

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 10

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

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE
PHYSICIAN ASSISTANT LICENSURE INTERSTATE COMPACT; AMENDING THE
MEDICAL PRACTICE ACT TO PROVIDE FOR STATE AND FEDERAL CRIMINAL
HISTORY BACKGROUND CHECKS.

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

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

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

SECTION 3. [NEW MATERIAL] PURPOSE.--In order to
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underscored material = new
[bracketed material] = delete

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

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1 license in good standing from a participating state.

2 SECTION 4. [NEW MATERIAL] DEFINITIONS.--As used in the
3 Physician Assistant Licensure Interstate Compact:

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

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

15 C. "compact" means the Physician Assistant
16 Licensure Interstate Compact;

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

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

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1 charge by the offender;

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

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

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

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

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

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

25 L. "license" means current authorization by a

1 state, other than authorization pursuant to a compact
2 privilege, for a physician assistant to provide medical
3 services that would be unlawful without current authorization;

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

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

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

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

18 Q. "participating state" means a state that has
19 enacted this compact;

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

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provisions of this compact at the time of its enactment;

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

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

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

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

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

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

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

- (1) license physician assistants;
- (2) participate in the commission's data system;
- (3) have a mechanism in place for receiving

1 and investigating complaints against licensees and license
2 applicants;

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

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

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

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

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

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

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

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

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

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

(3) have no felony or misdemeanor conviction;

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

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

(6) hold a qualifying license;

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

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

(9) notify the compact commission that the

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1 licensee is seeking the compact privilege in a remote state;

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

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

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

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

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

23 C. Once a restricted or limited license satisfies
24 the requirements of Subsection B of this section, the licensee
25 shall meet the requirements of Subsection A of this section to

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1 re-obtain a compact privilege in any remote state.

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

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

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

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

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1 B. when applying for a compact privilege, the
2 licensee is required to consent to accept service of process by
3 mail at the licensee's primary residence on file with the
4 commission with respect to any action brought, or investigation
5 conducted, by the commission or a participating state,
6 including a subpoena.

7 **SECTION 8. [NEW MATERIAL] ADVERSE ACTIONS.--**

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

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

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

21 (2) issue subpoenas for hearings and
22 investigations that require the attendance and testimony of
23 witnesses as well as the production of evidence. Subpoenas
24 issued by a licensing board in a participating state for the
25 attendance and testimony of witnesses or the production of

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

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

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

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1 shall apply the state's own laws to determine appropriate
2 action.

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

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

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

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

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1 physician assistant's license shall include a statement that
2 the physician assistant's compact privilege is deactivated in
3 all participating states during the pendency of the order.

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

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

13 SECTION 9. [NEW MATERIAL] PHYSICIAN ASSISTANT LICENSURE
14 COMPACT COMMISSION.--

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

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

25 (1) each participating state shall have and be

1 limited to one delegate selected by that participating state's
2 licensing board or, if the state has more than one licensing
3 board, selected collectively by the participating state's
4 licensing boards;

5 (2) a delegate shall be either:

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

9 (b) an administrator of a licensing
10 board;

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

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

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

25 (6) the commission shall meet at least once

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1 per each calendar year. Additional meetings shall be held as
2 set forth in this compact and the commission's bylaws; and

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

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

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

8 (2) establish the fiscal year of the
9 commission;

10 (3) establish fees;

11 (4) establish bylaws;

12 (5) maintain the commission's financial
13 records in accordance with the commission's bylaws;

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

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

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

25 (9) purchase and maintain insurance and bonds;

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

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

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

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

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

22 (15) establish a budget and make expenditures;

23 (16) borrow money;

24 (17) appoint committees, including standing
25 committees composed of members, state regulators, state

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1 legislators or their representatives, consumer representatives
2 and other interested persons as may be designated in this
3 compact and the commission's bylaws;

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

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

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

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

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

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

23 D. Meetings of the commission shall proceed as
24 follows:

25 (1) all meetings of the commission that are

1 not closed pursuant to this subsection shall be open to the
2 public. Notice of public meetings shall be posted on the
3 commission's website at least thirty days prior to the public
4 meeting;

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

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

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

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

21 (c) current, threatened or reasonably
22 anticipated litigation;

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

25 (e) accusing any person of a crime or

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1 formally censuring any person;

2 (f) disclosure of trade secrets or
3 commercial or financial information that is privileged or
4 confidential;

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

8 (h) disclosure of investigative records
9 compiled for law enforcement purposes;

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

15 (j) legal advice; or

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

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

23 (5) the commission shall keep minutes that
24 fully and clearly describe all matters discussed in a meeting
25 and shall provide a full and accurate summary of actions taken,

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1 including a description of the views expressed. All documents
2 considered in connection with an action shall be identified in
3 the minutes. All minutes and documents of a closed meeting
4 shall remain under seal, subject to release by a majority vote
5 of the commission or order of a court of competent
6 jurisdiction.

7 E. The commission shall be financed as follows:

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

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

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

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

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

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

24 F. The executive committee shall function as
25 follows:

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

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

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

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

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

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

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

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

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

23 (a) recommending to the commission
24 changes to the commission's rules or bylaws, changes to the
25 compact legislation, fees to be paid by participating states,

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1 such as annual dues, and any commission fee charged to
2 licensees for a compact privilege;

3 (b) ensuring compact administration
4 services are appropriately provided, contractual or otherwise;

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

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

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

12 (f) establishing additional committees
13 as necessary;

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

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

22 (7) all meetings of the executive committee at
23 which the executive committee votes or plans to vote on matters
24 of exercising the powers and duties of the commission shall be
25 open to the public, and public notice of such meetings shall be

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1 given in the same manner as notice of public meetings; and

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

8 G. With respect to qualified immunity, defense and
9 indemnification:

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

25 (2) the liability of the commission within any

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1 member state may not exceed the limits of liability set forth
2 under the constitution and laws of that state for state
3 officials, employees and agents. The commission is considered
4 to be an instrumentality of the states for the purpose of any
5 such action;

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

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

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1 responsibilities, or that the person had a reasonable basis for
2 believing occurred within the scope of commission employment,
3 duties or responsibilities; provided that the actual or alleged
4 act, error or omission did not result from the intentional or
5 willful or wanton misconduct of that person;

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

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

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

22 (8) nothing in this compact shall be
23 interpreted to waive or otherwise abrogate a participating
24 state's state action immunity or state action affirmative
25 defense with respect to antitrust claims under the federal

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1 Sherman Act, as amended, the federal Clayton Act, as amended,
2 or any other state or federal antitrust or anticompetitive law
3 or regulation; and

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

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

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

14 B. Notwithstanding any other state law to the
15 contrary, a participating state shall submit a uniform data set
16 to the data system on all physician assistants to whom this
17 compact is applicable, using a unique identifier, as required
18 by the rules of the commission, including:

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

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1 (5) the existence of significant investigative
2 information; and

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

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

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

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

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

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1 G. Any information submitted to the data system
2 that is subsequently expunged pursuant to federal law or the
3 laws of the participating state contributing the information
4 shall be removed from the data system upon reporting of the
5 expungement by the participating state to the commission.

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

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

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

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

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1 authority in a manner that is beyond the scope of the purposes
2 of or the powers granted by this compact or based upon another
3 applicable standard of review.

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

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

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

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

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

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

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

7 G. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

1 the electronic hearing.

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

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

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

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

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

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

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1 purpose of the proposed rule.

2 P. The commission shall provide on the commission's
3 website an explanation of the reasons for substantive changes
4 made to a proposed rule as well as reasons for substantive
5 changes not made that were recommended by commenters.

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

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

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

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

25 (3) meet a deadline for the promulgation of a

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1 commission rule that is established by federal law or rule; or

2 (4) protect public health and safety.

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

18 T. No participating state's rulemaking requirements
19 shall apply under this compact.

20 SECTION 12. [NEW MATERIAL] OVERSIGHT--DISPUTE
21 RESOLUTION--ENFORCEMENT.--

22 A. The executive and judicial branches of
23 government in each participating state shall enforce this
24 compact and take all actions necessary and appropriate to
25 implement the compact. The provisions of this compact and the

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1 rules promulgated pursuant to this compact shall have standing
2 as law but shall not override existing state authority to
3 regulate the practice of physician assistants.

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

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

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

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1 render a judgment or order void as to the commission, this
2 compact or commission rules.

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

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

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

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1 participating states.

2 H. A state that has been terminated is responsible
3 for all assessments, obligations and liabilities incurred
4 through the effective date of termination, including
5 obligations that extend beyond the effective date of
6 termination.

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

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

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

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

25 (2) are licensed in that state who have been

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

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

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

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1 reasonable attorney fees.

2 N. The remedies provided in this compact shall not
3 be the exclusive remedies of the commission. The commission
4 may pursue any other remedies available under federal or state
5 law.

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

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

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

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

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1 different than the model compact.

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

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

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

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1 repudiated by the commission.

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

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

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

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1 shall not be affected.

2 I. Withdrawal of a participating state shall not
3 affect the continuing requirement of the state licensing board
4 or boards of the withdrawing state to comply with the
5 investigative and adverse action reporting requirements of the
6 compact prior to the effective date of withdrawal.

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

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

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

25 SECTION 14. [NEW MATERIAL] CONSTRUCTION AND

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1 SEVERABILITY.--

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

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

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

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1 seeking to participate in the compact, a material departure
2 from the compact. Otherwise, if this compact shall be held to
3 be contrary to the constitution of any participating state, the
4 compact shall remain in full force and effect as to the
5 remaining participating states and in full force and effect as
6 to the participating state affected as to all severable
7 matters.

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

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

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

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

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

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

24 "[NEW MATERIAL] PARTICIPATION IN PHYSICIAN ASSISTANT
25 LICENSURE INTERSTATE COMPACT AS CONDITION OF EMPLOYMENT

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1 PROHIBITED.--An employer shall not require a physician
2 assistant licensed in this state pursuant to the Physician
3 Assistant Act to seek licensure through the Physician Assistant
4 Licensure Interstate Compact as a condition of initial or
5 continued employment as a physician assistant in this state.
6 An employer may require that a physician assistant obtain and
7 maintain a license to practice as a physician assistant in
8 multiple states if the physician assistant is free to obtain
9 and maintain the licenses by any means authorized by the laws
10 of the respective states."

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

13 "[NEW MATERIAL] PHYSICIAN ASSISTANT LICENSURE COMPACT
14 COMMISSION--COMMISSIONER DUTIES.--

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

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1 B. Any time the physician assistant licensure
2 compact commission is voting on what to include in the
3 commission's minutes, commissioners appointed to represent New
4 Mexico on the commission shall vote to include in the minutes:

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

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

11 **SECTION 18.** A new section of the Physician Assistant Act
12 is enacted to read:

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

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

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

21 C. any minutes or documents of the physician
22 assistant licensure compact commission that are released
23 pursuant to a vote of the commission. All minutes and
24 documents of a closed meeting of the physician assistant
25 licensure compact commission shall remain under seal, subject

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1 to release by a majority vote of the commission or an order of
2 a court of competent jurisdiction."

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

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

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

17 "61-6-5. MEDICAL BOARD DUTIES AND POWERS.--The board
18 shall:

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

25 B. promulgate, in accordance with the State Rules

1 Act, all rules for the implementation and enforcement of the
2 provisions of the Medical Practice Act, the Physician Assistant
3 Act, the Anesthesiologist Assistants Act, the Genetic
4 Counseling Act, the Impaired Health Care Provider Act, the
5 Polysomnography Practice Act, the Naturopathic Doctors'
6 Practice Act, the Podiatry Act and the Naprapathic Practice
7 Act;

8 C. adopt and use a seal;

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

11 E. take testimony on matters within the board's
12 jurisdiction;

13 F. keep an accurate record of all its meetings,
14 receipts and disbursements;

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

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

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

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

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

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

16 M. establish committees as it deems necessary for
17 carrying on its business;

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

21 O. establish and maintain rules related to the
22 management of pain based on review of national standards for
23 pain management; ~~[and]~~

24 P. have the authority to waive licensure fees for
25 the purpose of the recruitment and retention of health care

1 practitioners over which the board has authority;

2 Q. prescribe procedures, forms and the manner of
3 submitting an applicant's full set of fingerprints for state
4 and federal criminal history background reports that the board
5 uses to evaluate the applicant's qualification for licensure;
6 and

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

15 SECTION 21. CONTINGENT REPEAL.--

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

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1 rule or decision at issue under this subsection shall have
2 standing to seek a determination by the district court.

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

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

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

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