

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 126

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 126, as amended, would enact the Physician Assistant Licensure Compact (Compact). The Compact's uniform provisions are outlined below.

Purpose (Section 1)

The purpose of the Compact would be to facilitate the interstate practice of physician assistants (PAs) with the goal of improving public access to medical services and achieve a number of objectives that reduce administrative burden while increasing availability of licensed PAs as well as cooperation among member state licensing bodies.

The Compact would preserve the regulatory authority of states to safeguard the safety of patients through the current system of state licensure while also providing license portability for qualifying professionals.

The Compact would allow active duty military personnel or their spouses to obtain a compact privilege by having an unrestricted license in good standing from a participating state.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Definitions (Section 2)

The Compact would define various terms used throughout the Compact, including:

- “Compact privilege” would mean the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in a remote state under the remote state’s laws and regulations; and
- “PA” would mean an individual who is licensed as a PA in a state. For purposes of this compact, any other title or status adopted by a state to replace the term “physician assistant” shall be deemed synonymous with “physician assistant” and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at its time of its enactment.

State Participation in the Compact (Section 3)

The Compact would require member states to:

- License PAs;
- Participate in the Compact Commission’s (Commission) data system;
- Have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;
- Notify the Commission of adverse actions and the existence of significant investigative information regarding a licensee or applicant for licensure;
- Implement and report a criminal background check, which would include the submission of fingerprints

or other biometric-based information, per the Commission;

- Comply with the rules of the Commission;
- Utilize passage of a recognized national examination as a requirement for PA licensure; and
- Grant the compact privilege to a qualifying licensee in a participating state.

The Compact would authorize member states to charge a fee for granting a Compact privilege.

Compact Privilege (Section 4)

The Compact would require PAs to meet certain educational, credentialing, criminal history, and controlled substances license, permit, or registration criteria to exercise Compact privileges. The bill would align Compact privilege with the underlying license adverse actions limitations or restrictions unless a participating state does not have the same basis for disciplinary action, and the participating state would have the ability to exercise their discretion not to consider such action as an adverse action requiring denial or removal of a Compact privilege.

Designation of the State from which the Licensee is Applying for Compact Privilege (Section 5)

The Compact would require a licensee to designate their home state and the primary residential address to be used for service of process by mail. The Compact would require a licensee to consent to service of process by mail.

Adverse Actions (Section 6)

The Compact would allow a member state to take adverse action against an licensee's Compact privilege in such member state and to issue subpoenas, except that a subpoena could not be issued to gather evidence of conduct that is lawful in another state for the purpose of taking adverse action in the home state. Only the licensee's home state would have the power to take adverse action against the license issued by the home state. However, a member state would have the authority to take adverse action to remove a compact privilege or to protect the health and safety of its citizens.

Member states would be permitted to recover costs of investigations or dispositions if permitted by their state law. The Compact would authorize joint investigations by member states of licensees. The Compact would require that a Compact privilege would be deactivated until two years have elapsed after all restrictions have been removed from a state license that has had adverse action taken. Member states would have to report promptly any adverse action to the data system.

Establishment of the PA Licensure Compact Commission (Section 7)

The Compact would create the Commission and include provisions relating to membership, voting, powers and duties, and financing of the Commission. The Compact would establish the Executive Committee, which would have the power to act on behalf of the Commission according to the terms of the Compact.

The Compact would provide for the Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The Commission would be authorized to levy and collect an annual assessment from each member state and impose fines on licensees of member

states to cover the cost of operations. The Compact would require the Commission to establish a code of ethics for the Commission, adopt an annual report, including a financial review, and provide the report to member states.

The Compact would provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of Commission employment, duties, or responsibilities. The protections would not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Compact would not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems (Section 8)

The Compact would require the Commission to develop, maintain, operate, and utilize a coordinated data system. The Compact would govern how the information would be provided to the data system by member states and the use of the data by member states, as well as its designation of information that could not be shared with the public without the express permission of the contributing state. The Compact would also require removal of expunged information from the data system.

Rulemaking (Section 9)

The Compact would authorize the Commission to exercise rulemaking powers. The bill would require notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Commission will consider such rules. Additionally, the Commission would be required to provide notice of the public hearing and provide access to the meeting and record all hearings. The Compact would state a majority of legislatures of the member states could reject a rule by enactment of a

statute or resolution within four years of adoption of the rule. The Compact would also provide for emergency rulemaking procedures.

***Oversight, Dispute Resolution, and Enforcement
(Section 10)***

The Compact would provide that the executive and judicial branches in each member state would enforce and implement the Compact. The Compact would establish judicial venue and service of process for the Commission. The Compact would also establish a process to be followed by member states regarding default, requesting technical assistance, or termination from the Compact. The Compact would require the Commission, upon member request, to attempt to resolve disputes arising among member states and between member states and non-member states. In addition, the Commission would be authorized to enforce the provisions of the Compact, and, by majority vote, could initiate legal action in federal court against a member state in default.

Effective Date, Withdrawal, and Amendment (Section 11)

The Compact would be effective on the date on which the Compact statute is enacted into law in the seventh member state. Any member state would be allowed to withdraw from the Compact by enacting a statute that would repeal the Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Compact would not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the Compact. [Note: As of May 2024, the Compact met the threshold of seven states participating. It is projected that in

early 2026, the Compact Commission will begin granting Compact privileges to practice.]

Construction and Severability (Section 12)

The Compact would state the Compact and the Commission's rulemaking authority shall be liberally construed, and the provisions of the Compact would be severable.

Binding Effect of Compact (Section 13)

The Compact would not prevent the enforcement of any other law of a member state not inconsistent with the Compact. Laws in conflict with the Compact would be superseded to the extent of the conflict, and all lawful actions of the Commission would be binding upon member states.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of a representative on behalf of Kansas Academy of Physician Assistants.

[*Note:* A companion bill, HB 2219, has been introduced in the House.]

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Academy of Physician Associates, Kansas Adjutant General's Department, Kansas Chamber, and U.S. Department of Defense. The proponent conferees noted the portability of licensing across states for the profession as well as assisting military families in their relocations.

No other testimony was provided.

The Senate Committee amended the bill to insert language regarding the review of criminal background checks by the licensing board receiving it and another technical change.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, as introduced, the State Board of Healing Arts states enactment of the bill would increase agency fee fund expenditures by \$65,500 beginning in FY 2025, which would include \$55,000 for 1.0 licensing staff position. The agency also estimates \$8,000 to \$10,000 for office and computer expenses. Most of the expenses would be ongoing. The agency reports this position would be necessary as the bill includes new requirements for the agency with set timelines for completion of tasks.

The agency reports they have absorbed costs for similar requirements in the past but are now at capacity and cannot continue to do so. The agency states PAs that participate in the Compact would continue to pay a state fee for their license but there is no mechanism to measure the number of licensees that would utilize the Compact for a Kansas license.

The Compact would allow for the Compact Commission to levy fees for participating states; however, the agency notes the Compact would be new and not fully active at this time so it is unclear if states would be charged and what the fee would be.

Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Physician assistants; Physician Assistant Licensure Compact; health; health care; licensing; Board of Healing Arts