

STATE OF WISCONSIN
PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING : NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE : FOR COMMENTS FOR THE
PHYSICIAN ASSISTANT AFFILIATED : ECONOMIC IMPACT ANALYSIS
CREDENTIALING BOARD :

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Physician Assistant Affiliated Credentialing Board relating to Definitions, including how this proposed rule may affect businesses, local government units, and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Nilajah Hardin, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708-8366
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is April 8, 2025.

PROPOSED ORDER

An order of the Physician Assistant Affiliated Credentialing Board to create PA 1.02 (2e), (2m), and (10), and 2.015, and amend PA 2.07 (intro.), 3.03 (1) (intro.), 4.01 (1) (c), (2) (a) and (m), relating to Implementation of the Physician Assistant Licensure Compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 448.973 (1) (c) 1 and 448.974 (1m), Stats.

Statutory authority: ss. 15.085 (5) (b) and 448.973 (1), Stats.

Explanation of agency authority:

Section 15.085 (5) (b) states that “[each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trader or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.973 (1) states that: “

- (a) The board shall promulgate rules implementing s. 448.9785.
- (b) The board shall promulgate rules establishing continuing education requirements for physician assistants.
- (c) The board may promulgate other rules to carry out the purposes of this subchapter, including any of the following
 1. Rules defining what constitutes unprofessional conduct for physician assistants for purposes of s. 448.978 (2) (d).
 2. Rules under s. 448.977 (2).”

Section 448.9885 (3) (b) as quoted in 2023 Wisconsin Act 81, states: “Subject to s. 448.988 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who holds a compact privilege in the same manner that they apply to holders of licenses issued under subch. IX.”

Related statute or rule: None.

Plain language analysis:

The proposed rule implements 2023 Wisconsin Act 81 by making the following changes to the Wisconsin Administrative Code:

- Creates definitions for “compact,” “compact privilege,” and “qualifying license” in PA 1.02.
- Creates a list of requirements for compact privilege in PA 2.015.
- Amends PA 2.07, 3.03, and 4.01 to include compact privilege.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: None.

Comparison with rules in adjacent states:

Illinois: Illinois is not a member of the Physician Assistant Licensure Compact. [225 Illinois Compiled Statutes 95].

Iowa: Iowa is not a member of the Physician Assistant Licensure Compact [Iowa Code ch. 148C].

Michigan: House Bill 5117 of 2023, which includes legislation for the Physician Assistant Licensure Compact, was introduced in the Michigan legislature and referred to the Committee on Health Policy in October 202. No further action has been taken [Michigan Compiled Laws ss. 333.17001 to 333.17084].

Minnesota: Minnesota is a member of the Physician Assistant Licensure Compact [Minnesota Statutes ch. 147A].

Summary of factual data and analytical methodologies:

The Board reviewed 2023 Wisconsin Act 81 and made changes to the Wisconsin Administrative Code accordingly.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PA 1.01 (2e), (2m), and (10) are created to read:

PA 1.02 (2e) “Compact” means the physician assistant licensure compact under s. 448.988, Stats.

(2m) “Compact Privilege” has the meaning given in s. 448.988 (2) (b), Stats.

(10) “Qualifying license” has the meaning given in s. 448.988 (2) (r), Stats.

SECTION 2. PA 2.015 is created to read:

PA 2.015 Compact privilege. Every applicant for compact privilege shall meet all of the following requirements:

(1) Hold a qualifying license in another state that is a party to the compact.

(2) Satisfy all requirements under s. 448.988 (4), Stats.

(3) Complete the compact application process.

(4) Pay the fee specified in s. 448.9885 (2), Stats.

Note: Application instructions for compact privilege may be obtained from the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

SECTION 3. PA 2.07 (intro.) is amended to read:

PA 2.07 Title protection. No person may designate himself or herself as a “physician assistant” or “physician associate” or use or assume the title “physician assistant” or “physician associate” or append to the person's name the words or letters “physician assistant”, “physician associate” or “P.A.” or any other titles, letters, or designation which represents or may tend to represent that person as a physician assistant or physician associate unless that person is a physician assistant licensed by the board or has compact privilege or a federally credentialed physician assistant or physician associate. This section does not apply to a person that meets the requirements under s. 448.974 (1) (a) 3., Stats., but who is not licensed under ss. 448.974 (1) or (1m), Stats.

SECTION 4. PA 3.03 (1) (intro.) is amended to read:

PA 3.03 (1) A physician assistant licensed or with compact privilege under ch. PA 2 may perform any of the following:

SECTION 5. PA 4.01 (1) (c), (2) (a) and (m) are created to read:

PA 4.01 (1) (c) Knowingly engaging in fraud or misrepresentation or dishonesty in applying, for or procuring a physician assistant license or compact privilege, or in connection with applying for or procuring periodic renewal of a physician assistant license, or in otherwise maintaining such licensure.

(2) (a) Practicing or attempting to practice under any license or compact privilege when unable to do so with reasonable skill and safety. A certified copy of an order issued by a court of competent jurisdiction finding that a person is mentally incompetent is conclusive evidence that the physician assistant was, for any period covered by the order, unable to practice with reasonable skill and safety.

(2) (m) Practicing as a physician assistant in another state or jurisdiction without appropriate licensure or compact privilege. A physician assistant has not violated this paragraph if, after issuing an order for services that complies with the laws of Wisconsin, their patient requests that the services ordered be provided in another state or jurisdiction.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
