

SENATE No.

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:

Jacob R. Oliveira

DISTRICT/ADDRESS:

Hampden, Hampshire and Worcester

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**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
48 generated by 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;

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

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

237 (9) purchase and maintain insurance and bonds;

238 (10) borrow, accept, or contract for services of personnel, including, but not limited to,
239 employees of a participating state;

240 (11) hire employees and engage contractors, elect or appoint officers, fix compensation,
241 define duties, grant such individuals appropriate authority to carry out the purposes of this
242 compact, and establish the commission's personnel policies and programs relating to conflicts of
243 interest, qualifications of personnel, and other related personnel matters;

244 (12) accept any and all appropriate donations and grants of money, equipment, supplies,
245 materials and services, and receive, utilize and dispose of the same; provided that at all times the
246 commission shall avoid any appearance of impropriety or conflict of interest;

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

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

252 (15) establish a budget and make expenditures;

253 (16) borrow money;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

295 (x) legal advice; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

353 (iii) prepare and recommend the budget;

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

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

357 (vi) establish additional committees as necessary;

358 (vii) exercise the powers and duties of the commission during the interim between
359 commission meetings, except for issuing proposed rulemaking or adopting commission rules or

360 bylaws, or exercising any other powers and duties exclusively reserved to the commission by the
361 commission's rules; and

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

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

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

371 (5) of said subsection (d).

372 (g)(1) The members, officers, executive director, employees and representatives of the
373 commission shall be immune from suit and liability, both personally and in their official
374 capacity, for any claim for damage to or loss of property or personal injury or other civil liability
375 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the
376 person against whom the claim is made had a reasonable basis for believing occurred within the
377 scope of commission employment, duties or responsibilities; provided that nothing in this
378 paragraph shall be construed to protect any such person from suit or liability for any damage,
379 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.
380 The procurement of insurance of any type by the commission shall not in any way compromise
381 or limit the immunity granted hereunder.

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

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

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

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

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

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

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

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

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

422 (1) identifying information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

521 (4) protect public health and safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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