

§18536. Adverse actions

1. Participating state authority. A participating state in which a licensee is licensed has exclusive power to impose an adverse action against the qualifying license issued by that participating state. [PL 2023, c. 670, §1 (NEW).]

2. Remote state authority. In addition to the other powers conferred by state law, a remote state has the authority, in accordance with existing state due process law, to:

A. Take adverse action against a physician assistant's compact privilege within that state to remove a licensee's compact privilege or take any other action necessary under applicable law to protect the health and safety of its citizens; and [PL 2023, c. 670, §1 (NEW).]

B. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state must be enforced in the other state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence is located. [PL 2023, c. 670, §1 (NEW).]

[PL 2023, c. 670, §1 (NEW).]

3. Lawful conduct; subpoenas. Notwithstanding subsection 2, subpoenas may not be issued by a participating 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 licensee's compact privilege or application for a compact privilege in that participating state.

[PL 2023, c. 670, §1 (NEW).]

4. Lawful conduct; disciplinary action. Nothing in this compact authorizes a participating state to impose discipline against a physician assistant's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

[PL 2023, c. 670, §1 (NEW).]

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

[PL 2023, c. 670, §1 (NEW).]

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

[PL 2023, c. 670, §1 (NEW).]

7. Remote state findings. A participating state may take adverse action based on the factual findings of a remote state as long as the participating state follows its own procedures for taking the adverse action.

[PL 2023, c. 670, §1 (NEW).]

8. Joint investigations. In addition to the authority granted to a participating state by its respective state physician assistant laws or regulations or other applicable state law, any participating state may participate with other participating states in a joint investigation of a licensee.

Participating states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

[PL 2023, c. 670, §1 (NEW).]

9. Deactivation. If adverse action is taken against a physician assistant's qualifying license, the physician assistant's compact privilege in all remote states must be deactivated until 2 years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state that has issued the physician assistant's qualifying license that impose adverse action against the physician assistant's license must include a statement that the physician assistant's compact privilege is deactivated in all participating states during the pendency of the order.

[PL 2023, c. 670, §1 (NEW).]

10. Notification. If a participating state takes adverse action, it shall promptly notify the administrator of the commission's data system.

[PL 2023, c. 670, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 670, §1 (NEW).

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