

1 in common purpose to develop a comprehensive process that
2 complements the existing licensing and regulatory authority of
3 state medical boards, provides a streamlined process that allows
4 physicians to become licensed in multiple states, thereby
5 enhancing the portability of a medical license and ensuring the
6 safety of patients. The Compact creates another pathway for
7 licensure and does not otherwise change a state's existing
8 Medical Practice Act. The Compact also adopts the prevailing
9 standard for licensure and affirms that the practice of medicine
10 occurs where the patient is located at the time of the
11 physician-patient encounter, and therefore, requires the
12 physician to be under the jurisdiction of the state medical
13 board where the patient is located. State medical boards that
14 participate in the Compact retain the jurisdiction to impose an
15 adverse action against a license to practice medicine in that
16 state issued to a physician through the procedures in the
17 Compact.

18 SECTION 2. DEFINITIONS

19 In this compact:

- 20 a. "Bylaws" means those bylaws established by the
21 Interstate Commission pursuant to Section 11.



- 1 b. "Commissioner" means the voting representative
2 appointed by each member board pursuant to Section 11.
- 3 c. "Conviction" means a finding by a court that an
4 individual is guilty of a criminal offense through
5 adjudication, or entry of a plea of guilt or no
6 contest to the charge by the offender. Evidence of an
7 entry of a conviction of a criminal offense by the
8 court shall be considered final for purposes of
9 disciplinary action by a member board.
- 10 d. "Expedited License" means a full and unrestricted
11 medical license granted by a member state to an
12 eligible physician through the process set forth in
13 the Compact.
- 14 e. "Interstate Commission" means the interstate
15 commission created pursuant to Section 11.
- 16 f. "License" means authorization by a member state for a
17 physician to engage in the practice of medicine, which
18 would be unlawful without authorization.
- 19 g. "Medical Practice Act" means laws and regulations
20 governing the practice of allopathic and osteopathic
21 medicine within a member state.



- 1 h. "Member Board" means a state agency in a member state
2 that acts in the sovereign interests of the state by
3 protecting the public through licensure, regulation,
4 and education of physicians as directed by the state
5 government.
- 6 i. "Member State" means a state that has enacted the
7 Compact.
- 8 j. "Practice of Medicine" means that clinical prevention,
9 diagnosis, or treatment of human disease, injury, or
10 condition requiring a physician to obtain and maintain
11 a license in compliance with the Medical Practice Act
12 of a member state.
- 13 k. "Physician" means any person who:
 - 14 1. Is a graduate of a medical school accredited by
15 the Liaison Committee on Medical Education, the
16 Commission on Osteopathic College Accreditation,
17 or a medical school listed in the International
18 Medical Education Directory or its equivalent;
 - 19 2. Passed each component of the United State Medical
20 Licensing Examination (USMLE) or the
21 Comprehensive Osteopathic Medical Licensing



- 1 Examination (COMLEX-USA) within three attempts,
2 or any of its predecessor examinations accepted
3 by a state medical board as an equivalent
4 examination for licensure purposes;
- 5 3. Successfully completed graduate medical education
6 approved by the Accreditation Council for
7 Graduate Medical Education or the American
8 Osteopathic Association;
- 9 4. Holds specialty certification or a time-unlimited
10 specialty certificate recognized by the American
11 Board of Medical Specialties or the American
12 Osteopathic Association's Bureau of Osteopathic
13 Specialists;
- 14 5. Possesses a full and unrestricted license to
15 engage in the practice of medicine issued by a
16 member board;
- 17 6. Has never been convicted, received adjudication,
18 deferred adjudication, community supervision, or
19 deferred disposition for any offense by a court
20 of appropriate jurisdiction;



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- 1 7. Has never held a license authorizing the practice
2 of medicine subjected to discipline by a
3 licensing agency in any state, federal, or
4 foreign jurisdiction, excluding any action
5 related to non-payment of fees related to a
6 license;
- 7 8. Has never had a controlled substance license or
8 permit suspended or revoked by a state or the
9 United States Drug Enforcement Administration;
10 and
- 11 9. Is not under active investigation by a licensing
12 agency or law enforcement authority in any state,
13 federal, or foreign jurisdiction.
- 14 1. "Offense" means a felony, gross misdemeanor, or crime
15 of moral turpitude.
- 16 m. "Rule" means a written statement by the Interstate
17 Commission promulgated pursuant to Section 12 of the
18 Compact that is of general applicability, implements,
19 interprets, or prescribes a policy or provision of the
20 Compact, or an organizational, procedural, or practice
21 requirement of the Interstate Commission, and has the



1 force and effect of statutory law in a member state,
2 and includes the amendment, repeal, or suspension of
3 an existing rule.

4 n. "State" means any state, commonwealth, district, or
5 territory of the United States.

6 o. "State of Principal License" means a member state
7 where a physician holds a license to practice medicine
8 and which has been designated as such by the physician
9 for purposes of registration and participation in the
10 Compact. "State of Principal License" means a member
11 state where a physician holds a license to practice
12 medicine and which has been designated as such by the
13 physician for purposes of registration and
14 participation in the Compact.

15 **SECTION 3. ELIGIBILITY**

16 a. A physician must meet the eligibility requirements as
17 defined in Section 2(k) to receive an expedited
18 license under the terms and provisions of the Compact.

19 b. A physician who does not meet the requirements of
20 Section 2(k) may obtain a license to practice medicine
21 in a member state if the individual complies with all



1 laws and requirements, other than the Compact,
2 relating to the issuance of a license to practice
3 medicine in that state.

4 **SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE**

5 a. A physician shall designate a member state as the
6 state of principal license for purposes of
7 registration for expedited licensure through the
8 Compact if the physician possesses a full and
9 unrestricted license to practice medicine in that
10 state, and the state is:

- 11 1. The state of principal residence for the
12 physician, or
- 13 2. The state where at least 25% of the practice of
14 medicine occurs, or
- 15 3. The location of the physician's employer, or
- 16 4. If no state qualifies under subsection (1),
17 subsection (2), or subsection (3), the state
18 designated as state of residence for purpose of
19 federal income tax.



1 b. A physician may redesignate a member state as state of
2 principal license at any time, as long as the state
3 meets the requirements of subsection (a).

4 c. The Interstate Commission is authorized to develop
5 rules to facilitate redesignation of another member
6 state as the state of principal license.

7 **SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE**

8 a. A physician seeking licensure through the Compact
9 shall file an application for an expedited license
10 with the member board of the state selected by the
11 physician as the state of principal license.

12 b. Upon receipt of an application for an expedited
13 license, the member board within the state selected as
14 the state of principal license shall evaluate whether
15 the physician is eligible for expedited licensure and
16 issue a letter of qualification, verifying or denying
17 the physician's eligibility, to the Interstate
18 Commission.

19 1. Static qualifications, which include verification
20 of medical education, graduate medical education,
21 results of any medical or licensing examination,



1 and other qualifications as determined by the
2 Interstate Commission through rule, shall not be
3 subject to additional primary source verification
4 where already primary source verified by the
5 state of principal license.

6 2. The member board within the state selected as the
7 state of principal license shall, in the course
8 of verifying eligibility, perform a criminal
9 background check of an applicant, including the
10 use of the results of fingerprint or other
11 biometric data checks compliant with the
12 requirements of the Federal Bureau of
13 Investigation, with the exception of federal
14 employees who have suitability determination in
15 accordance with 5 C.F.R. §731.202.

16 3. Appeal on the determination of eligibility shall
17 be made to the member state where the application
18 was filed and shall be subject to the law of that
19 state.

20 c. Upon verification in subsection (b), physicians
21 eligible for an expedited license shall complete the



1 registration process established by the Interstate
2 Commission to receive a license in a member state
3 selected pursuant to subsection (a), including the
4 payment of any applicable fees.

5 d. After receiving verification of eligibility under
6 subsection (b) and any fees under subsection (c), a
7 member board shall issue an expedited license to the
8 physician. This license shall authorize the physician
9 to practice medicine in the issuing state consistent
10 with the Medical Practice Act and all applicable laws
11 and regulations of the issuing member board and member
12 state.

13 e. An expedited license shall be valid for a period
14 consistent with the licensure period in the member
15 state and in the same manner as required for other
16 physicians holding a full and unrestricted license
17 within the member state.

18 f. An expedited license obtained through the Compact
19 shall be terminated if a physician fails to maintain a
20 license in the state of principal licensure for a non-



1 disciplinary reason, without redesignation of a new
2 state of principal licensure.

3 g. The Interstate Commission is authorized to develop
4 rules regarding the application process, including
5 payment of any applicable fees, and the issuance of an
6 expedited license.

7 **SECTION 6. FEES FOR EXPEDITED LICENSURE**

8 a. A member state issuing an expedited license
9 authorizing the practice of medicine in that state may
10 impose a fee for a license issued or renewed through
11 the Compact.

12 b. The Interstate Commission is authorized to develop
13 rules regarding fees for expedited licenses.

14 **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

15 a. A physician seeking to renew an expedited license
16 granted in a member state shall complete a renewal
17 process with the Interstate Commission if the
18 physician:

19 1. Maintains a full and unrestricted license in a
20 state of principal license;



- 1 2. Has not been convicted, received adjudication,
2 deferred adjudication, community supervision, or
3 deferred disposition for any offense by a court
4 of appropriate jurisdiction;
- 5 3. Has not had a license authorizing the practice of
6 medicine subject to discipline by a licensing
7 agency in any state, federal, or foreign
8 jurisdiction, excluding any action related to
9 non-payment of fees related to a license; and
- 10 4. Has not had a controlled substance license or
11 permit suspended or revoked by a state or the
12 United States Drug Enforcement Administration.
- 13 b. Physicians shall comply with all continuing
14 professional development or continuing medical
15 education requirements for renewal of a license issued
16 by a member state.
- 17 c. The Interstate Commission shall collect any renewal
18 fees charged for the renewal of a license and
19 distribute the fees to the applicable member board.



- 1 d. Upon receipt of any renewal fees collected in
- 2 subsection (c), a member board shall renew the
- 3 physician's license.
- 4 e. Physician information collected by the Interstate
- 5 Commission during the renewal process will be
- 6 distributed to all member boards.
- 7 f. The Interstate Commission is authorized to develop
- 8 rules to address renewal of licenses obtained through
- 9 the Compact.

10 **SECTION 8. COORDINATED INFORMATION SYSTEM**

- 11 a. The Interstate Commission shall establish a database
- 12 of all physicians licensed, or who have applied for
- 13 licensure, under Section 5.
- 14 b. Notwithstanding any other provision of law, member
- 15 boards shall report to the Interstate Commission any
- 16 public action or complaints against a licensed
- 17 physician who has applied or received an expedited
- 18 license through the Compact.
- 19 c. Member boards shall report disciplinary or
- 20 investigatory information determined as necessary and
- 21 proper by rule of the Interstate Commission.



- 1 d. Member boards may report any non-public complaint,
2 disciplinary, or investigatory information not
3 required by subsection (c) to the Interstate
4 Commission.
- 5 e. Member boards shall share complaint or disciplinary
6 information about a physician upon request of another
7 member board.
- 8 f. All information provided to the Interstate Commission
9 or distributed by member boards shall be confidential,
10 filed under seal, and used only for investigatory or
11 disciplinary matters.
- 12 g. The Interstate Commission is authorized to develop
13 rules for mandated or discretionary sharing of
14 information by member boards.

15 **SECTION 9. JOINT INVESTIGATIONS**

- 16 a. Licensure and disciplinary records of physicians are
17 deemed investigative.
- 18 b. In addition to the authority granted to a member board
19 by its respective Medical Practice Act or other
20 applicable state law, a member board may participate



1 with other member boards in joint investigations of
2 physicians licensed by the member boards.

3 c. A subpoena issued by a member state shall be
4 enforceable in other member states.

5 d. Member boards may share any investigative, litigation,
6 or compliance materials in furtherance of any joint or
7 individual investigation initiate under the Compact.

8 e. Any member state may investigate actual or alleged
9 violations of the statutes authorizing the practice of
10 medicine in any other member state in which a
11 physician holds a license to practice medicine.

12 **SECTION 10. DISCIPLINARY ACTIONS**

13 a. Any disciplinary action taken by any member board
14 against a physician licensed through the Compact shall
15 be deemed unprofessional conduct which may be subject
16 to discipline by other member boards, in addition to
17 any violation of the Medical Practice Act or
18 regulations in that state.

19 b. If a license granted to a physician by the member
20 board in the state of principal license is revoked,
21 surrendered or relinquished in lieu of discipline, or



1 suspended, then all licenses issued to the physician
2 by member boards shall automatically be placed,
3 without further action necessary by any member board,
4 on the same status. If the member board in the state
5 of principal license subsequently reinstates the
6 physician's license, a license issued to the physician
7 by any other member board shall remain encumbered
8 until that respective member board takes action to
9 reinstate the license in a manner consistent with the
10 Medical Practice Act of that state.

11 c. If disciplinary action is taken against a physician by
12 a member board not in the state of principal license,
13 any other member board may deem the action conclusive
14 as to matter of law and fact decided, and:

- 15 1. Impose the same or lesser sanction(s) against the
16 physician so long as such sanctions are
17 consistent with the Medical Practice Act of that
18 state; or
- 19 2. Pursue separate disciplinary action against the
20 physician under its respective Medical Practice



1 Act, regardless of the action taken in other
2 member states.

3 d. If a license granted to a physician by a member board
4 is revoked, surrendered or relinquished in lieu of
5 discipline, or suspended, then any license(s) issued
6 to the physician by any other member board(s) shall be
7 suspended, automatically and immediately without
8 further action necessary by the other member board(s),
9 for ninety (90) days upon entry of the order by the
10 disciplining board, to permit the member board(s) to
11 investigate the basis for the action under the Medical
12 Practice Act of that state. A member board may
13 terminate the automatic suspension of the license it
14 issued prior to the completion of the ninety (90) day
15 suspension period in a manner consistent with the
16 Medical Practice Act of that state.

17 **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT**

18 **COMMISSION**

19 a. The member states hereby create the "Interstate
20 Medical Licensure Compact Commission".



- 1 b. The purpose of the Interstate Commission is the
2 administration of the Interstate Medical Licensure
3 Compact, which is a discretionary state function.
- 4 c. The Interstate Commission shall be a body corporate
5 and joint agency of the member states and shall have
6 all the responsibilities, powers, and duties set forth
7 in the Compact, and such additional powers as may be
8 conferred upon it by a subsequent concurrent action of
9 the respective legislatures of the member states in
10 accordance with the terms of the Compact.
- 11 d. The Interstate Commission shall consist of two voting
12 representatives appointed by each member state who
13 shall serve as Commissioners. In states where
14 allopathic and osteopathic physicians are regulated by
15 separate member boards, or if the licensing and
16 disciplinary authority is split between separate
17 member boards, or if the licensing and disciplinary
18 authority is split between multiple member boards
19 within a member state, the member state shall appoint
20 one representative from each member board. A
21 Commissioner shall be a(n):



- 1 1. Allopathic or osteopathic physician appointed to
- 2 a member board;
- 3 2. Executive director, executive secretary, or
- 4 similar executive of a member board; or
- 5 3. Member of the public appointed to a member board.
- 6 e. The Interstate Commission shall meet at least once
- 7 each calendar year. A portion of this meeting shall
- 8 be a business meeting to address such matters as may
- 9 properly come before the Commission, including the
- 10 election of officers. The chairperson may call
- 11 additional meetings and shall call for a meeting upon
- 12 the request of a majority of the member states.
- 13 f. The bylaws may provide for meetings of the Interstate
- 14 Commission to be conducted by telecommunication or
- 15 electronic communication.
- 16 g. Each Commissioner participating at a meeting of the
- 17 Interstate Commission is entitled to one vote. A
- 18 majority of Commissioners shall constitute a quorum
- 19 for the transaction of business, unless a larger
- 20 quorum is required by the bylaws of the Interstate
- 21 Commission. A Commissioner shall not delegate a vote



1 to another Commissioner. In the absence of its
2 Commissioner, a member state may delegate voting
3 authority for a specified meeting to another person
4 from that state who shall meet the requirements of
5 subsection (d).

6 h. The Interstate Commission shall provide public notice
7 of all meetings and all meetings shall be open to the
8 public. The Interstate Commission may close a
9 meeting, in full or in portion, where it determines by
10 a two-thirds vote of the Commissioners present that an
11 open meeting would be likely to:

- 12 1. Relate solely to the internal personnel practice
13 and procedures of the Interstate Commission;
- 14 2. Discuss matters specifically exempted from
15 disclosure by federal statute;
- 16 3. Discuss trade secrets, commercial, or financial
17 information that is privileged or confidential;
- 18 4. Involve accusing a person of a crime, or formally
19 censuring a person;



- 1 5. Discuss information of a personal nature where
2 disclosure would constitute a clearly unwarranted
3 invasion of personal privacy;
- 4 6. Discuss investigative records compiled for law
5 enforcement purposes; or
- 6 7. Specifically relate to the participation in a
7 civil action or other legal proceeding.
- 8 i. The Interstate Commission shall keep minutes which
9 shall fully describe all matters discussed in a
10 meeting and shall provide a full and accurate summary
11 of actions taken, including record of any roll call
12 votes.
- 13 j. The Interstate Commission shall make its information
14 and official records, to the extent not otherwise
15 designated in the Compact or by its rules, available
16 to the public for inspection.
- 17 k. The Interstate Commission shall establish an executive
18 committee, which shall include officers, members, and
19 others as determined by the bylaws. The executive
20 committee shall have the power to act on behalf of the
21 Interstate Commission, with the exception of



1 rulemaking, during periods when the Interstate
2 Commission is not in session. When acting on behalf
3 of the Interstate Commission, the executive committee
4 shall oversee the administration of the Compact
5 including enforcement and compliance with the
6 provisions of the Compact, its bylaws and rules, and
7 other such duties as necessary.

- 8 1. The Interstate Commission shall establish other
9 committees for governance and administration of the
10 Compact.

11 **SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

- 12 a. Oversee and maintain the administration of the
13 Compact;
- 14 b. Promulgate rules which shall be binding to the extent
15 and in the manner provided for in the Compact;
- 16 c. Issue, upon the request of a member state or member
17 board, advisory opinions concerning the meaning or
18 interpretation of the Compact, its bylaws, rules, and
19 actions;
- 20 d. Enforce compliance with Compact provisions, the rules
21 promulgated by the Interstate Commission, and the



- 1 bylaws, using all necessary and proper means,
2 including but not limited to the use of judicial
3 process;
- 4 e. Establish and appoint committees including, but not
5 limited to, an executive committee as required by
6 Section 11, which shall have the power to act on
7 behalf of the Interstate Commission in carrying out
8 its powers and duties;
- 9 f. Pay, or provide for the payment of the expenses
10 related to the establishment, organization, and
11 ongoing activities of the Interstate Commission;
- 12 g. Establish and maintain one or more offices;
- 13 h. Borrow, accept, hire, or contract for services of
14 personnel;
- 15 i. Purchase and maintain insurance and bonds;
- 16 j. Employ an executive director who shall have such
17 powers to employ, select or appoint employees, agents,
18 or consultants, and to determine their qualifications,
19 define their duties, and fix their compensation;



- 1 k. Establish personnel policies and programs relating to
2 conflicts of interest, rates of compensation, and
3 qualifications of personnel;
- 4 l. Accept donations and grants of money, equipment,
5 supplies, materials, and services and to receive,
6 utilize, and dispose of it in a manner consistent with
7 the conflict of interest policies established by the
8 Interstate Commission;
- 9 m. Lease, purchase, accept contributions or donations of,
10 or otherwise to own, hold, improve or use, any
11 property, real, personal, or mixed;
- 12 n. Sell, convey, mortgage, pledge, lease, exchange,
13 abandon, or otherwise dispose of any property, real,
14 personal, or mixed;
- 15 o. Establish a budget and make expenditures;
- 16 p. Adopt a seal and bylaws governing the management and
17 operation of the Interstate Commission;
- 18 q. Report annually to the legislatures and governors of
19 the member states concerning the activities of the
20 Interstate Commission during the preceding year. Such
21 reports shall also include reports of financial audits



- 1 and any recommendations that may have been adopted by
- 2 the Interstate Commission;
- 3 r. Coordinate education, training, and public awareness
- 4 regarding the Compact, its implementation, and its
- 5 operation;
- 6 s. Maintain records in accordance with the bylaws;
- 7 t. Seek and obtain trademarks, copyrights, and patents;
- 8 and
- 9 u. Perform such functions as may be necessary or
- 10 appropriate to achieve the purpose of the Compact.

11 **SECTION 13. FINANCE POWERS**

- 12 a. The Interstate Commission may levy on and collect an
- 13 annual assessment from each member state to cover the
- 14 cost of the operations and activities of the
- 15 Interstate Commission and its staff. The total
- 16 assessment must be sufficient to cover the annual
- 17 budget approved each year for which revenue is not
- 18 provided by other sources. The aggregate annual
- 19 assessment amount shall be allocated upon a formula to
- 20 be determined by the Interstate Commission, which



1 shall promulgate a rule binding upon all member
2 states.

3 b. The Interstate Commission shall not incur obligations
4 of any kind prior to securing the funds adequate to
5 meet the same.

6 c. The Interstate Commission shall not pledge the credit
7 of any of the member states, except by, and with the
8 authority of, the member state.

9 d. The Interstate Commission shall be subject to a yearly
10 financial audit conducted by a certified or licensed
11 accountant and the report of the audit shall be
12 included in the annual report of the Interstate
13 Commission.

14 **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE**
15 **COMMISSION**

16 a. The Interstate Commission shall, by a majority of
17 Commissioners present and voting, adopt bylaws to
18 govern its conduct as may be necessary or appropriate
19 to carry out the purposes of the Compact within twelve
20 (12) months of the first Interstate Commission
21 meeting.



- 1 b. The Interstate Commission shall elect or appoint
2 annually from among its Commissioners a chairperson, a
3 vice-chairperson, and a treasurer each of whom shall
4 have such authority and duties as may be specified in
5 the bylaws. The chairperson, or in the chairperson's
6 absence or disability, the vice-chairperson, shall
7 preside at all meetings of the Interstate Commission.
- 8 c. Officers selected in subsection (b) shall serve
9 without remuneration for the Interstate Commission.
- 10 d. The officers and employees of the Interstate
11 Commission shall be immune from suit and liability,
12 either personally or in their official capacity, for a
13 claim for damage to or loss of property or personal
14 injury or other civil liability caused or arising out
15 of, or relating to, an actual or alleged act, error,
16 or omission that occurred, or that such person had a
17 reasonable basis for believing occurred, within the
18 scope of Interstate Commission employment, duties, or
19 responsibilities; provided that such person shall not
20 be protected from suit or liability for damage, loss,



1 injury, or liability caused by the intentional or
2 willful and wanton misconduct of such person.

3 e. The liability of the executive director and employees
4 of the Interstate Commission or representatives of the
5 Interstate Commission, acting within the scope of such
6 person's employment or duties for acts, errors, or
7 omissions occurring within such person's state, may
8 not exceed the limits of liability set forth under the
9 constitution and laws of that state for state
10 officials, employees, and agents. The Interstate
11 Commission is considered to be an instrumentality of
12 the states for the purpose of any such action.

13 Nothing in this subsection shall be construed to
14 protect such person from suit or liability for damage,
15 loss, injury, or liability caused by the intentional
16 or willful and wanton misconduct of such person.

17 f. The Interstate Commission shall defend the executive
18 director, its employees, and subject to the approval
19 of the attorney general or other appropriate legal
20 counsel of the member state represented by an
21 Interstate Commission representative, shall defend



1 such Interstate Commission representative in any civil
2 action seeking to impose liability arising out of an
3 actual or alleged act, error or omission that occurred
4 within the scope of Interstate Commission employment,
5 duties or responsibilities, or that the defendant had
6 a reasonable basis for believing occurred within the
7 scope of Interstate Commission employment, duties, or
8 responsibilities, provided that the actual or alleged
9 act, error, or omission did not result from
10 intentional or willful and wanton misconduct on the
11 part of such person.

12 g. To the extent not covered by the state involved,
13 member state, or the Interstate Commission, the
14 representatives or employees of the Interstate
15 Commission shall be held harmless in the amount of a
16 settlement or judgement, including attorney's fees and
17 costs, obtained against such persons arising out of an
18 actual or alleged act, error, or omission that
19 occurred within the scope of the Interstate Commission
20 employment, duties, or responsibilities, or that such
21 persons had a reasonable basis for believing occurred



1 within the scope of Interstate Commission employment,
2 duties, or responsibilities, provided that the actual
3 or alleged act, error, or omission did not result from
4 intentional or willful and wanton misconduct on the
5 part of such person.

6 **SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE**
7 **COMMISSION**

- 8 a. The Interstate Commission shall promulgate reasonable
9 rules in order to effectively and efficiently achieve
10 the purpose of the Compact. Notwithstanding the
11 foregoing, in the event the Interstate Commission
12 exercises its rulemaking authority in a manner that is
13 beyond the scope of the purposes of the Compact, or
14 the powers granted hereunder, then such an action by
15 the Interstate Commission shall be invalid and have no
16 force or effect.
- 17 b. Rules deemed appropriate for the operations of the
18 Interstate Commission shall be made pursuant to a
19 rulemaking process that substantially conforms to the
20 "Model State Administrative Procedure Act" of 2010,
21 and subsequent amendments thereto.



1 c. Not later than thirty (30) days after a rule is
2 promulgated, any person may file a petition for
3 judicial review of the rule in the United States
4 District Court for the District of Columbia or the
5 federal district where the Interstate mission has its
6 principal offices, provided that the filing of such a
7 petition shall not stay or otherwise prevent the rule
8 from becoming effective unless the court finds that
9 the petitioner has a substantial likelihood of
10 success. The court shall give deference to the
11 actions of the Interstate Commission consistent with
12 applicable law and shall not find the rule to be
13 unlawful if the rule represents a reasonable exercise
14 of the authority granted to the Interstate Commission.

15 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

16 a. The executive, legislative, and judicial branches of
17 state government in each member state shall enforce
18 the Compact and shall take all actions necessary and
19 appropriate to effectuate the Compact's purposes and
20 intent. The provisions of the Compact and the rules
21 promulgated hereunder shall have standing as statutory



1 law but shall not override existing state authority to
2 regulate the practice of medicine.

3 b. All courts shall take judicial notice of the Compact
4 and the rules in any judicial or administrative
5 proceeding in a member state pertaining to the subject
6 matter of the Compact which may affect the powers,
7 responsibilities or actions of the Interstate
8 Commission.

9 c. The Interstate Commission shall be entitled to receive
10 all services of process in any such proceeding, and
11 shall have standing to intervene in the proceeding for
12 all purposes. Failure to provide service of process
13 to the Interstate Commission shall render a judgment
14 or order void as to the Interstate Commission, the
15 Compact, or promulgated rules.

16 **SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT**

17 a. The Interstate Commission, in the reasonable exercise
18 of its discretion, shall enforce the provisions and
19 rules of the Compact.

20 b. The Interstate Commission may, by majority vote of the
21 Commissioners, initiate legal action in the United



1 States Court for the District of Columbia, or, at the
2 discretion of the Interstate Commission, in the
3 federal district where the Interstate Commission has
4 its principal offices, to enforce compliance with the
5 provisions of the Compact, and its promulgated rules
6 and bylaws, against a member state in default. The
7 relief sought may including both injunctive relief and
8 damages. In the event judicial enforcement is
9 necessary, the prevailing party shall be awarded all
10 costs of such litigation including reasonable
11 attorney's fees.

12 c. The remedies herein shall not be the exclusive
13 remedies of the Interstate Commission. The Interstate
14 Commission may avail itself of any other remedies
15 available under state law or regulation of a
16 profession.

17 **SECTION 18. DEFAULT PROCEDURES**

18 a. The grounds for default include, but are not limited
19 to, failure of a member state to perform such
20 obligations or responsibilities imposed upon it by the



1 Compact, or the rules and bylaws of the Interstate
2 Commission promulgated under the Compact.

3 b. If the Interstate Commission determines that a member
4 state has defaulted in the performance of its
5 obligations or responsibilities under the Compact, or
6 the bylaws or promulgated rules, the Interstate
7 Commission shall:

8 1. Provide written notice to the defaulting state
9 and other member states, of the nature of the
10 default, the means of curing the default, and any
11 action taken by the Interstate Commission. The
12 Interstate Commission shall specify the
13 conditions by which the defaulting state must
14 cure its default; and

15 2. Provide remedial training and specific technical
16 assistance regarding the default.

17 c. If the defaulting state fails to cure the default, the
18 defaulting state shall be terminated from the Compact
19 upon an affirmative vote of a majority of the
20 Commissioners and all rights, privileges, and benefits
21 conferred by the Compact shall terminate on the



1 effective date of termination. A cure of the default
2 does not relieve the offending state of obligations or
3 liabilities incurred during the period of the default.

4 d. Termination of membership in the Compact shall be
5 imposed only after all other means of securing
6 compliance have been exhausted. Notice of intent to
7 terminate shall be given by the Interstate Commission
8 to the governor, the majority and minority leaders of
9 the defaulting state's legislature, and each of the
10 member states.

11 e. The Interstate Commission shall establish rules and
12 procedures to address licenses and physicians that are
13 materially impacted by the termination of a member
14 state, or the withdrawal of a member state.

15 f. The member state which has been terminated is
16 responsible for all due, obligations, and liabilities
17 incurred through the effective date of termination
18 including obligations, the performance of which
19 extends beyond the effective date of termination.

20 g. The Interstate Commission shall not bear any costs
21 relating to any state that has been found to be in



1 default or which has been terminated from the Compact,
2 unless otherwise mutually agreed upon in writing
3 between the Interstate Commission and the defaulting
4 state.

- 5 h. The defaulting state may appeal the action of the
6 Interstate Commission by petitioning the United States
7 District Court for the District of Columbia or the
8 federal district where the Interstate Commission has
9 its principal offices. The prevailing party shall be
10 awarded all costs of such litigation including
11 reasonable attorney's fees.

12 **SECTION 19. DISPUTE RESOLUTION**

- 13 a. The Interstate Commission shall attempt, upon the
14 request of a member state, to resolve disputes which
15 are subject to the Compact and which may arise among
16 member states or member boards.

- 17 b. The Interstate Commission shall promulgate rules
18 providing for both mediation and binding dispute
19 resolution as appropriate.

20 **SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**



- 1 a. Any state is eligible to become a member of the
2 Compact.
- 3 b. The Compact shall become effective and binding upon
4 legislative enactment of the Compact into law by no
5 less than seven (7) states. Thereafter, it shall
6 become effective and binding on a state upon enactment
7 of the Compact into law by that state.
- 8 c. The governors of non-member states, or their
9 designees, shall be invited to participate in the
10 activities of the Interstate Commission on a non-
11 voting basis prior to adoption of the Compact by all
12 states.
- 13 d. The Interstate Commission may propose amendments to
14 the Compact for enactment by the member states. No
15 amendment shall become effective and binding upon the
16 Interstate Commission and the member states unless and
17 until it is enacted into law by unanimous consent of
18 the member states.

19 **SECTION 21. WITHDRAWAL**

- 20 a. Once effective, the Compact shall continue in force
21 and remain binding upon each and every member state;



1 provided that a member state may withdraw from the
2 Compact by specifically repealing the statute which
3 enacted the Compact into law.

4 b. Withdrawal from the Compact shall be by the enactment
5 of a statute repealing the same, but shall not take
6 effect until one (1) year after the effective date of
7 such statute and until written notice of the
8 withdrawal has been given by the withdrawing state to
9 the governor of each other member state.

10 c. The withdrawing state shall immediately notify the
11 chairperson of the Interstate Commission in writing
12 upon the introduction of legislation repealing the
13 Compact in the withdrawing state.

14 d. The Interstate Commission shall notify the other
15 member states of the withdrawing state's intent to
16 withdraw within sixty (60) days of its receipt of
17 notice provided under subsection (c).

18 e. The withdrawing state is responsible for all dues,
19 obligations and liabilities incurred through the
20 effective date of withdrawal, including obligations,



1 the performance of which extend beyond the effective
2 date of withdrawal.

3 f. Reinstatement following withdrawal of a member state
4 shall occur upon the withdrawing date reenacting the
5 Compact or upon such later date as determined by the
6 Interstate Commission.

7 g. The Interstate Commission is authorized to develop
8 rules to address the impact of the withdrawal of a
9 member state on licenses granted in other member
10 states to physicians who designated the withdrawing
11 member state as the state of principal license.

12 **SECTION 22. DISSOLUTION**

13 a. The Compact shall dissolve effective upon the date of
14 the withdrawal or default of the member state which
15 reduces the membership of the Compact to one (1)
16 member state.

17 b. Upon the dissolution of the Compact, the Compact
18 becomes null and void and shall be of no further force
19 or effect, and the business and affairs of the
20 Interstate Commission shall be concluded, and surplus



1 funds shall be distributed in accordance with the
2 bylaws.

3 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

4 a. The provisions of the Compact shall be severable, and
5 if any phrase, clause, sentence, or provision is
6 deemed unenforceable, the remaining provisions of the
7 Compact shall be enforceable.

8 b. The provisions of the Compact shall be liberally
9 construed to effectuate its purposes.

10 c. Nothing in the Compact shall be construed to prohibit
11 the applicability of other interstate compacts to
12 which the member states are members.

13 **SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS**

14 a. Nothing herein prevents the enforcement of any other
15 law of a member state that is not inconsistent with
16 the Compact.

17 b. All laws in a member state in conflict with the
18 Compact are superseded to the extent of the conflict.

19 c. All lawful actions of the Interstate Commission,
20 including all rules and bylaws promulgated by the
21 Commission, are binding upon the member states.

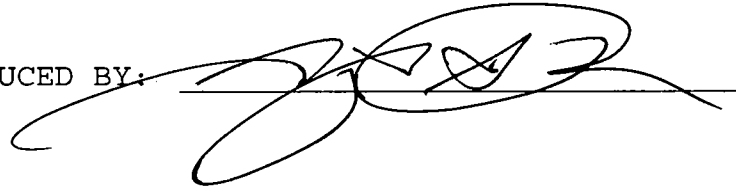


- 1 d. All agreements between the Interstate Commission and
- 2 the member states are binding in accordance with their
- 3 terms.
- 4 e. In the event any provision of the Compact exceeds the
- 5 constitutional limits imposed on the legislature of
- 6 any member state, such provision shall be ineffective
- 7 to the extent of the conflict with the constitutional
- 8 provision in question in that member state."

9 SECTION 2. This Act shall take effect upon its approval.

10

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

S.B. NO. 674

Report Title:

Interstate Medical Licensure Compact; Adoption

Description:

Adopts the Interstate Medical Licensure Compact to create a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

