 "[NEW MATERIAL] PHYSICIAN ASSISTANT LICENSURE COMPACT  
12 COMMISSION--COMMISSIONER DUTIES.--

13 A. If a meeting, or a portion of a meeting, of the  
14 physician assistant licensure compact commission is closed  
15 pursuant to Paragraph (3) of Subsection D of Section 9 of the  
16 Physician Assistant Licensure Interstate Compact, commissioners  
17 appointed to represent New Mexico on the commission shall  
18 request the commission's legal counsel or designee to certify  
19 that the meeting may be closed by citing each provision of that  
20 paragraph that is applicable. Commissioners may satisfy this  
21 section by making a motion, or voting in the affirmative on a  
22 motion, to have the commission's legal counsel or designee  
23 certify that the meeting may be closed.

24 B. Any time the physician assistant licensure  
25 compact commission is voting on what to include in the

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1 commission's minutes, commissioners appointed to represent New  
2 Mexico on the commission shall vote to include in the minutes:

3 (1) all actions taken by the commission and  
4 the reasons for each action, including a description of the  
5 views expressed; and

6 (2) identification of all documents considered  
7 by the commission that relate to an action taken by the  
8 commission."

9 SECTION 18. A new section of the Physician Assistant Act  
10 is enacted to read:

11 "[NEW MATERIAL] BOARD OBLIGATIONS--PUBLIC POSTING.--The  
12 board shall post on the board's public website:

13 A. copies of the physician assistant licensure  
14 compact commission's current bylaws and rules;

15 B. notice of any physician assistant licensure  
16 compact commission action that may affect the license of a  
17 physician assistant in this state within thirty days of the  
18 commission's action being taken; and

19 C. any minutes or documents of the physician  
20 assistant licensure compact commission that are released  
21 pursuant to a vote of the commission. All minutes and  
22 documents of a closed meeting of the physician assistant  
23 licensure compact commission shall remain under seal, subject  
24 to release by a majority vote of the commission or an order of  
25 a court of competent jurisdiction."

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1           SECTION 19. A new section of the Physician Assistant Act  
2 is enacted to read:

3           "[NEW MATERIAL] JOINT INVESTIGATIONS--INVESTIGATIVE  
4 SUBPOENAS.--The board may enter into joint investigations with  
5 other state physician assistant or medical boards pursuant to  
6 the Physician Assistant Licensure Interstate Compact; provided  
7 that participation in the joint investigation is governed by a  
8 written agreement among the board and the other participating  
9 physician assistant or medical boards. When participating in a  
10 joint investigation, the board shall not issue an investigative  
11 subpoena that conflicts with the Reproductive and Gender-  
12 Affirming Health Care Protection Act."

13           SECTION 20. Section 61-6-5 NMSA 1978 (being Laws 1973,  
14 Chapter 361, Section 2, as amended) is amended to read:

15           "61-6-5. MEDICAL BOARD DUTIES AND POWERS.--The board  
16 shall:

17           A. enforce and administer the provisions of the  
18 Medical Practice Act, the Physician Assistant Act, the  
19 Anesthesiologist Assistants Act, the Genetic Counseling Act,  
20 the Impaired Health Care Provider Act, the Polysomnography  
21 Practice Act, the Naturopathic Doctors' Practice Act, the  
22 Podiatry Act and the Naprapathic Practice Act;

23           B. promulgate, in accordance with the State Rules  
24 Act, all rules for the implementation and enforcement of the  
25 provisions of the Medical Practice Act, the Physician Assistant

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1 Act, the Anesthesiologist Assistants Act, the Genetic  
2 Counseling Act, the Impaired Health Care Provider Act, the  
3 Polysomnography Practice Act, the Naturopathic Doctors'  
4 Practice Act, the Podiatry Act and the Naprapathic Practice  
5 Act;

6 C. adopt and use a seal;

7 D. administer oaths to all applicants, witnesses  
8 and others appearing before the board, as appropriate;

9 E. take testimony on matters within the board's  
10 jurisdiction;

11 F. keep an accurate record of all its meetings,  
12 receipts and disbursements;

13 G. maintain records in which the name, address and  
14 license number of all licensees shall be recorded, together  
15 with a record of all license renewals, suspensions,  
16 revocations, probations, stipulations, censures, reprimands and  
17 fines;

18 H. discipline licensees or deny, review, suspend  
19 and revoke licenses to practice medicine and censure,  
20 reprimand, fine and place on probation and stipulation  
21 licensees and applicants in accordance with the Uniform  
22 Licensing Act for any cause stated in the law that the board is  
23 charged with enforcing;

24 I. hire staff and administrators as necessary to  
25 carry out the provisions of the Medical Practice Act;

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1 J. have the authority to hire or contract with  
2 investigators to investigate possible violations of the Medical  
3 Practice Act;

4 K. have the authority to hire a competent attorney  
5 to give advice and counsel in regard to any matter connected  
6 with the duties of the board, to represent the board in any  
7 legal proceedings and to aid in the enforcement of the laws in  
8 relation to a health care profession or occupation over which  
9 the board has authority and to fix the compensation to be paid  
10 to such attorney; provided, however, that such attorney shall  
11 be compensated from the funds of the board;

12 L. establish continuing education requirements for  
13 licensed practitioners over which the board has authority;

14 M. establish committees as it deems necessary for  
15 carrying on its business;

16 N. hire or contract with a licensed physician to  
17 serve as medical director and fulfill specified duties of the  
18 secretary-treasurer;

19 O. establish and maintain rules related to the  
20 management of pain based on review of national standards for  
21 pain management; ~~and~~

22 P. have the authority to waive licensure fees for  
23 the purpose of the recruitment and retention of health care  
24 practitioners over which the board has authority;

25 Q. prescribe procedures, forms and the manner of

1 submitting an applicant's full set of fingerprints for state  
2 and federal criminal history background reports that the board  
3 uses to evaluate the applicant's qualification for licensure;  
4 and

5 R. require an applicant, as a condition of  
6 eligibility for initial licensure, to submit a full set of  
7 fingerprints to the department of public safety to obtain state  
8 and national criminal history record information on the  
9 applicant. State and national criminal history record reports  
10 are confidential and not public records. The board shall not  
11 disseminate criminal history record information across state  
12 lines."

13 SECTION 21. CONTINGENT REPEAL.--

14 A. Sections 1 through 19 of this act are repealed  
15 if a state or federal court of New Mexico finds that a rule or  
16 decision of the physician assistant licensure compact  
17 commission or a court order regarding a rule or decision  
18 relating to the Physician Assistant Licensure Interstate  
19 Compact would change the scope of practice of a physician  
20 assistant or the definition of "unprofessional conduct" for a  
21 physician assistant in a manner that is inconsistent with the  
22 Physician Assistant Act or any other state law relating to the  
23 practice of medicine. A person who is or may be affected by a  
24 rule or decision at issue under this subsection shall have  
25 standing to seek a determination by the district court.

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1           B. The New Mexico medical board shall certify to  
2 the director of the legislative council service and the  
3 executive director of the New Mexico compilation commission the  
4 date on which the action described in Subsection A of this  
5 section occurs.

6           C. Repeal of the Physician Assistant Licensure  
7 Interstate Compact pursuant to this section constitutes this  
8 state's immediate withdrawal from the Physician Assistant  
9 Licensure Interstate Compact. The New Mexico medical board  
10 shall send written notification of withdrawal to the governor  
11 of each other state that has enacted the compact.

12           D. The New Mexico medical board, or a member of the  
13 legislature, may request in writing that the attorney general  
14 review the actions of the physician assistant licensure compact  
15 commission or a court ruling relating to the enforcement of the  
16 Physician Assistant Licensure Interstate Compact.

17           E. In the event of a repeal pursuant to this  
18 section, the provisions of Section 13 of the Physician  
19 Assistant Licensure Interstate Compact shall remain in effect  
20 and govern the withdrawal.