



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1839/1
MED:emw

2023 ASSEMBLY BILL 410

September 6, 2023 - Introduced by Representatives VANDERMEER, MAGNAFICI, CONSIDINE, ARMSTRONG, BALDEH, CALLAHAN, DITTRICH, DOYLE, GOEBEN, GREEN, GUNDRUM, JOERS, KITCHENS, MAXEY, O'CONNOR, PENTERMAN, RETTINGER, SCHMIDT, SPIROS, STUBBS, SUMMERFIELD, TITTL, WICHGERS and PLUMER, cosponsored by Senators STAFSHOLT, BALLWEG, CABRAL-GUEVARA, FELZKOWSKI, HUTTON, MARKLEIN, QUINN, SPREITZER, TOMCZYK and LARSON. Referred to Committee on Regulatory Licensing Reform.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 252.14 (1) (ar) 14., 448.978 (1) and 448.978 (2) (d) 1. and
2 2.; *to renumber and amend* 440.03 (13) (c), 448.015 (4) (am) 2m., 448.974 (2)
3 and 448.978 (2) (d) (intro.); *to amend* 49.45 (9r) (a) 7. e., 97.67 (5m) (a) 3.,
4 118.2925 (1) (f), 146.81 (1) (eu), 146.997 (1) (d) 4., 154.01 (3) (b), 155.01 (1g) (c),
5 155.01 (7), 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.094
6 (1) (c) 4., 440.15, 448.971 (2), 448.972 (1), 448.973 (2), 448.974 (title), 448.978
7 (2) (intro.), 448.978 (2) (a), 448.978 (2) (g), 450.10 (3) (a) 5., 462.02 (2) (e), 462.04,
8 895.48 (1m) (a) (intro.), 971.14 (4) (a) and 990.01 (27s); *to repeal and recreate*
9 16.417 (1) (e) 3m. and 252.15 (1) (am); and *to create* 14.835, 111.335 (4) (jm),
10 440.03 (11m) (c) 2c., 440.03 (13) (c) 1. i., 440.094 (1) (c) 9m., 448.971 (1L),
11 448.971 (1m), 448.974 (1m), 448.974 (2) (bm) and subchapter XIII of chapter

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1 448 [precedes 448.988] of the statutes; **relating to:** ratification of the PA
2 Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the PA Licensure Compact, which provides for the ability of a physician assistant (PA) to become eligible to practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a PA Licensure Compact Commission, which includes one member or administrator of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating binding rules for the compact, appointing officers and hiring employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees who receive compact privileges to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a PA to obtain a “compact privilege,” which allows a PA who satisfies certain criteria to practice as a PA to provide medical services and other licensed activity to a patient located in another member state (remote state) under the remote state’s laws and regulations. The compact specifies a number of requirements in order for a PA to exercise a compact privilege, including holding a PA license in a member state, not having a felony or misdemeanor conviction, having had no revocation of a license or limitation or restriction on any license currently held due to an adverse action, and paying any fees and meeting any jurisprudence requirements that may be imposed by a remote state, though the bill does not impose any jurisprudence requirement. A remote state may, in accordance with that state’s laws, take adverse action against a PA’s compact privilege in the remote state and take any other necessary actions to protect the health and safety of its citizens. If the state in which a PA is licensed (home state) takes adverse action against a PA’s license, the PA loses the compact privilege in all remote states until certain criteria are satisfied. A member state may not impose discipline against a PA’s compact privilege or deny an application for a compact privilege in that member state for the individual’s otherwise lawful practice in another state.

3. The ability of member states to issue subpoenas that are enforceable in other states provided, however, that subpoenas may not be issued by a member state to gather evidence of conduct in another state that is lawful in that other state for the purpose of taking adverse action against a compact privilege or application for a compact privilege in that member state.

4. The creation of a coordinated data and reporting system containing licensure, adverse action, and the reporting of the existence of significant investigative information on PAs and applicants denied a PA license. The compact requires all adverse actions to be reported to the administrator of the data system. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

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5. Provisions regarding resolutions of disputes among member states and between member and nonmember states, including a process for termination of a state's membership in the compact if the state defaults on its obligations under the compact.

The compact becomes effective upon enactment by seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the enactment of that repeal.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.835 of the statutes is created to read:

2 **14.835 PA licensure compact.** There is created a PA licensure compact
3 commission as specified in s. 448.988. The delegate on the commission representing
4 this state shall be appointed by the physician assistant affiliated credentialing board
5 as provided in s. 448.988 (7) (b) 1. and shall be an individual described in s. 448.988
6 (7) (b) 2. a. or b. The commission has the powers and duties granted and imposed
7 under s. 448.988.

8 **SECTION 2.** 16.417 (1) (e) 3m. of the statutes is repealed and recreated to read:

9 16.417 (1) (e) 3m. A physician assistant who is licensed under subch. IX of ch.
10 448 or who holds a compact privilege under subch. XIII of ch. 448.

11 **SECTION 3.** 49.45 (9r) (a) 7. e. of the statutes is amended to read:

12 49.45 (9r) (a) 7. e. A physician assistant who is licensed under subch. IX of ch.
13 448 or who holds a compact privilege under subch. XIII of ch. 448.

14 **SECTION 4.** 97.67 (5m) (a) 3. of the statutes is amended to read:

15 97.67 (5m) (a) 3. A physician assistant who is licensed under subch. IX of ch.
16 448 or who holds a compact privilege under subch. XIII of ch. 448.

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1 **SECTION 5.** 111.335 (4) (jm) of the statutes is created to read:

2 111.335 (4) (jm) Notwithstanding s. 111.322, it is not employment
3 discrimination because of conviction record for the physician assistant affiliated
4 credentialing board to refuse to grant to an individual a compact privilege, as defined
5 in s. 448.988 (2) (b), in accordance with s. 448.988 (4) (a) 3.

6 **SECTION 6.** 118.2925 (1) (f) of the statutes is amended to read:

7 118.2925 (1) (f) “Physician assistant” means a person who is licensed under s.
8 448.974 subch. IX of ch. 448 or who holds a compact privilege under subch. XIII of
9 ch. 448.

10 **SECTION 7.** 146.81 (1) (eu) of the statutes is amended to read:

11 146.81 (1) (eu) A physician assistant who is licensed under subch. IX of ch. 448
12 or who holds a compact privilege under subch. XIII of ch. 448.

13 **SECTION 8.** 146.997 (1) (d) 4. of the statutes, as affected by 2021 Wisconsin Act
14 251, is amended to read:

15 146.997 (1) (d) 4. A physician, physician assistant, podiatrist, perfusionist,
16 physical therapist, physical therapist assistant, occupational therapist,
17 occupational therapy assistant, or genetic counselor licensed under ch. 448; a
18 physical therapist or physical therapist assistant who holds a compact privilege
19 under subch. XI of ch. 448; ~~or~~ an occupational therapist or occupational therapy
20 assistant who holds a compact privilege under subch. XII of ch. 448; or a physician
21 assistant who holds a compact privilege under subch. XIII of ch. 448.

22 **SECTION 9.** 154.01 (3) (b) of the statutes is amended to read:

23 154.01 (3) (b) A physician assistant ~~licensed under ch. 448.~~

24 **SECTION 10.** 155.01 (1g) (c) of the statutes is amended to read:

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1 155.01 (1g) (c) A physician assistant ~~licensed under ch. 448~~ who a physician
2 responsible for overseeing the physician assistant's practice affirms is competent to
3 conduct evaluations of the capacity of patients to manage health care decisions.

4 **SECTION 11.** 155.01 (7) of the statutes, as affected by 2021 Wisconsin Act 251,
5 is amended to read:

6 155.01 (7) "Health care provider" means a nurse licensed or permitted under
7 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
8 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
9 therapist assistant, occupational therapist, occupational therapy assistant, or
10 genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch.
11 466, a person practicing Christian Science treatment, an optometrist licensed under
12 ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary
13 authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is
14 practicing under the authority to practice interjurisdictional telepsychology, as
15 defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who
16 holds a compact privilege under subch. XI of ch. 448, an occupational therapist or
17 occupational therapy assistant who holds a compact privilege under subch. XII of ch.
18 448, a physician assistant who holds a compact privilege under subch. XIII of ch. 448,
19 a partnership thereof, a corporation or limited liability company thereof that
20 provides health care services, a cooperative health care association organized under
21 s. 185.981 that directly provides services through salaried employees in its own
22 facility, or a home health agency, as defined in s. 50.49 (1) (a).

23 **SECTION 12.** 252.14 (1) (ar) 14. of the statutes is renumbered 252.14 (1) (ar)
24 4rm.

25 **SECTION 13.** 252.15 (1) (am) of the statutes is repealed and recreated to read:

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1 252.15 (1) (am) “Health care professional” means a physician, physician
2 assistant, or nurse.

3 **SECTION 14.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

4 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
5 the department shall, biennially, determine each fee for an initial credential for
6 which no examination is required, for a reciprocal credential, and for a credential
7 renewal and any fees imposed under ss. 448.986 (2) ~~and, 448.9875 (2), and 448.9885~~
8 (2) by doing all of the following:

9 **SECTION 15.** 440.03 (9) (a) 2. of the statutes is amended to read:

10 440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,
11 adjusting for the succeeding fiscal biennium each fee for an initial credential for
12 which an examination is not required, for a reciprocal credential, and, subject to s.
13 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)
14 ~~and, 448.9875 (2), and 448.9885 (2)~~, if an adjustment is necessary to reflect the
15 approximate administrative and enforcement costs of the department that are
16 attributable to the regulation of the particular occupation or business during the
17 period in which the initial or reciprocal credential, credential renewal, or compact
18 privilege is in effect and, for purposes of each fee for a credential renewal, to reflect
19 an estimate of any additional moneys available for the department’s general
20 program operations as a result of appropriation transfers that have been or are
21 estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress
22 at the time of the deadline for an adjustment under this subdivision or during the
23 fiscal biennium beginning on the July 1 immediately following the deadline for an
24 adjustment under this subdivision.

25 **SECTION 16.** 440.03 (11m) (c) 2c. of the statutes is created to read:

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1 440.03 **(11m)** (c) 2c. The coordinated data and reporting system under s.
2 448.988 (8), if such disclosure is required under the PA licensure compact under s.
3 448.988.

4 **SECTION 17.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

5 440.03 **(13)** (b) (intro.) The department may investigate whether an applicant
6 for or holder of any of the following credentials has been charged with or convicted
7 of a crime only pursuant to rules promulgated by the department under this
8 paragraph, including rules that establish the criteria that the department will use
9 to determine whether an investigation under this paragraph is necessary, except as
10 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,
11 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., and 455.50 (3) (e) 4. and (f) 4.:

12 **SECTION 18.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1.
13 (intro.) and amended to read:

14 440.03 **(13)** (c) 1. (intro.) The department shall require an all of the following
15 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
16 set of the person's fingerprints:

17 a. An applicant for a private detective license or a private security permit under
18 s. 440.26, an.

19 b. An applicant for a juvenile martial arts instructor permit under sub. (17),
20 an.

21 c. An applicant for a real estate appraiser certification under s. 458.06 or
22 license under s. 458.08, an.

23 d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), an.

24 e. An applicant for a compact license under s. 448.05 (2) (f), an.

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1 f. An applicant for a physical therapist license under s. 448.53 or physical
2 therapist assistant license under s. 448.535, ~~an,~~

3 g. An applicant for an occupational therapist or occupational therapy assistant
4 compact privilege under s. 448.987 (4), and an applicant for an occupational
5 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.
6 a., ~~an~~

7 h. An applicant for a psychologist license under s. 455.04, ~~and a,~~

8 z. A person for whom the department conducts an investigation under par. (b),
9 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
10 set of the person's fingerprints.

11 2. The department of justice may submit the fingerprint cards, and the
12 department of justice shall submit the fingerprint cards of all applicants for a real
13 estate appraiser certification under s. 458.06 or license under s. 458.08, of all
14 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants
15 for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist
16 license under s. 448.53 or a physical therapist assistant license under s. 448.535, and
17 of all applicants for a psychologist license under s. 455.04 identified in subd. 1. c. to
18 i., to the federal bureau of investigation for the purpose of verifying the identity of
19 the persons fingerprinted and obtaining records of their criminal arrests and
20 convictions.

21 3. Information obtained from the federal bureau of investigation may be shared
22 with the department or the appropriate credentialing board, but shall otherwise be
23 kept confidential and is not subject to disclosure under s. 19.35.

24 **SECTION 19.** 440.03 (13) (c) 1. i. of the statutes is created to read:

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1 440.03 (13) (c) 1. i. An applicant for a physician assistant license or compact
2 privilege under s. 448.974 when required pursuant to the PA licensure compact
3 under s. 448.988.

4 **SECTION 20.** 440.094 (1) (c) 4. of the statutes is amended to read:

5 440.094 (1) (c) 4. A physician, ~~physician assistant~~, perfusionist, or respiratory
6 care practitioner licensed or certified under subch. II of ch. 448.

7 **SECTION 21.** 440.094 (1) (c) 9m. of the statutes is created to read:

8 440.094 (1) (c) 9m. A physician assistant licensed under subch. IX of ch. 448.

9 **SECTION 22.** 440.15 of the statutes is amended to read:

10 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
11 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b)
12 2. a., ~~448.988 (3) (a) 5.~~, 450.071 (3) (c) 9., 450.075 (3) (c) 9., and 455.50 (3) (e) 4. and
13 (f) 4., the department or a credentialing board may not require that an applicant for
14 a credential or a credential holder be fingerprinted or submit fingerprints in
15 connection with the department's or the credentialing board's credentialing.

16 **SECTION 23.** 448.015 (4) (am) 2m. of the statutes is renumbered 448.978 (1g)
17 (a) and amended to read:

18 448.978 (1g) (a) ~~A~~ “Unprofessional conduct” includes a determination made
19 by a physician assistant under ch. 154 or 155 if the physician assistant does not have
20 sufficient education, training, and experience to make the determination.

21 **SECTION 24.** 448.971 (1L) of the statutes is created to read:

22 448.971 (1L) “Compact” means the PA licensure compact under s. 448.988.

23 **SECTION 25.** 448.971 (1m) of the statutes is created to read:

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1 448.971 (1m) “Compact privilege” means a compact privilege, as defined in s.
2 448.988 (2) (b), that is granted under the compact to an individual to practice in this
3 state.

4 **SECTION 26.** 448.971 (2) of the statutes is amended to read:

5 448.971 (2) “Physician assistant” means a person who is licensed under this
6 subchapter or who holds a compact privilege.

7 **SECTION 27.** 448.972 (1) of the statutes is amended to read:

8 448.972 (1) Except as provided in subs. (2) and (3), no person may represent
9 himself or herself as a “PA” or “physician assistant,” use or assume the title “PA” or
10 “physician assistant,” or append to the person’s name the words or letters “physician
11 assistant,” “PA,” “PA-C,” or any other titles, letters, or designation that represents
12 or may tend to represent the person as a physician assistant, unless he or she is
13 licensed by the board under this subchapter or holds a compact privilege.

14 **SECTION 28.** 448.972 (1) of the statutes is amended to read:

15 448.972 (1) Except as provided in subs. (2) and (3), no person may represent
16 himself or herself as a “PA” or “physician assistant,” use or assume the title “PA” or
17 “physician assistant,” or append to the person’s name the words or letters “physician
18 assistant,” “PA,” “PA-C,” or any other titles, letters, or designation that represents
19 or may tend to represent the person as a physician assistant, unless he or she is
20 licensed by the board under this subchapter or holds a compact privilege.

21 **SECTION 29.** 448.973 (2) of the statutes is amended to read:

22 448.973 (2) The board shall include in the register the board maintains under
23 s. 440.035 (1m) (d) the ~~names~~ name of ~~all persons~~ each person whose ~~licenses~~ license
24 or compact privilege issued under this subchapter ~~were~~ was suspended or revoked
25 within the past 2 years. The register shall be available for purchase at cost.

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1 **SECTION 30.** 448.974 (title) of the statutes is amended to read:

2 **448.974** (title) **License; compact privilege; renewal.**

3 **SECTION 31.** 448.974 (1m) of the statutes is created to read:

4 448.974 **(1m)** The board shall grant a compact privilege to any applicant who
5 satisfies all of the following:

6 (a) The applicant holds a qualifying license, as defined in s. 448.988 (2) (r), in
7 another state that is a party to the compact and satisfies all other requirements
8 under s. 448.988 (4).

9 (b) The individual applies for the compact privilege in the manner prescribed
10 by the department.

11 (c) The individual pays any fee established by the department under s.
12 448.9885 (2).

13 **SECTION 32.** 448.974 (2) of the statutes is renumbered 448.974 (2) (am) and
14 amended to read:

15 448.974 **(2)** (am) 1. The renewal date for a license issued under this subchapter
16 is specified under s. 440.08 (2) (a), and the renewal fees for such licenses are
17 determined by the department under s. 440.03 (9) (a). Renewal of a license is subject
18 to ~~par. (b)~~ subd. 2.

19 2. An applicant for the renewal of a license under this subchapter shall submit
20 with his or her application for renewal proof of having satisfied the continuing
21 education requirements imposed by the board under s. 448.973 (1) (b). This
22 ~~paragraph~~ subdivision does not apply to an applicant for renewal of a license that
23 expires on the first renewal date after the date on which the board initially granted
24 the license.

25 **SECTION 33.** 448.974 (2) (bm) of the statutes is created to read:

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1 448.974 (2) (bm) Renewal of a compact privilege shall be governed by s. 448.988
2 (4) (b), except that the board may impose requirements for prescribing controlled
3 substances in accordance with s. 448.988 (4) (d).

4 **SECTION 34.** 448.978 (1) of the statutes is renumbered 448.978 (1r).

5 **SECTION 35.** 448.978 (2) (intro.) of the statutes is amended to read:

6 448.978 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), if a
7 person who applies for or holds a license or compact privilege issued under s. 448.974
8 does any of the following, the board may reprimand the person or deny, limit,
9 suspend, or revoke the person's license or compact privilege:

10 **SECTION 36.** 448.978 (2) (a) of the statutes is amended to read:

11 448.978 (2) (a) Makes a material misstatement in an application for a license
12 or compact privilege or an application for renewal of a license or compact privilege
13 under s. 448.974.

14 **SECTION 37.** 448.978 (2) (d) (intro.) of the statutes is renumbered 448.978 (2)
15 (d) and amended to read:

16 448.978 (2) (d) Engages in unprofessional conduct.

17 **(1g)** In this paragraph, "unprofessional section:"

18 (b) "Unprofessional conduct" does not include any of the following:

19 **SECTION 38.** 448.978 (2) (d) 1. and 2. of the statutes are renumbered 448.978
20 (1g) (b) 1. and 2.

21 **SECTION 39.** 448.978 (2) (g) of the statutes is amended to read:

22 448.978 (2) (g) Engages in fraud or deceit in obtaining or using his or her license
23 or compact privilege.

24 **SECTION 40.** Subchapter XIII of chapter 448 [precedes 448.988] of the statutes
25 is created to read:

ASSEMBLY BILL 410**CHAPTER 448****SUBCHAPTER XIII****PA LICENSURE COMPACT**

448.988 PA licensure compact. (1) PURPOSE. In order to strengthen access to medical services, and in recognition of the advances in the delivery of medical services, the participating states of the PA licensure compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline PAs and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. This compact allows medical services to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other compact participating states. This compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter, and therefore requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a PA through the procedures of this compact. The PA licensure compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

(2) DEFINITIONS. In this compact:

(a) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a PA license or license application or compact privilege such as

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1 license denial, censure, revocation, suspension, probation, monitoring of the
2 licensee, or restriction on the licensee's practice.

3 (b) "Compact privilege" means the authorization granted by a remote state to
4 allow a licensee from another participating state to practice as a PA to provide
5 medical services and other licensed activity to a patient located in the remote state
6 under the remote state's laws and regulations.

7 (c) "Conviction" means a finding by a court that an individual is guilty of a
8 felony or misdemeanor offense through adjudication or entry of a plea of guilt or no
9 contest to the charge by the offender

10 (d) "Criminal background check" means the submission of fingerprints or other
11 biometric-based information for a license applicant for the purpose of obtaining that
12 applicant's criminal history record information, as defined in 28 CFR 20.3 (d), from
13 the state's criminal history record repository as defined in 28 CFR 20.3 (f).

14 (e) "Data system" means the repository of information about licensees,
15 including but not limited to license status and adverse actions, which is created and
16 administered under the terms of this compact.

17 (f) "Executive committee" means a group of directors and ex officio individuals
18 elected or appointed pursuant to sub. (7) (f) 2.

19 (g) "Impaired practitioner" means a PA whose practice is adversely affected by
20 health-related condition(s) that impact their ability to practice.

21 (h) "Investigative information" means information, records, or documents
22 received or generated by a licensing board pursuant to an investigation.

23 (i) "Jurisprudence requirement" means the assessment of an individual's
24 knowledge of the laws and rules governing the practice of a PA in a state.

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1 (j) “License” means current authorization by a state, other than authorization
2 pursuant to a compact privilege, for a PA to provide medical services, which would
3 be unlawful without current authorization.

4 (k) “Licensee” means an individual who holds a license from a state to provide
5 medical services as a PA.

6 (L) “Licensing board” means any state entity authorized to license and
7 otherwise regulate PAs.

8 (m) “Medical services” means health care services provided for the diagnosis,
9 prevention, treatment, cure or relief of a health condition, injury, or disease, as
10 defined by a state’s laws and regulations.

11 (n) “Model compact” means the model for the PA licensure compact on file with
12 the Council of State Governments or other entity as designated by the commission.

13 (o) “Participating state” means a state that has enacted this compact.

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

19 (q) “PA licensure compact commission,” “compact commission,” or
20 “commission” mean the national administrative body created pursuant to sub. (7) (a).

21 (r) “Qualifying license” means an unrestricted license issued by a participating
22 state to provide medical services as a PA.

23 (s) “Remote state” means a participating state where a licensee who is not
24 licensed as a PA is exercising or seeking to exercise the compact privilege.

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1 (t) "Rule" means a regulation promulgated by an entity that has the force and
2 effect of law.

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

7 (v) "State" means any state, commonwealth, district, or territory of the United
8 States.

9 **(3) STATE PARTICIPATION IN THIS COMPACT.** (a) To participate in this compact, a
10 participating state shall:

11 1. License PAs.

12 2. Participate in the compact commission's data system.

13 3. Have a mechanism in place for receiving and investigating complaints
14 against licensees and license applicants.

15 4. Notify the commission, in compliance with the terms of this compact and
16 commission rules, of any adverse action against a licensee or license applicant and
17 the existence of significant investigative information regarding a licensee or license
18 applicant.

19 5. Fully implement a criminal background check requirement, within a time
20 frame established by commission rule, by its licensing board receiving the results of
21 a criminal background check and reporting to the commission whether the license
22 applicant has been granted a license.

23 6. Comply with the rules of the compact commission.

24 7. Utilize passage of a recognized national exam such as the NCCPA PANCE
25 as a requirement for PA licensure.

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1 8. Grant the compact privilege to a holder of a qualifying license in a
2 participating state.

3 (b) Nothing in this compact prohibits a participating state from charging a fee
4 for granting the compact privilege.

5 **(4) COMPACT PRIVILEGE.** (a) To exercise the compact privilege, a licensee must:

6 1. Have graduated from a PA program accredited by the Accreditation Review
7 Commission on Education for the Physician Assistant, Inc. or other programs
8 authorized by commission rule.

9 2. Hold current NCCPA certification.

10 3. Have no felony or misdemeanor conviction.

11 4. Have never had a controlled substance license, permit, or registration
12 suspended or revoked by a state or by the United States drug enforcement
13 administration.

14 5. Have a unique identifier as determined by commission rule.

15 6. Hold a qualifying license.

16 7. Have had no revocation of a license or limitation or restriction on any license
17 currently held due to an adverse action.

18 8. If a licensee has had a limitation or restriction on a license or compact
19 privilege due to an adverse action, two years must have elapsed from the date on
20 which the license or compact privilege is no longer limited or restricted due to the
21 adverse action.

22 9. If a compact privilege has been revoked or is limited or restricted in a
23 participating state for conduct that would not be a basis for disciplinary action in a
24 participating state in which the licensee is practicing or applying to practice under
25 a compact privilege, that participating state shall have the discretion not to consider

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1 such action as an adverse action requiring the denial or removal of a compact
2 privilege in that state.

3 10. Notify the compact commission that the licensee is seeking the compact
4 privilege in a remote state.

5 11. Meet any jurisprudence requirement of a remote state in which the licensee
6 is seeking to practice under the compact privilege and pay any fees applicable to
7 satisfying the jurisprudence requirement.

8 12. Report to the commission any adverse action taken by a nonparticipating
9 state within thirty (30) days after the action is taken.

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

17 1. The license is no longer limited or restricted; and

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

20 (c) Once a restricted or limited license satisfies the requirements of par. (b) 1.
21 and 2., the licensee must meet the requirements of par. (a) to obtain a compact
22 privilege in any remote state.

23 (d) For each remote state in which a PA seeks authority to prescribe controlled
24 substances, the PA shall satisfy all requirements imposed by such state in granting
25 or renewing such authority.

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1 **(5) DESIGNATION OF THE STATE FROM WHICH LICENSEE IS APPLYING FOR A COMPACT**
2 PRIVILEGE. (a) Upon a licensee's application for a compact privilege, the licensee shall
3 identify to the commission the participating state from which the licensee is
4 applying, in accordance with applicable rules adopted by the commission, and
5 subject to the following requirements:

6 1. When applying for a compact privilege, the licensee shall provide the
7 commission with the address of the licensee's primary residence and thereafter shall
8 immediately report to the commission any change in the address of the licensee's
9 primary residence.

10 2. When applying for a compact privilege, the licensee is required to consent
11 to accept service of process by mail at the licensee's primary residence on file with
12 the commission with respect to any action brought against the licensee by the
13 commission or a participating state, including a subpoena, with respect to any action
14 brought or investigation conducted by the commission or a participating state.

15 **(6) ADVERSE ACTIONS.** (a) A participating state in which a licensee is licensed
16 shall have exclusive power to impose adverse action against the qualifying license
17 issued by that participating state.

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

21 1. Take adverse action against a PA's compact privilege within that state to
22 remove a licensee's compact privilege or take other action necessary under applicable
23 law to protect the health and safety of its citizens.

24 2. Issue subpoenas for both hearings and investigations that require the
25 attendance and testimony of witnesses as well as the production of evidence.

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1 Subpoenas issued by a licensing board in a participating state for the attendance and
2 testimony of witnesses or the production of evidence from another participating state
3 shall be enforced in the latter state by any court of competent jurisdiction, according
4 to the practice and procedure of that court applicable to subpoenas issued in
5 proceedings pending before it. The issuing authority shall pay any witness fees,
6 travel expenses, mileage and other fees required by the service statutes of the state
7 in which the witnesses or evidence are located.

8 3. Notwithstanding subd. 2., subpoenas may not be issued by a participating
9 state to gather evidence of conduct in another state that is lawful in that other state
10 for the purpose of taking adverse action against a licensee's compact privilege or
11 application for a compact privilege in that participating state.

12 4. Nothing in this compact authorizes a participating state to impose discipline
13 against a PA's compact privilege or to deny an application for a compact privilege in
14 that participating state for the individual's otherwise lawful practice in another
15 state.

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

21 (d) A participating state, if otherwise permitted by state law, may recover from
22 the affected PA the costs of investigations and disposition of cases resulting from any
23 adverse action taken against that PA.

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

4 (f) *Joint investigations.* 1. In addition to the authority granted to a
5 participating state by its respective state PA laws and regulations or other applicable
6 state law, any participating state may participate with other participating states in
7 joint investigations of licensees.

8 2. Participating states shall share any investigative, litigation, or compliance
9 materials in furtherance of any joint or individual investigation initiated under this
10 compact.

11 (g) If an adverse action is taken against a PA's qualifying license, the PA's
12 compact privilege in all remote states shall be deactivated until two (2) years have
13 elapsed after all restrictions have been removed from the state license. All
14 disciplinary orders by the participating state which issued the qualifying license that
15 impose adverse action against a PA's license shall include a statement that the PA's
16 compact privilege is deactivated in all participating states during the pendency of the
17 order.

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

20 **(7) ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION.** (a) The
21 participating states hereby create and establish a joint government agency and
22 national administrative body known as the PA licensure compact commission. The
23 commission is an instrumentality of the compact states acting jointly and not an
24 instrumentality of any one state. The commission shall come into existence on or
25 after the effective date of the compact as set forth in sub. (11) (a).

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1 (b) *Membership, voting, and meetings.* 1. Each participating state shall have
2 and be limited to one (1) delegate selected by that participating state's licensing
3 board or, if the state has more than one licensing board, selected collectively by the
4 participating state's licensing boards.

5 2. The delegate shall be either:

6 a. A current PA, physician or public member of a licensing board or PA
7 council/committee; or

8 b. An administrator of a licensing board.

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

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

13 5. Each delegate shall be entitled to one (1) vote on all matters voted on by the
14 commission and shall otherwise have an opportunity to participate in the business
15 and affairs of the commission. A delegate shall vote in person or by such other means
16 as provided in the bylaws. The bylaws may provide for delegates' participation in
17 meetings by telecommunications, video conference, or other means of
18 communication.

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

21 7. The commission shall establish by rule a term of office for delegates.

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

23 1. Establish a code of ethics for the commission;

24 2. Establish the fiscal year of the commission;

25 3. Establish fees;

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- 1 4. Establish bylaws;
- 2 5. Maintain its financial records in accordance with the bylaws;
- 3 6. Meet and take such actions as are consistent with the provisions of this
4 compact and the bylaws;
- 5 7. Promulgate rules to facilitate and coordinate implementation and
6 administration of this compact. The rules shall have the force and effect of law and
7 shall be binding in all participating states;
- 8 8. Bring and prosecute legal proceedings or actions in the name of the
9 commission, provided that the standing of any state licensing board to sue or be sued
10 under applicable law shall not be affected;
- 11 9. Purchase and maintain insurance and bonds;
- 12 10. Borrow, accept, or contract for services of personnel, including, but not
13 limited to, employees of a participating state;
- 14 11. Hire employees and engage contractors, elect or appoint officers, fix
15 compensation, define duties, grant such individuals appropriate authority to carry
16 out the purposes of this compact, and establish the commission's personnel policies
17 and programs relating to conflicts of interest, qualifications of personnel, and other
18 related personnel matters;
- 19 12. Accept any and all appropriate donations and grants of money, equipment,
20 supplies, materials and services, and receive, utilize and dispose of the same;
21 provided that at all times the commission shall avoid any appearance of impropriety
22 or conflict of interest;
- 23 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,
24 hold, improve or use, any property, real, personal or mixed; provided that at all times
25 the commission shall avoid any appearance of impropriety;

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1 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
2 dispose of any property real, personal, or mixed;

3 15. Establish a budget and make expenditures;

4 16. Borrow money;

5 17. Appoint committees, including standing committees composed of members,
6 state regulators, state legislators or their representatives, and consumer
7 representatives, and such other interested persons as may be designated in this
8 compact and the bylaws;

9 18. Provide and receive information from, and cooperate with, law enforcement
10 agencies;

11 19. Elect a chair, vice chair, secretary and treasurer and such other officers of
12 the commission as provided in the commission's bylaws.

13 20. Reserve for itself, in addition to those reserved exclusively to the
14 commission under the compact, powers that the executive committee may not
15 exercise;

16 21. Approve or disapprove a state's participation in the compact based upon its
17 determination as to whether the state's compact legislation departs in a material
18 manner from the model compact language;

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

20 23. Perform such other functions as may be necessary or appropriate to achieve
21 the purposes of this compact consistent with the state regulation of PA licensure and
22 practice.

23 (d) *Meetings of the commission.* 1. All meetings of the commission that are not
24 closed pursuant to this paragraph shall be open to the public. Notice of public

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1 meetings shall be posted on the commission's website at least thirty (30) days prior
2 to the public meeting.

3 2. Notwithstanding subd. 1., the commission may convene a public meeting by
4 providing at least twenty-four (24) hours prior notice on the commission's website,
5 and any other means as provided in the commission's rules, for any of the reasons
6 it may dispense with notice of proposed rulemaking under sub. (9) (L).

7 3. The commission may convene in a closed, nonpublic meeting or nonpublic
8 part of a public meeting to receive legal advice or to discuss:

9 a. Noncompliance of a participating state with its obligations under this
10 compact;

11 b. The employment, compensation, discipline or other matters, practices or
12 procedures related to specific employees or other matters related to the commission's
13 internal personnel practices and procedures;

14 c. Current, threatened, or reasonably anticipated litigation;

15 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
16 real estate;

17 e. Accusing any person of a crime or formally censuring any person;

18 f. Disclosure of trade secrets or commercial or financial information that is
19 privileged or confidential;

20 g. Disclosure of information of a personal nature where disclosure would
21 constitute a clearly unwarranted invasion of personal privacy;

22 h. Disclosure of investigative records compiled for law enforcement purposes;

23 i. Disclosure of information related to any investigative reports prepared by or
24 on behalf of or for use of the commission or other committee charged with

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1 responsibility of investigation or determination of compliance issues pursuant to this
2 compact;

3 j. Legal advice; or

4 k. Matters specifically exempted from disclosure by federal or participating
5 states' statutes.

6 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
7 chair of the meeting or the chair's designee shall certify that the meeting or portion
8 of the meeting may be closed and shall reference each relevant exempting provision.

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

16 (e) *Financing of the commission.* 1. The commission shall pay, or provide for
17 the payment of, the reasonable expenses of its establishment, organization, and
18 ongoing activities.

19 2. The commission may accept any and all appropriate revenue sources,
20 donations, and grants of money, equipment, supplies, materials, and services.

21 3. The commission may levy on and collect an annual assessment from each
22 participating state and may impose compact privilege fees on licensees of
23 participating states to whom a compact privilege is granted to cover the cost of the
24 operations and activities of the commission and its staff, which must be in a total
25 amount sufficient to cover its annual budget as approved by the commission each

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1 year for which revenue is not provided by other sources. The aggregate annual
2 assessment amount levied on participating states shall be allocated based upon a
3 formula to be determined by commission rule.

4 a. A compact privilege expires when the licensee's qualifying license in the
5 participating state from which the licensee applied for the compact privilege expires.

6 b. If the licensee terminates the qualifying license through which the licensee
7 applied for the compact privilege before its scheduled expiration, and the licensee
8 has a qualifying license in another participating state, the licensee shall inform the
9 commission that it is changing to that participating state the participating state
10 through which it applies for a compact privilege and pay to the commission any
11 compact privilege fee required by commission rule.

12 4. The commission shall not incur obligations of any kind prior to securing the
13 funds adequate to meet the same; nor shall the commission pledge the credit of any
14 of the participating states, except by and with the authority of the participating
15 state.

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

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

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- 1 2. The executive committee shall be composed of nine (9) members:
- 2 a. Seven voting members who are elected by the commission from the current
- 3 membership of the commission;
- 4 b. One ex officio, nonvoting member from a recognized national PA professional
- 5 association; and
- 6 c. One ex officio, nonvoting member from a recognized national PA certification
- 7 organization.
- 8 3. The ex officio members will be selected by their respective organizations.
- 9 4. The commission may remove any member of the executive committee as
- 10 provided in its bylaws.
- 11 5. The executive committee shall meet at least annually.
- 12 6. The executive committee shall have the following duties and responsibilities:
- 13 a. Recommend to the commission changes to the commission's rules or bylaws,
- 14 changes to this compact legislation, fees to be paid by compact participating states
- 15 such as annual dues, and any commission compact fee charged to licensees for the
- 16 compact privilege;
- 17 b. Ensure compact administration services are appropriately provided,
- 18 contractual or otherwise;
- 19 c. Prepare and recommend the budget;
- 20 d. Maintain financial records on behalf of the commission;
- 21 e. Monitor compact compliance of participating states and provide compliance
- 22 reports to the commission;
- 23 f. Establish additional committees as necessary;
- 24 g. Exercise the powers and duties of the commission during the interim
- 25 between commission meetings, except for issuing proposed rule making or adopting

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

3 h. Perform other duties as provided in the commission's rules or bylaws.

4 7. All meeting of the executive committee at which it votes or plans to vote on
5 matters in exercising the powers and duties of the commission shall be open to the
6 public and public notice of such meetings shall be given as public meetings of the
7 commission are given.

8 8. The executive committee may convene in a closed, nonpublic meeting for the
9 same reasons that the commission may convene in a nonpublic meeting as set forth
10 in par. (d) 3. and shall announce the closed meeting as the commission is required
11 to under par. (d) 4. and keep minutes of the closed meeting as the commission is
12 required to under par. (d) 5.

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

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

11 3. The commission shall indemnify and hold harmless any member, officer,
12 executive director, employee, and representative of the commission for the amount
13 of any settlement or judgment obtained against that person arising out of any actual
14 or alleged act, error, or omission that occurred within the scope of commission
15 employment, duties, or responsibilities, or that such person had a reasonable basis
16 for believing occurred within the scope of commission employment, duties, or
17 responsibilities, provided that the actual or alleged act, error, or omission did not
18 result from the intentional or willful or wanton misconduct of that person.

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

23 5. Nothing herein shall be construed as a limitation on the liability of any
24 licensee for professional malpractice or misconduct, which shall be governed solely
25 by any other applicable state laws.

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1 6. Nothing herein shall be construed to designate the venue or jurisdiction to
2 bring actions for alleged acts of malpractice, professional misconduct, negligence, or
3 other such civil action pertaining to the practice of a PA. All such matters shall be
4 determined exclusively by state law other than this compact.

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

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

11 **(8) DATA SYSTEM.** (a) The commission shall provide for the development,
12 maintenance, operation, and utilization of a coordinated data and reporting system
13 containing licensure, adverse action, and the reporting of the existence of significant
14 investigative information on all licensed PAs and applicants denied a license in
15 participating states.

16 (b) Notwithstanding any other state law to the contrary, a participating state
17 shall submit a uniform data set to the data system on all PAs to whom this compact
18 is applicable (utilizing a unique identifier) as required by the rules of the
19 commission, including:

- 20 1. Identifying information;
- 21 2. Licensure data;
- 22 3. Adverse actions against a license or compact privilege;
- 23 4. Any denial of application for licensure, and the reason(s) for such denial
24 (excluding the reporting of any criminal history record information where prohibited
25 by law);

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1 5. The existence of significant investigative information; and

2 6. Other information that may facilitate the administration of this compact, as
3 determined by the rules of the commission.

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

6 (d) The commission shall promptly notify all participating states of any adverse
7 action taken against a licensee or an individual applying for a license that has been
8 reported to it. This adverse action information shall be available to any other
9 participating state.

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

15 (f) Any information submitted to the data system that is subsequently
16 expunged pursuant to federal law or the laws of the participating state contributing
17 the information shall be removed from the data system upon reporting of such by the
18 participating state to the commission.

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

24 **(9) RULE MAKING.** (a) The commission shall exercise its rule-making powers
25 pursuant to the criteria set forth in this subsection and the rules adopted thereunder.

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

3 (b) The commission shall promulgate reasonable rules in order to effectively
4 and efficiently implement and administer this compact and achieve its purposes. A
5 commission rule shall be invalid and have not force or effect only if a court of
6 competent jurisdiction holds that the rule is invalid because the commission
7 exercised its rule-making authority in a manner that is beyond the scope of the
8 purposes of this compact, or the powers granted hereunder, or based upon another
9 applicable standard of review.

10 (c) The rules of the commission shall have the force of law in each participating
11 state, provided however that where the rules of the commission conflict with the laws
12 of the participating state that establish the medical services a PA may perform in the
13 participating state, as held by a court of competent jurisdiction, the rules of the
14 commission shall be ineffective in that state to the extent of the conflict.

15 (d) If a majority of the legislatures of the participating states rejects a
16 commission rule, by enactment of a statute or resolution in the same manner used
17 to adopt this compact within four (4) years of the date of adoption of the rule, then
18 such rule shall have no further force and effect in any participating state or to any
19 state applying to participate in the compact.

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

22 (f) Prior to promulgation and adoption of a final rule or rules by the commission,
23 and at least thirty (30) days in advance of the meeting at which the rule will be
24 considered and voted upon, the commission shall file a notice of proposed rule
25 making:

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1 1. On the website of the commission or other publicly accessible platform; and

2 2. To persons who have requested notice of the commission's notices of proposed
3 rule making, and

4 3. In such other way(s) as the commission may by rule specify.

5 (g) The notice of proposed rule making shall include:

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

9 2. The text of the proposed rule and the reason for the proposed rule;

10 3. A request for comments on the proposed rule from any interested person and
11 the date by which written comments must be received; and

12 4. The manner in which interested persons may submit notice to the
13 commission of their intention to attend the public hearing or provide any written
14 comments.

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

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

20 1. All persons wishing to be heard at the hearing shall as directed in the notice
21 of proposed rule making, not less than five (5) business days before the scheduled
22 date of the hearing, notify the commission of their desire to appear and testify at the
23 hearing.

24 2. Hearings shall be conducted in a manner providing each person who wishes
25 to comment a fair and reasonable opportunity to comment orally or in writing.

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1 3. All hearings shall be recorded. A copy of the recording and the written
2 comments, data, facts, opinions, and arguments received in response to the proposed
3 rule making shall be made available to a person upon request.

4 4. Nothing in this subsection shall be construed as requiring a separate hearing
5 on each proposed rule. Proposed rules may be grouped for the convenience of the
6 commission at hearings required by this subsection.

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

9 (k) The commission shall, by majority vote of all delegates, take final action on
10 the proposed rule and shall determine the effective date of the rule, if adopted, based
11 on the rule-making record and the full text of the rule.

12 1. If adopted, the rule shall be posted on the commission's website.

13 2. The commission may adopt changes to the proposed rule provided the
14 changes do not enlarge the original purpose of the proposed rule.

15 3. The commission shall provide on its website an explanation of the reasons
16 for substantive changes made to the proposed rule as well as reasons for substantive
17 changes not made that were recommended by commenters.

18 4. The commission shall determine a reasonable effective date for the rule.
19 Except for an emergency as provided in par. (L), the effective date of the rule shall
20 be no sooner than thirty (30) days after the commission issued the notice that it
21 adopted the rule.

22 (L) Upon determination that an emergency exists, the commission may
23 consider and adopt an emergency rule with twenty-four (24) hours prior notice,
24 without the opportunity for comment, or hearing, provided that the usual
25 rule-making procedures provided in this compact and in this subsection shall be

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1 retroactively applied to the rule as soon as reasonably possible, in no event later than
2 ninety (90) days after the effective date of the rule. For the purposes of this provision,
3 an emergency rule is one that must be adopted immediately by the commission in
4 order to:

- 5 1. Meet an imminent threat to public health, safety, or welfare;
- 6 2. Prevent a loss of commission or participating state funds;
- 7 3. Meet a deadline for the promulgation of a commission rule that is established
8 by federal law or rule; or
- 9 4. Protect public health and safety.

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

21 (n) No participating state's rule-making requirements shall apply under this
22 compact.

23 **(10) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1. The
24 executive and judicial branches of state government in each participating state shall

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1 enforce this compact and take all actions necessary and appropriate to implement
2 the compact.

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

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

16 (b) *Default, technical assistance, and termination.* 1. If the commission
17 determines that a participating state has defaulted in the performance of its
18 obligations or responsibilities under this compact or the commission rules, the
19 commission shall provide written notice to the defaulting state and other
20 participating states. The notice shall describe the default, the proposed means of
21 curing the default and any other action that the commission may take and shall offer
22 remedial training and specific technical assistance regarding the default.

23 2. If a state in default fails to cure the default, the defaulting state may be
24 terminated from this compact upon an affirmative vote of a majority of the delegates
25 of the participating states, and all rights, privileges and benefits conferred by this

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1 compact upon such state may be terminated on the effective date of termination. A
2 cure of the default does not relieve the offending state of obligations or liabilities
3 incurred during the period of default.

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

9 4. A state that has been terminated is responsible for all assessments,
10 obligations, and liabilities incurred through the effective date of termination,
11 including obligations that extend beyond the effective date of termination.

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

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

20 7. Upon the termination of a state's participation in the compact, the state shall
21 immediately provide notice to all licensees within that state of such termination:

22 a. Licensees who have been granted a compact privilege in that state shall
23 retain the compact privilege for one hundred eighty (180) days following the effective
24 date of such termination.

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

6 (c) *Dispute resolution.* 1. Upon request by a participating state, the commission
7 shall attempt to resolve disputes related to this compact that arise among
8 participating states and between participating and nonparticipating states.

9 2. The commission shall promulgate a rule providing for both mediation and
10 binding dispute resolution for disputes as appropriate.

11 (d) *Enforcement.* 1. The commission, in the reasonable exercise of its
12 discretion, shall enforce the provisions of this compact and rules of the commission.

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

21 3. The remedies herein shall not be the exclusive remedies of the commission.
22 The commission may pursue any other remedies available under federal or state law.

23 (e) *Legal action against the commission.* 1. A participating state may initiate
24 legal action against the commission in the U.S. District Court for the District of
25 Columbia or the federal district where the commission has its principal offices to

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1 enforce compliance with the provisions of the compact and its rules. The relief sought
2 may include both injunctive relief and damages. In the event judicial enforcement
3 is necessary, the prevailing party shall be awarded all costs of such litigation,
4 including reasonable attorney's fees.

5 2. No person other than a participating state shall enforce this compact against
6 the commission.

7 **(11) DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION.** (a)
8 This compact shall come into effect on the date on which this compact statute is
9 enacted into law in the seventh participating state.

10 1. On or after the effective date of the compact, the commission shall convene
11 and review the enactment of each of the states that enacted the compact prior to the
12 commission convening ("charter participating states") to determine if the statute
13 enacted by each such charter participating state is materially different than the
14 model compact.

15 a. A charter participating state whose enactment is found to be materially
16 different from the model compact shall be entitled to the default process set forth in
17 sub. (10) (b).

18 b. If any participating state later withdraws from the compact or its
19 participation is terminated, the commission shall remain in existence and the
20 compact shall remain in effect even if the number of participating states should be
21 less than seven. Participating states enacting the compact subsequent to the
22 commission convening shall be subject to the process set forth in sub. (7) (c) 21. to
23 determine if their enactments are materially different from the model compact and
24 whether they qualify for participation in the compact.

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1 2. Participating states enacting the compact subsequent to the seven initial
2 charter participating states shall be subject to the process set forth in sub. (7) (c) 21.
3 to determine if their enactments are materially different from the model compact
4 and whether they qualify for participation in the compact.

5 3. All actions taken for the benefit of the commission or in furtherance of the
6 purposes of the administration of the compact prior to the effective date of the
7 compact or the commission coming into existence shall be considered to be actions
8 of the commission unless specifically repudiated by the commission.

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

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

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

23 2. Withdrawal shall not affect the continuing requirement of the state licensing
24 board(s) of the withdrawing state to comply with the investigative, and adverse

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1 action reporting requirements of this compact prior to the effective date of
2 withdrawal.

3 3. Upon the enactment of a statute withdrawing a state from this compact, the
4 state shall immediately provide notice of such withdrawal to all licensees within that
5 state. Such withdrawing state shall continue to recognize all licenses granted
6 pursuant to this compact for a minimum of one hundred eighty (180) days after the
7 date of such notice of withdrawal.

8 (d) Nothing contained in this compact shall be construed to invalidate or
9 prevent any PA licensure agreement or other cooperative arrangement between
10 participating states and between a participating state and nonparticipating state
11 that does not conflict with the provisions of this compact.

12 (e) This compact may be amended by the participating states. No amendment
13 to this compact shall become effective and binding upon any participating state until
14 it is enacted materially in the same manner into the laws of all participating states
15 as determined by the commission.

16 **(12) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the commission's
17 rule-making authority shall be liberally construed so as to effectuate the purposes,
18 and the implementation and administration of the compact. Provisions of the
19 compact expressly authorizing or requiring the promulgation of rules shall not be
20 construed to limit the commission's rule-making authority solely for those purposes.

21 (b) The provisions of this compact shall be severable and if any phrase, clause,
22 sentence or provision of this compact is held by a court of competent jurisdiction to
23 be contrary to the constitution of any participating state, a state seeking
24 participation in the compact, or of the United States, or the applicability thereof to
25 any government, agency, person or circumstance is held to be unconstitutional by a

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

4 (c) Notwithstanding par. (b) or this subsection, the commission may deny a
5 state's participation in the compact or, in accordance with the requirements of sub.
6 (10) (b), terminate a participating state's participation in the compact, if it
7 determines that a constitutional requirement of a participating state is, or would be
8 with respect to a state seeking to participate in the compact, a material departure
9 from the compact. Otherwise, if this compact shall be held to be contrary to the
10 constitution of any participating state, the compact shall remain in full force and
11 effect as to the remaining participating states and in full force and effect as to the
12 participating state affected as to all severable matters.

13 **(13) BINDING EFFECT OF COMPACT.** (a) Nothing herein prevents the enforcement
14 of any other law of a participating state that is not inconsistent with this compact.

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

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

19 **448.9885 Implementation of the PA licensure compact.** (1) In this
20 section:

21 (a) "Board" means the physician assistant affiliated credentialing board.

22 (b) "Compact" means the PA licensure compact under s. 448.988.

23 (c) "Compact privilege" means a compact privilege, as defined in s. 448.988 (2)
24 (b), that is granted under the compact to an individual to practice in this state.

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1 **(2)** The department may impose a fee for an individual to receive a compact
2 privilege as provided in s. 448.988 (3) (b).

3 **(3)** (a) An individual who holds a compact privilege shall comply with s. 440.03
4 (13) (am).

5 (b) Subject to s. 448.988 and any rules promulgated thereunder, ss. 440.20 to
6 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
7 holds a compact privilege in the same manner that they apply to holders of licenses
8 issued under subch. IX.

9 **SECTION 41.** 450.10 (3) (a) 5. of the statutes, as affected by 2021 Wisconsin Act
10 251, is amended to read:

11 450.10 **(3)** (a) 5. A physician, physician assistant, podiatrist, physical
12 therapist, physical therapist assistant, occupational therapist, occupational therapy
13 assistant, or genetic counselor licensed under ch. 448, a physical therapist or
14 physical therapist assistant who holds a compact privilege under subch. XI of ch. 448,
15 ~~or~~ an occupational therapist or occupational therapy assistant who holds a compact
16 privilege under subch. XII of ch. 448, or a physician assistant who holds a compact
17 privilege under subch. XIII of ch. 448.

18 **SECTION 42.** 462.02 (2) (e) of the statutes is amended to read:

19 462.02 **(2)** (e) A physician assistant licensed ~~under s. 448.974.~~

20 **SECTION 43.** 462.04 of the statutes, as affected by 2021 Wisconsin Act 251, is
21 amended to read:

22 **462.04 Prescription or order required.** A person who holds a license or
23 limited X-ray machine operator permit under this chapter may not use diagnostic
24 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
25 prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic

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1 doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a podiatrist
2 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced
3 practice nurse certified under s. 441.16 (2), a physician assistant who is licensed
4 under s. 448.974 or who holds a compact privilege under subch. XIII of ch. 448, or,
5 subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who
6 holds a compact privilege under subch. XI of ch. 448.

7 **SECTION 44.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

8 895.48 **(1m)** (a) (intro.) Except as provided in par. (b), any physician,
9 ~~naturopathic doctor, physician assistant,~~ podiatrist, or athletic trainer licensed
10 under ch. 448, physician assistant who is licensed under subch. IX of ch. 448 or who
11 holds a compact privilege under subch. XIII of ch. 448, chiropractor licensed under
12 ch. 446, dentist licensed under ch. 447, emergency medical services practitioner
13 licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8),
14 registered nurse licensed under ch. 441, ~~or a~~ massage therapist or bodywork
15 therapist licensed under ch. 460, or naturopathic doctor licensed under ch. 466 who
16 renders voluntary health care to a participant in an athletic event or contest
17 sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school,
18 as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public
19 agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is
20 immune from civil liability for his or her acts or omissions in rendering that care if
21 all of the following conditions exist:

22 **SECTION 45.** 971.14 (4) (a) of the statutes is amended to read:

23 971.14 **(4)** (a) The court shall cause copies of the report to be delivered forthwith
24 to the district attorney and the defense counsel, or the defendant personally if not
25 represented by counsel. Upon the request of the sheriff or jailer charged with care

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1 and control of the jail in which the defendant is being held pending or during a trial
2 or sentencing proceeding, the court shall cause a copy of the report to be delivered
3 to the sheriff or jailer. The sheriff or jailer may provide a copy of the report to the
4 person who is responsible for maintaining medical records for inmates of the jail, or
5 to a nurse licensed under ch. 441, to a physician licensed under subch. II of ch. 448,
6 or to a physician assistant licensed under subch. IX of ch. 448 who is a health care
7 provider for the defendant or who is responsible for providing health care services
8 to inmates of the jail. The report shall not be otherwise disclosed prior to the hearing
9 under this subsection.

10 **SECTION 46.** 971.14 (4) (a) of the statutes is amended to read:

11 971.14 (4) (a) The court shall cause copies of the report to be delivered forthwith
12 to the district attorney and the defense counsel, or the defendant personally if not
13 represented by counsel. Upon the request of the sheriff or jailer charged with care
14 and control of the jail in which the defendant is being held pending or during a trial
15 or sentencing proceeding, the court shall cause a copy of the report to be delivered
16 to the sheriff or jailer. The sheriff or jailer may provide a copy of the report to the
17 person who is responsible for maintaining medical records for inmates of the jail, or
18 to a nurse licensed under ch. 441, to a physician licensed under subch. II of ch. 448,
19 or to a physician assistant licensed under subch. IX of ch. 448 who is a health care
20 provider for the defendant or who is responsible for providing health care services
21 to inmates of the jail. The report shall not be otherwise disclosed prior to the hearing
22 under this subsection.

23 **SECTION 47.** 990.01 (27s) of the statutes is amended to read:

