

**STATE OF WISCONSIN
PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PHYSICIAN ASSISTANT AFFILIATED: CR 25-029
CREDENTIALING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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.

The proposed rule also amends PA 2.07 to align it with s. 448.972, Stats.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Physician Assistant Affiliated Credentialing Board (“Board”) held a public hearing on June 26, 2025. The following people either testified at the hearing, or submitted written comments:

- Jenna Brink, President, Wisconsin Academy of Physician Assistants (WAPA)

The Board summarizes the comments received either by hearing testimony or by written submission as follows:

- WAPA submitted written comments outlining their support for this rule and how it will impact the Physician Assistant profession in Wisconsin.

The Board did not make any modifications to its rule-making proposal based on public comments.

Pursuant to s. 15.085 (5) (b), Stats., the Medical Examining Board reviewed the proposed rule on April 17, 2024 and made no comments or recommendations.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 1a: “What is the fee contemplated in s. 448.9885 (2), Stats., and proposed s. PA 2.015 (4)? While the agency has the statutory authority to impose the fee outside the rulemaking process, pursuant to ss. 227.01 (13) (zx) and 440.03 (9), Stats., it would be useful for those statutes to be cited in the rule analysis along with the amount of the current fee imposed for an application for compact privilege.”

Response: The Board rejects this comment and would like to note that in addition to the compact fee being statutorily within the authority of the Department, the fee amount has not been established yet and is also subject to change at the discretion of the Department, which would require a rule project to adjust if the Board had added the exact fee amount to the Administrative Code.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHYSICIAN ASSISTANT AFFILIATED
PHYSICIAN ASSISTANT AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 25-029)

PROPOSED ORDER

An order of the Physician Assistant Affiliated Credentialing Board to amend PA 2.07 (intro.), 3.03 (1) (intro.), 4.01 (1) (c), (2) (a) and (m), and create PA 1.02 (2e), (2m), and (10), and 2.015, 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, 448.974 (1m), and 448.9885 (3) (b), Stats.

Statutory authority: ss. 15.085 (5) (b), 448.972 (2), 448.973 (1), and 448.9885 (3) (b), 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 448.972 (2) states that: “(2) Subsection (1) does not apply with respect to any of the following:

- (a) An individual employed and duly credentialed as a physician assistant or physician associated by the federal government while performing duties incident to that employment, unless a license under this chapter is required by the federal government.

- (b) A person who satisfies the requirement under s. 448.974 (1) (a) 3. but who is not licensed under this subchapter. This paragraph does not allow such a person to practice medicine and surgery in violation of s. 448.03 (1) (a) or to practice podiatry in violation of s. 448.61.

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.

The proposed rule also amends PA 2.07 to align it with s. 448.972, Stats.

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 were 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. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

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.

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

(2) Complete the compact application process.

(3) 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 amended 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.

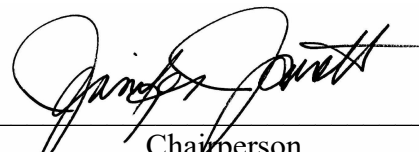
SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Physician Assistant Affiliated Credentialing Board is approved for submission to the Governor and Legislature.

Dated 9/10/2025

Agency


Chairperson
Physician Assistant Affiliated
Credentialing Board

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date April 11, 2025								
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) PA 1 to 4									
4. Subject Implementation of the Physician Assistant Licensure Compact									
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s.20.165 (1) (hg)								
7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	
<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs						
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget							
8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors	<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors								
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers								
<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)									
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0									
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
11. Policy Problem Addressed by the Rule The proposed rule implements 2023 Wisconsin Act 81 by making the following changes to the Wisconsin Administrative Code: <ul style="list-style-type: none">• 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.									
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.									
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.									
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$30,455.00 in one-time and \$43,600.00 in ongoing staffing costs to implement the rule. The estimated need for 0.7 limited term employee (LTE) is for updating forms and websites, training, and implementation. The estimated annual staffing need for a 0.4 full time employee (FTE) is for rules promulgation, implementation, processing applications, responding to inquires, as well as reviewing and investigating complaints. The one-time and annual estimated costs cannot be absorbed in the currently appropriated agency budget.									
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are that the Physician Assistant Affiliated Credentialing Board's section of the Administrative Code will be aligned with Wisconsin State Statutes.									
16. Long Range Implications of Implementing the Rule									

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

The long range implications of implementing this rule is clear requirements for practicing as a physician assistant in Wisconsin under compact privileges.

17. Compare With Approaches Being Used by Federal Government
None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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].

19. Contact Name	20. Contact Phone Number
Nilajah Hardin, Administrative Rules Coordinator	(608) 267-7139

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No
