

HOUSE BILL 45

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

## INTRODUCED BY

Gail Armstrong and Elaine Sena Cortez and Nicole Chavez  
and Catherine J. Cullen and Jenifer Jones

## 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.**--This act may be cited as the "Physician Assistant Licensure Interstate Compact".

SECTION 2. [NEW MATERIAL] PURPOSE.--In order to strengthen access to medical services, and in recognition of the advances in the delivery of medical services, the participating states of the Physician Assistant Licensure Interstate Compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline physician assistants and seeks to enhance the portability of a license to

.233039.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

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

20                   **SECTION 3. [NEW MATERIAL] DEFINITIONS.**--As used in the  
21 Physician Assistant Licensure Interstate Compact:

22                   A. "adverse action" means any administrative,  
23 civil, equitable or criminal action permitted by a state's laws  
24 that is imposed by a licensing board or other authority against  
25 a physician assistant license or license application or compact

.233039.1

1 privilege, including license denial, censure, revocation,  
2 suspension, probation, monitoring of the licensee or  
3 restriction on the licensee's practice;

4 B. "commission", "physician assistant licensure  
5 compact commission" or "compact commission" means the national  
6 administrative body created pursuant to Section 8 of this  
7 compact;

8 C. "compact" means the Physician Assistant  
9 Licensure Interstate Compact;

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

16 E. "conviction" means a finding by a court that an  
17 individual is guilty of a felony or misdemeanor offense through  
18 adjudication or entry of a plea of guilt or no contest to the  
19 charge by the offender;

20 F. "criminal background check" means the submission  
21 of fingerprints or other biometric-based information for a  
22 license applicant for the purpose of obtaining that applicant's  
23 criminal history record information from the state's criminal  
24 history record repository;

25 G. "data system" means the repository of

.233039.1

underscored material = new  
[bracketed material] = delete

1 information about licensees, including license status and  
2 adverse actions, that is created and administered under the  
3 terms of this compact;

4 H. "executive committee" means a group of directors  
5 and ex-officio individuals elected or appointed pursuant to  
6 Section 8 of this compact;

7 I. "impaired practitioner" means a physician  
8 assistant whose practice is adversely affected by health-  
9 related conditions that impact the physician assistant's  
10 ability to practice;

11 J. "investigative information" means information,  
12 records or documents received or generated by a licensing board  
13 pursuant to an investigation;

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

17 L. "license" means current authorization by a  
18 state, other than authorization pursuant to a compact  
19 privilege, for a physician assistant to provide medical  
20 services that would be unlawful without current authorization;

21 M. "licensee" means an individual who holds a  
22 license from a state to provide medical services as a physician  
23 assistant;

24 N. "licensing board" means any state entity  
25 authorized to license and otherwise regulate physician

.233039.1

underscored material = new  
[bracketed material] = delete

1 assistants;

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

6                   P. "model compact" means the model for the  
7 Physician Assistant Licensure Interstate Compact on file with  
8 the council of state governments or other entity as designated  
9 by the commission;

10                  Q. "participating state" means a state that has  
11 enacted this compact;

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

19                  S. "qualifying license" means an unrestricted  
20 license issued by a participating state to provide medical  
21 services as a physician assistant;

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

25                  U. "rule" means a regulation promulgated by an

1 entity that has the force and effect of law;

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

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

10                  SECTION 4. [NEW MATERIAL] STATE PARTICIPATION IN  
11 COMPACT.--

12                  A. To participate in the compact, a participating  
13 state shall:

14                                   (1) license physician assistants;

15                                   (2) participate in the commission's data  
16 system;

17                                   (3) have a mechanism in place for receiving  
18 and investigating complaints against licensees and license  
19 applicants;

20                                   (4) notify the commission, in compliance with  
21 the terms of the compact and commission rules, of any adverse  
22 action against a licensee or license applicant and the  
23 existence of significant investigative information regarding a  
24 licensee or license applicant;

25                                   (5) fully implement a criminal background

.233039.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

check requirement, within a time frame established by commission rule, by requiring the state's licensing board to receive the results of a criminal background check and report to the commission whether the license applicant has been granted a license;

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

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

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

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

**SECTION 5. [NEW MATERIAL] COMPACT PRIVILEGE.--**

A. To exercise the compact privilege, a licensee shall:

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

(2) hold current national commission on

.233039.1

underscored material = new  
[bracketed material] = delete

certification of physician assistants certification;

(3) have no felony or misdemeanor conviction;

(4) have never had a controlled substance license, permit or registration suspended or revoked by a state or by the United States drug enforcement administration;

(5) have a unique identifier as determined by commission rule;

(6) hold a qualifying license;

(7) have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action;

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

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

(10) meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

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

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

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

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

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

D. For each remote state in which a physician assistant seeks authority to prescribe controlled substances, the physician assistant shall satisfy all requirements imposed by the state in granting or renewing the authority.

E. If a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating

underscored material = new  
[bracketed material] = delete

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

6 **SECTION 6. [NEW MATERIAL] DESIGNATION OF THE STATE FROM**  
7 **WHICH A LICENSEE IS APPLYING FOR A COMPACT PRIVILEGE.**--Upon a  
8 licensee's application for a compact privilege, the licensee  
9 shall identify to the commission the participating state from  
10 which the licensee is applying, in accordance with applicable  
11 rules adopted by the commission, and be subject to the  
12 following requirements:

13           A. when applying for a compact privilege, the  
14 licensee shall provide the commission with the address of the  
15 licensee's primary residence and thereafter shall immediately  
16 report to the commission any change in the address of the  
17 licensee's primary residence; and

18           B. when applying for a compact privilege, the  
19 licensee is required to consent to accept service of process by  
20 mail at the licensee's primary residence on file with the  
21 commission with respect to any action brought, or investigation  
22 conducted, by the commission or a participating state,  
23 including a subpoena.

24 **SECTION 7. [NEW MATERIAL] ADVERSE ACTIONS.**--

25           A. A participating state in which a licensee is

.233039.1

1       licensed shall have exclusive power to impose adverse action  
2       against the qualifying license issued by that participating  
3       state.

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

8                       (1) take adverse action against a physician  
9       assistant's compact privilege within that state to remove a  
10      licensee's compact privilege or take other action necessary  
11      under applicable law to protect the health and safety of the  
12      state's residents; and

13                       (2) issue subpoenas for hearings and  
14      investigations that require the attendance and testimony of  
15      witnesses as well as the production of evidence. Subpoenas  
16      issued by a licensing board in a participating state for the  
17      attendance and testimony of witnesses or the production of  
18      evidence from another participating state shall be enforced in  
19      the latter state by any court of competent jurisdiction,  
20      according to the practice and procedure of that court  
21      applicable to subpoenas issued in proceedings pending before  
22      that court. The issuing authority shall pay any witness fees,  
23      travel expenses, mileage and other fees required by the service  
24      statutes of the state in which the witnesses or evidence are  
25      located.

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

underscored material = new  
[bracketed material] = delete

1 the participating state follows its own procedures for taking  
2 the adverse action.

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

11                  H. If an adverse action is taken against a  
12 physician assistant's qualifying license, the physician  
13 assistant's compact privilege in all remote states shall be  
14 deactivated until two years have elapsed after all restrictions  
15 have been removed from the state qualifying license. All  
16 disciplinary orders by the participating state that issued the  
17 qualifying license that impose adverse action against a  
18 physician assistant's license shall include a statement that  
19 the physician assistant's compact privilege is deactivated in  
20 all participating states during the pendency of the order.

21                  I. If any participating state takes adverse action,  
22 the participating state shall promptly notify the administrator  
23 of the data system.

24                  SECTION 8. [NEW MATERIAL] PHYSICIAN ASSISTANT LICENSURE  
25 COMPACT COMMISSION.--

.233039.1

A. The participating states hereby create and establish a joint government agency and national administrative body known as "the physician assistant licensure compact commission". The commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Section 12 of this compact.

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

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

(2) a delegate shall be either:

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

(b) an administrator of a licensing

board;

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

(4) a participating state's licensing board

underscored material = new  
[bracketed material] = delete

1 shall fill any vacancy occurring in the commission within sixty  
2 days;

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

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

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

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

17 (1) establish a code of ethics for the  
18 commission;

19 (2) establish the fiscal year of the  
20 commission;

21 (3) establish fees;

22 (4) establish bylaws;

23 (5) maintain the commission's financial  
24 records in accordance with the commission's bylaws;

25 (6) meet and take actions that are consistent

.233039.1

1 with the provisions of this compact and the commission's  
2 bylaws;

3 (7) promulgate rules to facilitate and  
4 coordinate implementation and administration of this compact.

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

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

11 (9) purchase and maintain insurance and bonds;

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

14 (11) hire employees and engage contractors,  
15 elect or appoint officers, fix compensation, define duties,  
16 grant individuals appropriate authority to carry out the  
17 purposes of this compact and establish the commission's  
18 personnel policies and programs relating to conflicts of  
19 interest, qualifications of personnel and other related  
20 personnel matters;

21 (12) accept any and all appropriate donations  
22 and grants of money, equipment, supplies, materials and  
23 services and receive, use and dispose of the same; provided  
24 that at all times the commission shall avoid any appearance of  
25 impropriety or conflict of interest;

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

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

(15) establish a budget and make expenditures;

(16) borrow money;

(17) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives and other interested persons as may be designated in this compact and the commission's bylaws;

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

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

(20) in addition to powers reserved exclusively to the commission under this compact, reserve powers for the commission that the executive committee may not exercise:

(21) approve or disapprove a state's participation in this compact based on the commission's

1 determination as to whether the state's compact legislation  
2 departs in a material manner from the model compact language;

3 (22) prepare and provide to the participating  
4 states an annual report; and

5 (23) perform other functions as may be  
6 necessary or appropriate to achieve purposes of this compact  
7 that are consistent with state regulation of physician  
8 assistant licensure and practice.

9 D. Meetings of the commission shall proceed as  
10 follows:

11 (1) all meetings of the commission that are  
12 not closed pursuant to this subsection shall be open to the  
13 public. Notice of public meetings shall be posted on the  
14 commission's website at least thirty days prior to the public  
15 meeting;

16 (2) notwithstanding Paragraph (1) of this  
17 subsection, the commission may convene a public meeting by  
18 providing at least twenty-four hours' prior notice on the  
19 commission's website, and by any other means as provided in the  
20 commission's rules, for any of the reasons that the commission  
21 may dispense with notice of proposed rulemaking under  
22 Subsection R of Section 10 of this compact;

23 (3) the commission may convene in a closed,  
24 nonpublic meeting or nonpublic part of a public meeting to  
25 receive legal advice or to discuss:

- (a) noncompliance of a participating state with the state's obligations under this compact;
- (b) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or to the commission's internal personnel practices and procedures;
- (c) current, threatened or reasonably anticipated litigation;
- (d) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;
- (e) accusing any person of a crime or formally censuring any person;
- (f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- (g) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (h) disclosure of investigative records compiled for law enforcement purposes;
- (i) disclosure of information related to any investigative reports prepared by or on behalf of or for use by the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to this compact;

- (j) legal advice; or
- (k) matters specifically exempted from disclosure by federal or participating states' statutes;

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

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

E. The commission shall be financed as follows:

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

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

(3) the commission may levy and collect an

1 annual assessment from each participating state and may impose  
2 compact privilege fees on licensees of participating states to  
3 whom a compact privilege is granted to cover the cost of the  
4 operations and activities of the commission and its staff,  
5 which shall be in a total amount sufficient to cover its annual  
6 budget as approved by the commission each year for which  
7 revenue is not provided by other sources. The aggregate annual  
8 assessment amount levied on participating states shall be  
9 allocated based upon a formula to be determined by commission  
10 rule. A compact privilege expires when the licensee's  
11 qualifying license in the participating state from which the  
12 licensee applied for the compact privilege expires. If the  
13 licensee terminates the qualifying license in the participating  
14 state from which the licensee applied for the compact privilege  
15 before its scheduled expiration, and the licensee has a  
16 qualifying license in another participating state, the licensee  
17 shall inform the commission that the licensee is changing to  
18 that participating state for the purposes of applying for a  
19 compact privilege and paying to the commission any compact  
20 privilege fee required by commission rule;

21 (4) the commission shall not incur obligations  
22 of any kind prior to securing the funds adequate to meet the  
23 same; nor shall the commission pledge the credit of any of the  
24 participating states, except by and with the authority of the  
25 participating state; and

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

F. The executive committee shall function as follows:

(1) the executive committee has the power to act on behalf of the commission according to the provisions of this compact and commission rules;

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

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

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

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

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

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

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

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

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

(b) ensuring compact administration

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

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

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

(f) establishing additional committees as necessary;

(g) exercising the powers and duties of

underscored material = new  
[bracketed material] = delete

1 the commission during the interim between commission meetings,  
2 except for issuing proposed rulemaking or adopting commission  
3 rules or bylaws, or exercising any other powers and duties  
4 exclusively reserved to the commission by the commission's  
5 rules; and

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

8 (7) all meetings of the executive committee at  
9 which the executive committee votes or plans to vote on matters  
10 of exercising the powers and duties of the commission shall be  
11 open to the public, and public notice of such meetings shall be  
12 given in the same manner as notice of public meetings; and

13 (8) the executive committee may convene in a  
14 closed, nonpublic meeting for the same reasons that the  
15 commission may convene in a nonpublic meeting as provided in  
16 this section and shall announce the closed meeting and keep  
17 minutes of the closed meeting as the commission is required  
18 pursuant to this section.

19 G. With respect to qualified immunity, defense and  
20 indemnification:

21 (1) the members, officers, executive director,  
22 employees and representatives of the commission shall be immune  
23 from suit and liability, both personally and in their official  
24 capacity, for any claim for damage to or loss of property or  
25 personal injury or other civil liability caused by or arising

underscored material = new  
[bracketed material] = delete

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

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

25 (3) the commission shall indemnify and hold

harmless any member, officer, executive director, employee and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person;

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

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

(6) nothing in this compact shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence or other civil action pertaining to the practice of a physician assistant. All such matters shall be determined

underscored material = new  
[bracketed material] = delete

1 exclusively by state law other than this compact;

2 (7) nothing in this compact shall be  
3 interpreted to waive or otherwise abrogate a participating  
4 state's state action immunity or state action affirmative  
5 defense with respect to antitrust claims under the federal  
6 Sherman Act, as amended, the federal Clayton Act, as amended,  
7 or any other state or federal antitrust or anticompetitive law  
8 or regulation; and

9 (8) nothing in this compact shall be construed  
10 to be a waiver of sovereign immunity by the participating  
11 states or by the commission.

12 **SECTION 9. [NEW MATERIAL] DATA SYSTEM.--**

13 A. The commission shall provide for the  
14 development, maintenance, operation and utilization of a  
15 coordinated data and reporting system containing licensure,  
16 adverse actions and data on the existence of significant  
17 investigative information on all licensed physician assistants  
18 and applicants denied a license in participating states.

19 B. Notwithstanding any other state law to the  
20 contrary, a participating state shall submit a uniform data set  
21 to the data system on all physician assistants to whom this  
22 compact is applicable, using a unique identifier, as required  
23 by the rules of the commission, including:

24 (1) identifying information;  
25 (2) licensure data;

- (3) adverse actions;
- (4) any denial of application for licensure, and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law;

(5) the existence of significant investigative information; and

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

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

D. The commission shall promptly notify all participating states of any adverse action that has been reported to the commission. Adverse action information shall be available to any participating state.

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

F. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information

underscored material = new  
[bracketed material] = delete

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

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

11                   **SECTION 10. [NEW MATERIAL] RULEMAKING.--**

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

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

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

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

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

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

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

(2) to persons who have requested notice of

underscored material = new  
[bracketed material] = delete

1 the commission's notices of proposed rulemaking; and

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

4 G. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

24 J. A person wishing to be heard at the hearing  
25 shall, as directed in the notice of proposed rulemaking, no

.233039.1

1 less than five business days before the scheduled date of the  
2 hearing, notify the commission of the person's desire to appear  
3 and testify at the hearing. Hearings shall be conducted in a  
4 manner that provides each person who wishes to comment a fair  
5 and reasonable opportunity to comment orally or in writing.

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

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

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

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

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

24 P. The commission shall provide on the commission's  
25 website an explanation of the reasons for substantive changes

1 made to a proposed rule as well as reasons for substantive  
2 changes not made that were recommended by commenters.

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

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

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

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

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

24                   (4) protect public health and safety.

25                   S. The commission or an authorized committee of the

underscored material = new  
[bracketed material] = delete

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

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

17                   **SECTION 11. [NEW MATERIAL] OVERSIGHT--DISPUTE**  
18                   **RESOLUTION--ENFORCEMENT.--**

19                   A. The executive and judicial branches of  
20 government in each participating state shall enforce this  
21 compact and take all actions necessary and appropriate to  
22 implement the compact.

23                   B. Venue is proper and judicial proceedings by or  
24 against the commission shall be brought solely and exclusively  
25 in a court of competent jurisdiction where the principal office

1 of the commission is located. The commission may waive venue  
2 and jurisdictional defenses to the extent the commission adopts  
3 or consents to participate in alternative dispute resolution  
4 proceedings. Nothing in this compact shall affect or limit the  
5 selection or propriety of venue in any action against a  
6 licensee for professional malpractice, misconduct or any  
7 similar matter.

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

15 D. If the commission determines that a  
16 participating state has defaulted in the performance of the  
17 state's obligations or responsibilities under this compact or  
18 commission rules, the commission shall provide written notice  
19 to the defaulting state and other participating states. The  
20 notice shall describe the default, the proposed means of curing  
21 the default and any other action that the commission may take  
22 and shall offer remedial training and specific technical  
23 assistance regarding the default.

24 E. If a state in default fails to cure the default,  
25 the defaulting state may be terminated from this compact upon

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

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

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

19 H. The commission shall not bear any cost related  
20 to a state that is found to be in default or that has been  
21 terminated from the compact, unless agreed upon in writing  
22 between the commission and the defaulting state.

23 I. The defaulting state may appeal the state's  
24 termination from this compact by the commission by petitioning  
25 the United States district court for the District of Columbia

underscored material = new  
[bracketed material] = delete

1 or the federal district where the commission has its principal  
2 offices. The prevailing party shall be awarded all costs of  
3 the litigation, including reasonable attorney fees.

4 J. Upon the termination of a state's participation  
5 in this compact, the state shall immediately provide notice to  
6 all licensees within that state of the termination. Licensees  
7 who:

8 (1) have been granted a compact privilege in  
9 that state shall retain the compact privilege for one hundred  
10 eighty days following the effective date of the termination;  
11 and

12 (2) are licensed in that state who have been  
13 granted a compact privilege in a participating state shall  
14 retain the compact privilege for one hundred eighty days unless  
15 the licensee also has a qualifying license in a participating  
16 state or obtains a qualifying license in a participating state  
17 before the one-hundred-eighty-day period ends, in which case  
18 the compact privilege shall continue.

19 K. Upon request by a participating state, the  
20 commission shall attempt to resolve disputes related to this  
21 compact that arise among participating states and between  
22 participating and nonparticipating states. The commission  
23 shall promulgate a rule providing for both mediation and  
24 binding dispute resolution for disputes as appropriate.

25 L. The commission, in the reasonable exercise of

.233039.1

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

14 M. The remedies provided in this compact shall not  
15 be the exclusive remedies of the commission. The commission  
16 may pursue any other remedies available under federal or state  
17 law.

18 N. A participating state may initiate legal action  
19 against the commission in the United States district court for  
20 the District of Columbia or the federal district where the  
21 commission has its principal offices to enforce compliance with  
22 the provisions of this compact and the commission's rules. The  
23 relief sought may include both injunctive relief and damages.  
24 In the event judicial enforcement is necessary, the prevailing  
25 party shall be awarded all costs of such litigation, including

underscored material = new  
[bracketed material] = delete

reasonable attorney fees. No entity other than a participating state shall enforce this compact against the commission.

**SECTION 12. [NEW MATERIAL] EFFECTIVE DATE OF THE PHYSICIAN ASSISTANT LICENSURE INTERSTATE COMPACT.--**

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

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

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

.233039.1

1 participation in the compact.

2                   D. Participating states enacting this compact  
3 subsequent to the seven initial participating states shall be  
4 subject to the process set forth in Paragraph (21) of  
5 Subsection C of Section 8 of this compact to determine if the  
6 enactments are materially different from the model compact and  
7 whether the states qualify for participation in the compact.

8                   E. All actions taken for the benefit of the  
9 commission or in furtherance of the purposes of the  
10 administration of this compact prior to the effective date of  
11 the compact or the commission coming into existence shall be  
12 considered to be actions of the commission unless specifically  
13 repudiated by the commission.

14                   F. Any state that joins this compact shall be  
15 subject to the commission's rules and bylaws as they exist on  
16 the date on which the compact becomes law in that state. Any  
17 rule that has been previously adopted by the commission shall  
18 have the full force and effect of law on the day the compact  
19 becomes law in that state.

20                   G. Any participating state may withdraw from this  
21 compact by enacting a statute repealing the same.

22                   H. A participating state's withdrawal shall not  
23 take effect until one hundred eighty days after enactment of  
24 the repealing statute. During this one-hundred-eighty-day  
25 period, all compact privileges that were in effect in the

1 withdrawing state and were granted to licensees licensed in the  
2 withdrawing state shall remain in effect. If any licensee  
3 licensed in the withdrawing state is also licensed in another  
4 participating state or obtains a license in another  
5 participating state within the one-hundred-eighty-day period,  
6 the licensee's compact privileges in other participating states  
7 shall not be affected.

8                   I. Withdrawal of a participating state shall not  
9 affect the continuing requirement of the state licensing board  
10 or boards of the withdrawing state to comply with the  
11 investigative and adverse action reporting requirements of the  
12 compact prior to the effective date of withdrawal.

13                   J. Upon the enactment of a statute withdrawing a  
14 participating state from this compact, the withdrawing state  
15 shall immediately provide notice of the withdrawal to all  
16 licensees within that state. The withdrawing state shall  
17 continue to recognize all licenses granted pursuant to this  
18 compact for a minimum of one hundred eighty days after the date  
19 of the notice of withdrawal.

20                   K. Nothing contained in this compact shall be  
21 construed to invalidate or prevent any physician assistant  
22 licensure agreement or other cooperative arrangement between  
23 participating states and between a participating state and  
24 nonparticipating state that does not conflict with the  
25 provisions of this compact.

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

6                   SECTION 13. [NEW MATERIAL] CONSTRUCTION AND  
7 SEVERABILITY.--

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

15                  B. The provisions of this compact shall be  
16 severable, and if any phrase, clause, sentence or provision of  
17 this compact is held by a court of competent jurisdiction to be  
18 contrary to the constitution of any participating state, a  
19 state seeking participation in the compact or the United  
20 States, or if the applicability of the compact to any  
21 government, agency, person or circumstance is held to be  
22 unconstitutional by a court of competent jurisdiction, the  
23 validity of the remainder of the compact and the applicability  
24 thereof to any other government, agency, person or circumstance  
25 shall not be affected.

.233039.1

## SECTION 14. [NEW MATERIAL] BINDING EFFECT OF COMPACT. --

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

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

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

- 43 -

.233039.1