

**SENATE . . . . . No. 1608**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jacob R. Oliveira***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to physician assistant interstate compact.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/18/2025</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>2/24/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/26/2025</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>4/8/2025</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>7/30/2025</i>

**SENATE . . . . . No. 1608**

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By Mr. Oliveira, a petition (accompanied by bill, Senate, No. 1608) of Jacob R. Oliveira, Jason M. Lewis, Steven George Xiarhos and Bruce E. Tarr for legislation relative to physician assistant interstate compact. Public Health.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act relative to physician assistant interstate compact.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The General Laws are hereby amended by inserting after chapter 112A the  
2 following chapter:-

3           Chapter 112B. Physician Assistant Licensure Compact.

4           Section 1. In order to strengthen access to medical services, and in recognition of the  
5 advances in the delivery of medical services, the participating states of the physician assistant  
6 licensure compact have allied in common purpose to develop a comprehensive process that  
7 complements the existing authority of state licensing boards to license and discipline physician  
8 assistants and seeks to enhance the portability of a license to practice as a physician assistant  
9 while safeguarding the safety of patients. This compact allows medical services to be provided  
10 by physician assistants, via the mutual recognition of the licensee’s qualifying license by other  
11 compact participating states. This compact also adopts the prevailing standard for physician  
12 assistant licensure and affirms that the practice and delivery of medical services by the physician

13 assistant occurs where the patient is located at the time of the patient encounter, and therefore  
14 requires the physician assistant to be under the jurisdiction of the state licensing board where the  
15 patient is located. State licensing boards that participate in this compact retain the jurisdiction to  
16 impose adverse action against a compact privilege in that state issued to a physician assistant  
17 through the procedures of this compact. The physician assistant licensure compact will alleviate  
18 burdens for military families by allowing active duty military personnel and their spouses to  
19 obtain a compact privilege based on having an unrestricted license in good standing from a  
20 participating state.

21 Section 2.

22 As used in this chapter, unless the context requires otherwise, the following words shall  
23 have the following meanings:

24 “Adverse action”, any administrative, civil, equitable, or criminal action permitted  
25 by a state’s laws which is imposed by a licensing board or other authority against a  
26 physician assistant license or license application or compact privilege such as license denial,  
27 censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the  
28 licensee’s practice.

29 “Compact privilege”, the authorization granted by a remote state to allow a licensee from  
30 another participating state to practice as a physician assistant to provide medical services and  
31 other licensed activity to a patient located in the remote state under the remote state’s laws and  
32 regulations.

33           “Conviction”, a finding by a court that an individual is guilty of a felony or misdemeanor  
34 offense through adjudication or entry of a plea of guilt or no contest to the charge by the  
35 offender.

36           “Criminal background check”, the submission of fingerprints or other biometric based  
37 information for a license applicant for the purpose of obtaining that applicant’s criminal history  
38 record information, as defined in 28 C.F.R. § 20.3(d), from the state’s criminal history record  
39 repository as defined in 28 C.F.R. § 20.3(f).

40           “Data system”, the repository of information about licensees, including but not limited to  
41 license status and adverse actions, which is created and administered under the terms of this  
42 compact.

43           “Executive committee”, a group of directors and ex-officio individuals elected or  
44 appointed pursuant to paragraph (2) of subsection (f) of section 7.

45           “Impaired practitioner”, a physician assistant whose practice is adversely affected by  
46 health related condition(s) that impact their ability to practice.

47           “Investigative information”, information, records, or documents received or generated by  
48 a licensing board pursuant to an investigation.

49           “Jurisprudence requirement”, the assessment of an individual’s knowledge of the laws  
50 and rules governing the practice of a physician assistant in a state.

51           “License”, current authorization by a state, other than authorization pursuant to a compact  
52 privilege, for a physician assistant to provide medical services, which would be unlawful without  
53 current authorization.

54           “Licensee”, an individual who holds a license from a state to provide medical services as  
55 a physician assistant.

56           “Licensing board”, any state entity authorized to license and otherwise regulate physician  
57 assistants.

58           “Medical services”, health care services provided for the diagnosis, prevention, treatment,  
59 cure or relief of a health condition, injury, or disease, as defined by a state’s laws and  
60 regulations.

61           “Model compact”, the model for the physician assistant licensure compact on file with  
62 the Council of State Governments or other entity as designated by the commission.

63           “Participating state”, a state that has enacted this compact.

64           “Physician Assistant” means an individual who is licensed as a physician assistant in a  
65 state. For purposes of this compact, any other title or status adopted by a state to replace the term  
66 “Physician Assistant” shall be deemed synonymous with “physician assistant” and shall confer  
67 the same rights and responsibilities to the licensee under the provisions of this compact at the  
68 time of its enactment.

69           “Physician Assistant Licensure Compact Commission”, “Compact Commission”, or  
70 “Commission”, the national administrative body created pursuant to subsection (a) of section 7.

71           “Qualifying license”, an unrestricted license issued by a participating state to provide  
72 medical services as a physician assistant.

73           “Remote state”, a participating state where a licensee who is not licensed as a physician  
74 assistant is exercising or seeking to exercise the compact privilege.

75 “Rule”, a regulation promulgated by an entity that has the force and effect of law.

76 “Significant investigative information”, investigative information that a licensing board,  
77 after an inquiry or investigation that includes notification and an opportunity for the physician  
78 assistant to respond if required by state law, has reason to believe is not groundless and, if  
79 proven true, would indicate more than a minor infraction.

80 “State”, any state, commonwealth, district, or territory of the United States.

81 Section 3. (a) To participate in this compact, a participating state shall:

82 (1) license physician assistants;

83 (2) participate in the compact commission’s data system;

84 (3) have a mechanism in place for receiving and investigating complaints against  
85 licensees and license applicants;

86 (4) notify the commission, in compliance with the terms of this compact and commission  
87 rules, of any adverse action against a licensee or license applicant and the existence of significant  
88 investigative information regarding a licensee or license applicant;

89 (5) fully implement a criminal background check requirement, within a time frame  
90 established by commission rule, by its licensing board receiving the results of a criminal  
91 background check and reporting to the commission whether the license applicant has been  
92 granted a license;

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

94 (7) utilize passage of a recognized national exam such as the NCCPA PANCE as a  
95 requirement for PA licensure; and

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

97 (b) Nothing in this compact shall prohibit a participating state from charging a fee for  
98 granting the compact privilege.

99 Section 4. (a) To exercise the compact privilege, a licensee must:

100 (1) have graduated from a physician assistant program accredited by the Accreditation  
101 Review Commission on Education for the Physician Assistant, Inc. or other programs authorized  
102 by commission rule;

103 (2) hold current certification from the National Commission on Certification of Physician  
104 Assistants;

105 (3) have no felony or misdemeanor conviction;

106 (4) have never had a controlled substance license, permit, or registration suspended or  
107 revoked by a state or by the United States Drug Enforcement Administration;

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

109 (6) hold a qualifying license;

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

112 (8) if a licensee has had a limitation or restriction on a license or compact privilege due to  
113 an adverse action, two years shall have elapsed from the date on which the license or compact  
114 privilege is no longer limited or restricted due to the adverse action;

115 (9) if a compact privilege has been revoked or is limited or restricted in a participating  
116 state for conduct that would not be a basis for disciplinary action in a participating state in which  
117 the licensee is practicing or applying to practice under a compact privilege, that participating  
118 state shall have the discretion not to consider such action as an adverse action requiring the  
119 denial or removal of a compact privilege in that state;

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

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

125 (12) report to the commission any adverse action taken by a non-participating state within  
126 30 days after the action is taken.

127 (b) The compact privilege shall be valid until the expiration or revocation of the  
128 qualifying license unless terminated pursuant to an adverse action. The licensee must also  
129 comply with all of the requirements of subsection (a) to maintain the compact privilege in a  
130 remote state. If the participating state takes adverse action against a qualifying license, the  
131 licensee shall lose the compact privilege in any remote state in which the licensee has a compact  
132 privilege until all of the following occur:

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

134 (2) 2 years have elapsed from the date on which the license is no longer limited or  
135 restricted due to the adverse action.

136 (c) Once a restricted or limited license satisfies the requirements of paragraphs (1) and (2)  
137 of subsection (b), the licensee must meet the requirements of subsection (a) to obtain a compact  
138 privilege in any remote state.

139 (d) For each remote state in which a physician assistant seeks authority to prescribe  
140 controlled substances, the physician assistant shall satisfy all requirements imposed by such state  
141 in granting or renewing such authority.

142 Section 5. (a) Upon a licensee's application for a compact privilege, the licensee shall  
143 identify to the commission the participating state from which the licensee is applying, in  
144 accordance with applicable rules adopted by the commission, and subject to the following  
145 requirements:

146 (1) when applying for a compact privilege, the licensee shall provide the commission  
147 with the address of the licensee's primary residence and thereafter shall immediately report to the  
148 commission any change in the address of the licensee's primary residence; and

149 (2) when applying for a compact privilege, the licensee shall consent to accept service of  
150 process by mail at the licensee's primary residence on file with the commission with respect to  
151 any action brought against the licensee by the commission or a participating state, including a  
152 subpoena, with respect to any action brought or investigation conducted by the commission or a  
153 participating state.

154           Section 6. (a) A participating state in which a licensee is licensed shall have exclusive  
155 power to impose adverse action against the qualifying license issued by that participating state.

156           (b) In addition to the other powers conferred by state law, a remote state shall have the  
157 authority, in accordance with existing state due process law, to do all of the following:

158           (1) take adverse action against a physician assistant's compact privilege within that state  
159 to remove a licensee's compact privilege or take other action necessary under applicable law to  
160 protect the health and safety of its citizens;

161           (2) issue subpoenas for both hearings and investigations that require the attendance and  
162 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing  
163 board in a participating state for the attendance and testimony of witnesses or the production of  
164 evidence from another participating state shall be enforced in the latter state by any court of  
165 competent jurisdiction, according to the practice and procedure of that court applicable to  
166 subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness  
167 fees, travel expenses, mileage and other fees required by the service statutes of the state in which  
168 the witnesses or evidence are located.

169           (3) notwithstanding paragraph (2), subpoenas may not be issued by a participating state to  
170 gather evidence of conduct in another state that is lawful in that other state for the purpose of  
171 taking adverse action against a licensee's compact privilege or application for a compact  
172 privilege in that participating state; and

173           (4) nothing in this compact authorizes a participating state to impose discipline against a  
174 physician assistant's compact privilege or to deny an application for a compact privilege in that  
175 participating state for the individual's otherwise lawful practice in another state.

176 (c) For purposes of taking adverse action, the participating state which issued the  
177 qualifying license shall give the same priority and effect to reported conduct received from any  
178 other participating state as it would if the conduct had occurred within the participating state  
179 which issued the qualifying license. In so doing, that participating state shall apply its own state  
180 laws to determine appropriate action.

181 (d) A participating state, if otherwise permitted by state law, may recover from the  
182 affected physician assistant the costs of investigations and disposition of cases resulting from any  
183 adverse action taken against that physician assistant.

184 (e) A participating state may take adverse action based on the factual findings of a remote  
185 state, provided that the participating state follows its own procedures for taking the adverse  
186 action.

187 (f) (1) In addition to the authority granted to a participating state by its respective state  
188 physician assistant laws and regulations or other applicable state law, any participating state may  
189 participate with other participating states in joint investigations of licensees.

190 (2) Participating states shall share any investigative, litigation, or compliance materials in  
191 furtherance of any joint or individual investigation initiated under this compact.

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

198 (h) If any participating state takes adverse action, it promptly shall notify the  
199 administrator of the data system.

200 Section 7. (a) The participating states hereby establish a joint government agency and  
201 national administrative body known as the physician assistant licensure compact commission.  
202 The commission is an instrumentality of the compact states acting jointly and not an  
203 instrumentality of any 1 state. The commission shall come into existence on or after the effective  
204 date of the compact as set forth in subsection (a) of section 11.

205 (b)(1) Each participating state shall have and be limited to 1 delegate selected by that  
206 participating state's licensing board or, if the state has more than one licensing board, selected  
207 collectively by the participating state's licensing boards.

208 (2) The delegate shall be:

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

211 (ii) an administrator of a licensing board.

212 (3) Any delegate may be removed or suspended from office as provided by the laws of  
213 the state from which the delegate is appointed.

214 (4) The participating state licensing board shall fill any vacancy occurring in the  
215 commission within 60 days.

216 (5) Each delegate shall be entitled to 1 vote on all matters voted on by the commission  
217 and shall otherwise have an opportunity to participate in the business and affairs of the  
218 commission. A delegate shall vote in person or by such other means as provided in the bylaws.

219 The bylaws may provide for delegates' participation in meetings by telecommunications, video  
220 conference, or other means of communication.

221 (6) The commission shall meet at least once during each calendar year. Additional  
222 meetings shall be held as set forth in this compact and the bylaws.

223 (7) The commission shall establish by rule a term of office for delegates.

224 (c) The commission shall have the following powers and duties:

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

226 (2) establish the fiscal year of the commission;

227 (3) establish fees;

228 (4) establish bylaws;

229 (5) maintain its financial records in accordance with the bylaws;

230 (6) meet and take such actions as are consistent with the provisions of this compact; and  
231 the bylaws

232 (7) promulgate rules to facilitate and coordinate implementation and administration of  
233 this compact. The rules shall have the force and effect of law and shall be binding in all  
234 participating states;

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

- 238 (9) purchase and maintain insurance and bonds;
- 239 (10) borrow, accept, or contract for services of personnel, including, but not limited to,  
240 employees of a participating state;
- 241 (11) hire employees and engage contractors, elect or appoint officers, fix compensation,  
242 define duties, grant such individuals appropriate authority to carry out the purposes of this  
243 compact, and establish the commission's personnel policies and programs relating to conflicts of  
244 interest, qualifications of personnel, and other related personnel matters;
- 245 (12) accept any and all appropriate donations and grants of money, equipment, supplies,  
246 materials and services, and receive, utilize and dispose of the same; provided that at all times the  
247 commission shall avoid any appearance of impropriety or conflict of interest;
- 248 (13) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
249 improve or use, any property, real, personal or mixed; provided, that at all times the commission  
250 shall avoid any appearance of impropriety;
- 251 (14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
252 any property real, personal, or mixed;
- 253 (15) establish a budget and make expenditures;
- 254 (16) borrow money;
- 255 (17) appoint committees, including standing committees composed of members, state  
256 regulators, state legislators or their representatives, and consumer representatives, and such other  
257 interested persons as may be designated in this compact and the bylaws;

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

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

262 (20) reserve for itself, in addition to those reserved exclusively to the commission under  
263 the compact, powers that the executive committee may not exercise;

264 (21) approve or disapprove a state's participation in the compact based upon its  
265 determination as to whether the state's compact legislation departs in a material manner from the  
266 model compact language;

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

268 (23) perform such other functions as may be necessary or appropriate to achieve the  
269 purposes of this compact consistent with the state regulation of physician assistant licensure and  
270 practice.

271 (d) (1) All meetings of the commission that are not closed pursuant to this subsection  
272 shall be open to the public. Notice of public meetings shall be posted on the commission's  
273 website at least 30 days prior to the public meeting.

274 (2) Notwithstanding paragraph (1) of subsection (d), the commission may convene a  
275 public meeting by providing at least 24 hours prior notice on the commission's website, and any  
276 other means as provided in the commission's rules, for any of the reasons it may dispense with  
277 notice of proposed rulemaking under subsection (I) of section 9.

278 (3) The commission may convene in a closed, non-public meeting or non-public part of a  
279 public meeting to receive legal advice or to discuss:

280 (i) non-compliance of a participating state with its obligations under this compact;

281 (ii) the employment, compensation, discipline or other matters, practices or procedures  
282 related to specific employees or other matters related to the commission's internal personnel  
283 practices and procedures;

284 (iii) current, threatened, or reasonably anticipated litigation;

285 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
286 estate;

287 (v) accusing any person of a crime or formally censuring any person;

288 (vi) disclosure of trade secrets or commercial or financial information that is privileged or  
289 confidential;

290 (vii) disclosure of information of a personal nature where disclosure would constitute a  
291 clearly unwarranted invasion of personal privacy;

292 (viii) disclosure of investigative records compiled for law enforcement purposes;

293 (ix) disclosure of information related to any investigative reports prepared by or on behalf  
294 of or for use of the commission or other committee charged with responsibility of investigation  
295 or determination of compliance issues pursuant to this compact;

296 (x) legal advice; or

297 (xi) matters specifically exempted from disclosure by federal or participating states’  
298 statutes.

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

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

308 (e)(1) The commission shall pay, or provide for the payment of, the reasonable expenses  
309 of its establishment, organization, and ongoing activities.

310 (2) The commission may accept any and all appropriate revenue sources, donations, and  
311 grants of money, equipment, supplies, materials, and services.

312 (3) The commission may levy on and collect an annual assessment from each  
313 participating state and may impose compact privilege fees on licensees of participating states to  
314 whom a compact privilege is granted to cover the cost of the operations and activities of the  
315 commission and its staff, which must be in a total amount sufficient to cover its annual budget as  
316 approved by the commission each year for which revenue is not provided by other sources. The  
317 aggregate annual assessment amount levied on participating states shall be allocated based upon  
318 a formula to be determined by commission rule.

319 (i) A compact privilege expires when the licensee's qualifying license in the participating  
320 state from which the licensee applied for the compact privilege expires.

321 (ii) If the licensee terminates the qualifying license through which the licensee applied for  
322 the compact privilege before its scheduled expiration, and the licensee has a qualifying license in  
323 another participating state, the licensee shall inform the commission that it is changing to that  
324 participating state the participating state through which it applies for a compact privilege and pay  
325 to the commission any compact privilege fee required by commission rule.

326 (4) The commission shall not incur obligations of any kind prior to securing the funds  
327 adequate to meet the same; nor shall the commission pledge the credit of any of the participating  
328 states, except by and with the authority of the participating state.

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

335 (f) (1) The executive committee shall have the power to act on behalf of the commission  
336 according to the terms of this compact and commission rules.

337 (2) The executive committee shall be composed of 9 members:

338 (i) 7 voting members who are elected by the commission from the current membership of  
339 the commission;

340 (ii) 1 ex-officio, nonvoting member from a recognized national physician assistant  
341 professional association; and

342 (iii) 1 ex-officio, nonvoting member from a recognized national physician assistant  
343 certification organization.

344 (3) The ex-officio members will be selected by their respective organizations.

345 (4) The commission may remove any member of the executive committee as provided in  
346 its bylaws.

347 (5) The executive committee shall meet at least annually.

348 (6) The executive committee shall have the following duties and responsibilities:

349 (i) recommend to the commission changes to the commission's rules or bylaws, changes  
350 to this compact legislation, fees to be paid by compact participating states such as annual dues,  
351 and any commission compact fee charged to licensees for the compact privilege;

352 (ii) ensure compact administration services are appropriately provided, contractual or  
353 otherwise;

354 (iii) prepare and recommend the budget;

355 (iv) maintain financial records on behalf of the commission;

356 (v) monitor compact compliance of participating states and provide compliance reports to  
357 the commission;

358 (vi) establish additional committees as necessary;

359 (vii) exercise the powers and duties of the commission during the interim between  
360 commission meetings, except for issuing proposed rulemaking or adopting commission rules or  
361 bylaws, or exercising any other powers and duties exclusively reserved to the commission by the  
362 commission's rules; and

363 (viii) perform other duties as provided in the commission's rules or bylaws.

364 (7) All meetings of the executive committee at which it votes or plans to vote on matters  
365 in exercising the powers and duties of the commission shall be open to the public and public  
366 notice of such meetings shall be given as public meetings of the commission are given.

367 (8) The executive committee may convene in a closed, non-public meeting for the same  
368 reasons that the commission may convene in a non-public meeting as set forth in paragraph (3)  
369 of subsection (d) of section 7 and shall announce the closed meeting as the commission is  
370 required to under paragraph (4) of said subsection (d) and keep minutes of the closed meeting as  
371 the commission is required to under paragraph

372 (5) of said subsection (d).

373 (g)(1) The members, officers, executive director, employees and representatives of the  
374 commission shall be immune from suit and liability, both personally and in their official  
375 capacity, for any claim for damage to or loss of property or personal injury or other civil liability  
376 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the  
377 person against whom the claim is made had a reasonable basis for believing occurred within the  
378 scope of commission employment, duties or responsibilities; provided that nothing in this  
379 paragraph shall be construed to protect any such person from suit or liability for any damage,  
380 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

381 The procurement of insurance of any type by the commission shall not in any way compromise  
382 or limit the immunity granted hereunder.

383 (2) The commission shall defend any member, officer, executive director, employee, and  
384 representative of the commission in any civil action seeking to impose liability arising out of any  
385 actual or alleged act, error, or omission that occurred within the scope of commission  
386 employment, duties, or responsibilities, or as determined by the commission that the person  
387 against whom the claim is made had a reasonable basis for believing occurred within the scope  
388 of commission employment, duties, or responsibilities; provided that nothing herein shall be  
389 construed to prohibit that person from retaining their own counsel at their own expense; and  
390 provided further, that the actual or alleged act, error, or omission did not result from that  
391 person's intentional or willful or wanton misconduct.

392 (3) The commission shall indemnify and hold harmless any member, officer, executive  
393 director, employee, and representative of the commission for the amount of any settlement or  
394 judgment obtained against that person arising out of any actual or alleged act, error, or omission  
395 that occurred within the scope of commission employment, duties, or responsibilities, or that  
396 such person had a reasonable basis for believing occurred within the scope of commission  
397 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission  
398 did not result from the intentional or willful or wanton misconduct of that person.

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

403 (5) Nothing herein shall be construed as a limitation on the liability of any licensee for  
404 professional malpractice or misconduct, which shall be governed solely by any other applicable  
405 state laws.

406 (6) Nothing herein shall be construed to designate the venue or jurisdiction to bring  
407 actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil  
408 action pertaining to the practice of a physician assistant. All such matters shall be determined  
409 exclusively by state law other than this compact.

410 (7) Nothing in this compact shall be interpreted to waive or otherwise abrogate a  
411 participating state's state action immunity or state action affirmative defense with respect to  
412 antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or  
413 anticompetitive law or regulation.

414 (8) Nothing in this compact shall be construed to be a waiver of sovereign immunity by  
415 the participating states or by the commission.

416 Section 8. (a) The commission shall provide for the development, maintenance,  
417 operation, and utilization of a coordinated data and reporting system containing licensure,  
418 adverse action, and the reporting of the existence of significant investigative information on all  
419 licensed physician assistants and applicants denied a license in participating states.

420 (b) Notwithstanding any other state law to the contrary, a participating state shall submit  
421 a uniform data set to the data system on all physician assistants to whom this compact is  
422 applicable, utilizing a unique identifier as required by the rules of the commission, including:

423 (1) identifying information;

- 424 (2) licensure data;
- 425 (3) adverse actions against a license or compact privilege;
- 426 (4) any denial of application for licensure, and the reason or reasons for such denial,  
427 excluding the reporting of any criminal history record information where prohibited by law;
- 428 (5) the existence of significant investigative information; and
- 429 (6) other information that may facilitate the administration of this compact, as determined  
430 by the rules of the commission.
- 431 (c) Significant investigative information pertaining to a licensee in any participating state  
432 shall only be available to other participating states.
- 433 (d) The commission shall promptly notify all participating states of any adverse action  
434 taken against a licensee or an individual applying for a license that has been reported to it. This  
435 adverse action information shall be available to any other participating state.
- 436 (e) Participating states contributing information to the data system may, in accordance  
437 with state or federal law, designate information that may not be shared with the public without  
438 the express permission of the contributing state. Notwithstanding any such designation, such  
439 information shall be reported to the commission through the data system.
- 440 (f) Any information submitted to the data system that is subsequently expunged pursuant  
441 to federal law or the laws of the participating state contributing the information shall be removed  
442 from the data system upon reporting of such by the participating state to the commission.

443 (g) The records and information provided to a participating state pursuant to this compact  
444 or through the data system, when certified by the commission or an agent thereof, shall constitute  
445 the authenticated business records of the commission, and shall be entitled to any associated  
446 hearsay exception in any relevant judicial, quasi-judicial or administrative  
447 proceedings in a participating state.

448 Section 9. (a) The commission shall exercise its rulemaking powers pursuant to the  
449 criteria in this section and the rules adopted thereunder. Commission rules shall become binding  
450 as of the date specified by the commission for each rule.

451 (b) The commission shall promulgate reasonable rules in order to effectively and  
452 efficiently implement and administer this compact and achieve its purposes. A commission rule  
453 shall be invalid and not have force or effect only if a court of competent jurisdiction holds that  
454 the rule is invalid because the commission exercised its rulemaking authority in a manner that is  
455 beyond the scope of the purposes of this compact, or the powers granted hereunder, or based  
456 upon another applicable standard of review.

457 (c) The rules of the commission shall have the force of law in each participating state,  
458 provided however that where the rules of the commission conflict with the laws of the  
459 participating state that establish the medical services a physician assistant may perform in the  
460 participating state, as held by a court of competent jurisdiction, the rules of the commission shall  
461 be ineffective in that state to the extent of the conflict.

462 (d) If a majority of the legislatures of the participating states rejects a commission rule,  
463 by enactment of a statute or resolution in the same manner used to adopt this compact within 4

464 years of the date of adoption of the rule, then such rule shall have no further force and effect in  
465 any participating state or to any state applying to participate in the compact.

466 (e) Commission rules shall be adopted at a regular or special meeting of the commission.

467 (f) Prior to promulgation and adoption of a final rule or rules by the commission, and at  
468 least 30 days in advance of the meeting at which the rule will be considered and voted upon, the  
469 commission shall file a notice of proposed rulemaking:

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

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

473 (3) in such other ways as the commission may by rule specify.

474 (g) The notice of proposed rulemaking shall include:

475 (1) the time, date, and location of the public hearing on the proposed rule and the  
476 proposed time, date and location of the meeting in which the proposed rule will be considered  
477 and voted upon;

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

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

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

483 (h) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
484 written data, facts, opinions, and arguments, which shall be made available to the public.

485 (i) If the hearing is to be held via electronic means, the commission shall publish the  
486 mechanism for access to the electronic hearing.

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

490 (2) Hearings shall be conducted in a manner providing each person who wishes to  
491 comment a fair and reasonable opportunity to comment orally or in writing.

492 (3) All hearings shall be recorded. A copy of the recording and the written comments,  
493 data, facts, opinions, and arguments received in response to the proposed rulemaking shall be  
494 made available to a person upon request.

495 (4) Nothing in this section shall be construed as requiring a separate hearing on each  
496 proposed rule. Proposed rules may be grouped for the convenience of the commission at hearings  
497 required by this section.

498 (j) Following the public hearing the commission shall consider all written and oral  
499 comments timely received.

500 (k) The commission shall, by majority vote of all delegates, take final action on the  
501 proposed rule and shall determine the effective date of the rule, if adopted, based on the  
502 rulemaking record and the full text of the rule.

503 (1) If adopted, the rule shall be posted on the commission's website.

504 (2) The commission may adopt changes to the proposed rule provided the changes do not  
505 enlarge the original purpose of the proposed rule.

506 (3) The commission shall provide on its website an explanation of the reasons for  
507 substantive changes made to the proposed rule as well as reasons for substantive changes not  
508 made that were recommended by commenters.

509 (4) The commission shall determine a reasonable effective date for the rule. Except for an  
510 emergency as provided in subsection (l), the effective date of the rule shall be no sooner than 30  
511 days after the commission issued the notice that it adopted the rule.

512 (l) Upon determination that an emergency exists, the commission may consider and adopt  
513 an emergency rule with 24 hours prior notice, without the opportunity for comment, or hearing,  
514 provided that the usual rulemaking procedures provided in this compact and in this section shall  
515 be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days  
516 after the effective date of the rule. For the purposes of this provision, an emergency rule is one  
517 that must be adopted immediately by the commission in order to:

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

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

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

522 (4) protect public health and safety.

523 (m) The commission or an authorized committee of the commission may direct revisions  
524 to a previously adopted commission rule for purposes of correcting typographical errors, errors

525 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
526 posted on the website of the commission. The revision shall be subject to challenge by any  
527 person for a period of 30 days after posting. The revision may be challenged only on grounds  
528 that the revision results in a material change to a rule. A challenge shall be made as set forth in  
529 the notice of revisions and delivered to the commission prior to the end of the notice period. If no  
530 challenge is made, the revision will take effect without further action. If the revision is  
531 challenged, the revision may not take effect without the approval of the commission.

532 (n) No participating state's rulemaking requirements shall apply under this compact.

533 Section 10. (a)(1) The executive and judicial branches of state government in each  
534 participating state shall enforce this compact and take all actions necessary and appropriate to  
535 implement the compact.

536 (2) Venue is proper and judicial proceedings by or against the commission shall be  
537 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
538 the commission is located. The commission may waive venue and jurisdictional defenses to the  
539 extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing  
540 herein shall affect or limit the selection or propriety of venue in any action against a licensee for  
541 professional malpractice, misconduct or any such similar matter.

542 (3) The commission shall be entitled to receive service of process in any proceeding  
543 regarding the enforcement or interpretation of the compact or the commission's rules and shall  
544 have standing to intervene in such a proceeding for all purposes. Failure to provide the  
545 commission with service of process shall render a judgment or order in such proceeding void as  
546 to the commission, this compact, or commission rules.

547 (b) (1) If the commission determines that a participating state has defaulted in the  
548 performance of its obligations or responsibilities under this compact or the commission rules, the  
549 commission shall provide written notice to the defaulting state and other participating states. The  
550 notice shall describe the default, the proposed means of curing the default and any other action  
551 that the commission may take and shall offer remedial training and specific technical assistance  
552 regarding the default.

553 (2) If a state in default fails to cure the default, the defaulting state may be terminated  
554 from this compact upon an affirmative vote of a majority of the delegates of the participating  
555 states, and all rights, privileges and benefits conferred by this compact upon such state may be  
556 terminated on the effective date of termination. A cure of the default does not relieve the  
557 offending state of obligations or liabilities incurred during the period of default.

558 (3) Termination of participation in this compact shall be imposed only after all other  
559 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
560 shall be given by the commission to the governor, the majority and minority leaders of the  
561 defaulting state's legislature, and to the licensing board of each of the participating states.

562 (4) A state that has been terminated is responsible for all assessments, obligations, and  
563 liabilities incurred through the effective date of termination, including obligations that extend  
564 beyond the effective date of termination.

565 (5) The commission shall not bear any costs related to a state that is found to be in default  
566 or that has been terminated from this compact, unless agreed upon in writing between the  
567 commission and the defaulting state.

568 (6) The defaulting state may appeal its termination from the compact by the commission  
569 by petitioning the U.S. District Court for the District of Columbia or the federal district where  
570 the commission has its principal offices. The prevailing member shall be awarded all costs of  
571 such litigation, including reasonable attorney's fees.

572 (7) Upon the termination of a state's participation in the compact, the state shall  
573 immediately provide notice to all licensees within that state of such termination:

574 (i) licensees who have been granted a compact privilege in that state shall retain the  
575 compact privilege for 180 days following the effective date of such termination.

576 (ii) licensees who are licensed in that state who have been granted a compact privilege in  
577 a participating state shall retain the compact privilege for 180 days unless the licensee also has a  
578 qualifying license in a participating state or obtains a qualifying license in a participating state  
579 before the 180-day period ends, in which case the compact privilege shall continue.

580 (c) (1) Upon request by a participating state, the commission shall attempt to resolve  
581 disputes related to this compact that arise among participating states and between participating  
582 and non-participating states.

583 (2) The commission shall promulgate a rule providing for both mediation and binding  
584 dispute resolution for disputes as appropriate.

585 (d)(1) The commission, in the reasonable exercise of its discretion, shall enforce the  
586 provisions of this compact and rules of the commission.

587 (2) If compliance is not secured after all means to secure compliance have been  
588 exhausted, by majority vote, the commission may initiate legal action in the United States

589 District Court for the District of Columbia or the federal district where the commission has its  
590 principal offices, against a participating state in default to enforce compliance with the  
591 provisions of this compact and the commission’s promulgated rules and bylaws. The relief  
592 sought may include both injunctive relief and damages. In the event judicial enforcement is  
593 necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable  
594 attorney’s fees.

595 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
596 commission may pursue any other remedies available under federal or state law.

597 (e)(1) A participating state may initiate legal action against the commission in the U.S.  
598 District Court for the District of Columbia or the federal district where the commission has its  
599 principal offices to enforce compliance with the provisions of the compact and its rules. The  
600 relief sought may include both injunctive relief and damages. In the event judicial enforcement is  
601 necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable  
602 attorney’s fees.

603 (2) No person other than a participating state shall enforce this compact against the  
604 commission.

605 Section 11. (a) This compact shall come into effect on the date on which this compact  
606 statute is enacted into law in the seventh participating state.

607 (1) On or after the effective date of the compact, the commission shall convene and  
608 review the enactment of each of the states that enacted the compact prior to the commission  
609 convening referred to as charter participating states, to determine if the statute enacted by each  
610 such charter participating state is materially different than the model compact.

611 (i) a charter participating state whose enactment is found to be materially different from  
612 the model compact shall be entitled to the default process set forth in subsection (b) of section  
613 10.

614 (ii) if any participating state later withdraws from the compact or its participation is  
615 terminated, the commission shall remain in existence and the compact shall remain in effect even  
616 if the number of participating states should be less than seven. Participating states enacting the  
617 compact subsequent to the commission convening shall be subject to the process set forth in  
618 paragraph (21) of subsection (c) of section 7 to determine if their enactments are materially  
619 different from the model compact and whether they qualify for participation in the compact.

620 (2) Participating states enacting the compact subsequent to the seven initial charter  
621 participating states shall be subject to the process set forth in paragraph (21) of subsection (c) of  
622 section 7 to determine if their enactments are materially different from the model compact and  
623 whether they qualify for participation in the compact.

624 (3) All actions taken for the benefit of the commission or in furtherance of the purposes  
625 of the administration of the compact prior to the effective date of the compact or the commission  
626 coming into existence shall be considered to be actions of the commission unless specifically  
627 repudiated by the commission.

628 (b) Any state that joins this compact shall be subject to the commission's rules and  
629 bylaws as they exist on the date on which this compact becomes law in that state. Any rule that  
630 has been previously adopted by the commission shall have the full force and effect of law on the  
631 day this compact becomes law in that state.

632 (c) Any participating state may withdraw from this compact by enacting a statute  
633 repealing the same.

634 (1) A participating state's withdrawal shall not take effect until 180 days after enactment  
635 of the repealing statute. During this 180 day-period, all compact privileges that were in effect in  
636 the withdrawing state and were granted to licensees licensed in the withdrawing state shall  
637 remain in effect. If any licensee licensed in the withdrawing state is also licensed in another  
638 participating state or obtains a license in another participating state within the 180 days, the  
639 licensee's compact privileges in other participating states shall not be affected by the passage of  
640 the 180 days.

641 (2) Withdrawal shall not affect the continuing requirement of the state licensing board of  
642 the withdrawing state to comply with the investigative, and adverse action reporting  
643 requirements of this compact prior to the effective date of withdrawal.

644 (3) Upon the enactment of a statute withdrawing a state from this compact, the state shall  
645 immediately provide notice of such withdrawal to all licensees within that state. Such  
646 withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a  
647 minimum of 180days after the date of such notice of withdrawal.

648 (d) Nothing contained in this compact shall be construed to invalidate or prevent any  
649 physician assistant licensure agreement or other cooperative arrangement between participating  
650 states and between a participating state and non-participating state that does not conflict with the  
651 provisions of this compact.

652 (e) This compact may be amended by the participating states. No amendment to this  
653 compact shall become effective and binding upon any participating state until it is enacted

654 materially in the same manner into the laws of all participating states as determined by the  
655 commission.

656           Section 12. (a) This compact and the commission’s rulemaking authority shall be  
657 liberally construed so as to effectuate the purposes, and the implementation and administration of  
658 the compact. Provisions of the compact expressly authorizing or requiring the promulgation of  
659 rules shall not be construed to limit the commission’s rulemaking authority solely for those  
660 purposes.

661           (b) The provisions of this compact shall be severable and if any phrase, clause, sentence  
662 or provision of this compact is held by a court of competent jurisdiction to be contrary to the  
663 constitution of any participating state, a state seeking participation in the compact, or of the  
664 United States, or the applicability thereof to any government, agency, person or circumstance is  
665 held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of  
666 this compact and the applicability thereof to any other government, agency, person or  
667 circumstance shall not be affected thereby.

668           (c) Notwithstanding subsection (b) or this subsection, the commission may deny a state’s  
669 participation in the compact or, in accordance with the requirements of subsection (b) of section  
670 (10), terminate a participating state’s participation in the compact, if it determines that a  
671 constitutional requirement of a participating state is, or would be with respect to a state seeking  
672 to participate in the compact, a material departure from the compact. Otherwise, if this compact  
673 shall be held to be contrary to the constitution of any participating state, the compact shall  
674 remain in full force and effect as to the remaining participating states and in full force and effect  
675 as to the participating state affected as to all severable matters.

676           Section 13. (a) Nothing herein prevents the enforcement of any other law of a  
677 participating state that is not inconsistent with this compact.

678           (b) Any laws in a participating state in conflict with this compact are superseded to the  
679 extent of the conflict.

680           (c) All agreements between the commission and the participating states are binding in  
681 accordance with their terms.