

SENATE BILL 446

J2
SB 252/15 – EHE

6lr1281

By: **Senators Pugh, Benson, Kelley, Middleton, Nathan–Pulliam, Rosapepe, and Young**

Introduced and read first time: February 2, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Medical Licensure Compact**

3 FOR the purpose of entering into the Interstate Medical Licensure Compact; stating the
4 purpose of the Compact; requiring a physician to meet certain eligibility
5 requirements to receive certain licensure; requiring physicians to designate a certain
6 state as the state of principal license for purposes of registration for certain expedited
7 licensure; authorizing a physician to redesignate a state of principal licensure under
8 certain circumstances; authorizing the Interstate Medical Licensure Compact
9 Commission to develop rules to facilitate redesignation; establishing requirements
10 for application, issuance, fees, and renewal of certain expedited licenses; establishing
11 the Commission to administer the Compact; requiring the Commission to establish
12 a database of certain physicians and applicants; requiring member boards to report
13 certain information relating to certain public action or complaints against certain
14 licensed physicians to the Commission; authorizing certain joint investigations;
15 establishing requirements for certain disciplinary action; establishing the duties and
16 finance powers of the Commission; providing for the organization and operation of
17 the Commission; requiring the Commission to establish certain rules; providing for
18 certain executive, legislative, and judicial oversight of the Compact; requiring the
19 Commission to enforce certain provisions and rules of the Compact; establishing
20 certain default procedures and requirements for dispute resolution; providing that
21 certain states are eligible to become member states of the Compact; establishing
22 procedures for amending the Compact; establishing certain requirements for
23 withdrawal by member states from the Compact; providing for the dissolution of the
24 Compact under certain circumstances; making the provisions of the Compact
25 severable and providing for the application of the Compact; providing for the binding
26 effect of the Compact and other laws; defining certain terms; making this Act subject
27 to a certain contingency; and generally relating to the Interstate Medical Licensure
28 Compact.

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health Occupations

2 Section 14–3A–01 to be under the new subtitle “Subtitle 3A. Interstate Medical
3 Licensure Compact”

4 Annotated Code of Maryland

5 (2014 Replacement Volume and 2015 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Health Occupations**

9 **SUBTITLE 3A. INTERSTATE MEDICAL LICENSURE COMPACT.**

10 **14–3A–01.**

11 **THE INTERSTATE MEDICAL LICENSURE COMPACT IS ENACTED INTO LAW AND**
12 **ENTERED INTO WITH ALL OTHER STATES LEGALLY JOINING IN IT IN THE FORM**
13 **SUBSTANTIALLY AS IT APPEARS IN THIS SECTION AS FOLLOWS:**

14 **SECTION 1. PURPOSE**

15 **IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION**
16 **OF THE ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER STATES OF THE**
17 **INTERSTATE MEDICAL LICENSURE COMPACT HAVE ALLIED IN COMMON PURPOSE**
18 **TO DEVELOP A COMPREHENSIVE PROCESS THAT COMPLEMENTS THE EXISTING**
19 **LICENSING AND REGULATORY AUTHORITY OF STATE MEDICAL BOARDS, AND**
20 **PROVIDES A STREAMLINED PROCESS THAT ALLOWS PHYSICIANS TO BECOME**
21 **LICENSED IN MULTIPLE STATES, THEREBY ENHANCING THE PORTABILITY OF A**
22 **MEDICAL LICENSE AND ENSURING THE SAFETY OF PATIENTS. THE COMPACT**
23 **CREATES ANOTHER PATHWAY FOR LICENSURE AND DOES NOT OTHERWISE CHANGE**
24 **A STATE’S EXISTING MEDICAL PRACTICE ACT. THE COMPACT ALSO ADOPTS THE**
25 **PREVAILING STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF**
26 **MEDICINE OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE**
27 **PHYSICIAN–PATIENT ENCOUNTER, AND THEREFORE REQUIRES THE PHYSICIAN TO**
28 **BE UNDER THE JURISDICTION OF THE STATE MEDICAL BOARD WHERE THE PATIENT**
29 **IS LOCATED. STATE MEDICAL BOARDS THAT PARTICIPATE IN THE COMPACT RETAIN**
30 **THE JURISDICTION TO IMPOSE AN ADVERSE ACTION AGAINST A LICENSE TO**
31 **PRACTICE MEDICINE IN THAT STATE ISSUED TO A PHYSICIAN THROUGH THE**
32 **PROCEDURES IN THE COMPACT.**

33 **SECTION 2. DEFINITIONS**

34 **IN THIS COMPACT:**

1 (A) "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE INTERSTATE
2 COMMISSION PURSUANT TO SECTION 11 FOR ITS GOVERNANCE, OR FOR DIRECTING
3 AND CONTROLLING ITS ACTIONS AND CONDUCT.

4 (B) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE APPOINTED
5 BY EACH MEMBER BOARD PURSUANT TO SECTION 11.

6 (C) "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL IS
7 GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION, OR ENTRY OF A PLEA
8 OF GUILT OR NO CONTEST TO THE CHARGE BY THE OFFENDER. EVIDENCE OF AN
9 ENTRY OF A CONVICTION OF A CRIMINAL OFFENSE BY THE COURT SHALL BE
10 CONSIDERED FINAL FOR PURPOSES OF DISCIPLINARY ACTION BY A MEMBER BOARD.

11 (D) "EXPEDITED LICENSE" MEANS A FULL AND UNRESTRICTED MEDICAL
12 LICENSE GRANTED BY A MEMBER STATE TO AN ELIGIBLE PHYSICIAN THROUGH THE
13 PROCESS SET FORTH IN THE COMPACT.

14 (E) "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION
15 CREATED PURSUANT TO SECTION 11.

16 (F) "LICENSE" MEANS AUTHORIZATION BY A STATE FOR A PHYSICIAN TO
17 ENGAGE IN THE PRACTICE OF MEDICINE, WHICH WOULD BE UNLAWFUL WITHOUT
18 THE AUTHORIZATION.

19 (G) "MEDICAL PRACTICE ACT" MEANS LAWS AND REGULATIONS
20 GOVERNING THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE WITHIN
21 A MEMBER STATE.

22 (H) "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER STATE THAT
23 ACTS IN THE SOVEREIGN INTERESTS OF THE STATE BY PROTECTING THE PUBLIC
24 THROUGH LICENSURE, REGULATION, AND EDUCATION OF PHYSICIANS AS DIRECTED
25 BY THE STATE GOVERNMENT.

26 (I) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

27 (J) "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR, OR CRIME OF
28 MORAL TURPITUDE.

29 (K) "PHYSICIAN" MEANS ANY PERSON WHO:

30 (1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE
31 LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON

1 OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED IN THE
2 INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS EQUIVALENT;

3 (2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL
4 LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE OSTEOPATHIC
5 MEDICAL LICENSING EXAMINATION (COMLEX-USA) WITHIN THREE ATTEMPTS,
6 OR ANY OF ITS PREDECESSOR EXAMINATIONS ACCEPTED BY A STATE MEDICAL
7 BOARD AS AN EQUIVALENT EXAMINATION FOR LICENSURE PURPOSES;

8 (3) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION
9 APPROVED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL
10 EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

11 (4) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED
12 SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF MEDICAL
13 SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S BUREAU OF
14 OSTEOPATHIC SPECIALISTS;

15 (5) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN
16 THE PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

17 (6) HAS NEVER BEEN CONVICTED, RECEIVED ADJUDICATION,
18 DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION
19 FOR ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

20 (7) HAS NEVER HELD A LICENSE AUTHORIZING THE PRACTICE OF
21 MEDICINE SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE,
22 FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO
23 NONPAYMENT OF FEES RELATED TO A LICENSE;

24 (8) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT
25 SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG
26 ENFORCEMENT ADMINISTRATION; AND

27 (9) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY
28 OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN
29 JURISDICTION.

30 (L) "PRACTICE OF MEDICINE" MEANS THE CLINICAL PREVENTION,
31 DIAGNOSIS, OR TREATMENT OF HUMAN DISEASE, INJURY, OR CONDITION
32 REQUIRING A PHYSICIAN TO OBTAIN AND MAINTAIN A LICENSE IN COMPLIANCE
33 WITH THE MEDICAL PRACTICE ACT OF A MEMBER STATE.

1 (M) "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE
2 COMMISSION PROMULGATED PURSUANT TO SECTION 12 OF THE COMPACT THAT IS
3 OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY
4 OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR
5 PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION, AND HAS THE FORCE
6 AND EFFECT OF STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE
7 AMENDMENT, REPEAL, OR SUSPENSION OF AN EXISTING RULE.

8 (N) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
9 TERRITORY OF THE UNITED STATES.

10 (O) "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE WHERE A
11 PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND THAT HAS BEEN
12 DESIGNATED AS SUCH BY THE PHYSICIAN FOR PURPOSES OF REGISTRATION AND
13 PARTICIPATION IN THE COMPACT.

14 SECTION 3. ELIGIBILITY

15 (A) A PHYSICIAN MUST MEET THE ELIGIBILITY REQUIREMENTS AS DEFINED
16 IN SECTION 2(K) TO RECEIVE AN EXPEDITED LICENSE UNDER THE TERMS AND
17 PROVISIONS OF THE COMPACT.

18 (B) A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION
19 2(K) MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A MEMBER STATE IF THE
20 INDIVIDUAL COMPLIES WITH ALL LAWS AND REQUIREMENTS, OTHER THAN THE
21 COMPACT, RELATING TO THE ISSUANCE OF A LICENSE TO PRACTICE MEDICINE IN
22 THAT STATE.

23 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

24 (A) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF
25 PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR EXPEDITED LICENSURE
26 THROUGH THE COMPACT IF THE PHYSICIAN POSSESSES A FULL AND UNRESTRICTED
27 LICENSE TO PRACTICE MEDICINE IN THAT STATE, AND THE STATE IS:

28 (1) THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN;

29 (2) THE STATE WHERE AT LEAST 25% OF THE PRACTICE OF MEDICINE
30 OCCURS;

31 (3) THE LOCATION OF THE PHYSICIAN'S EMPLOYER; OR

1 **(4) IF NO STATE QUALIFIES UNDER SUBSECTION (1), SUBSECTION (2),**
2 **OR SUBSECTION (3), THE STATE DESIGNATED AS STATE OF RESIDENCE FOR**
3 **PURPOSE OF FEDERAL INCOME TAX.**

4 **(B) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS STATE OF**
5 **PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE**
6 **REQUIREMENTS IN SUBSECTION (A).**

7 **(C) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO**
8 **FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF**
9 **PRINCIPAL LICENSE.**

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

11 **(A) A PHYSICIAN SEEKING LICENSURE THROUGH THE COMPACT SHALL**
12 **FILE AN APPLICATION FOR AN EXPEDITED LICENSE WITH THE MEMBER BOARD OF**
13 **THE STATE SELECTED BY THE PHYSICIAN AS THE STATE OF PRINCIPAL LICENSE.**

14 **(B) (1) UPON RECEIPT OF AN APPLICATION FOR AN EXPEDITED LICENSE,**
15 **THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF PRINCIPAL**
16 **LICENSE SHALL EVALUATE WHETHER THE PHYSICIAN IS ELIGIBLE FOR EXPEDITED**
17 **LICENSURE AND ISSUE A LETTER OF QUALIFICATION, VERIFYING OR DENYING THE**
18 **PHYSICIAN'S ELIGIBILITY, TO THE INTERSTATE COMMISSION.**

19 **(2) STATIC QUALIFICATIONS, WHICH INCLUDE VERIFICATION OF**
20 **MEDICAL EDUCATION, GRADUATE MEDICAL EDUCATION, RESULTS OF ANY MEDICAL**
21 **OR LICENSING EXAMINATION, AND OTHER QUALIFICATIONS AS DETERMINED BY THE**
22 **INTERSTATE COMMISSION THROUGH RULE, SHALL NOT BE SUBJECT TO**
23 **ADDITIONAL PRIMARY SOURCE VERIFICATION WHERE ALREADY PRIMARY SOURCE**
24 **VERIFIED BY THE STATE OF PRINCIPAL LICENSE.**

25 **(3) THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE**
26 **OF PRINCIPAL LICENSE SHALL, IN THE COURSE OF VERIFYING ELIGIBILITY,**
27 **PERFORM A CRIMINAL BACKGROUND CHECK OF AN APPLICANT, INCLUDING THE**
28 **USE OF THE RESULTS OF FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS**
29 **COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL BUREAU OF**
30 **INVESTIGATION, WITH THE EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE**
31 **SUITABILITY DETERMINATION IN ACCORDANCE WITH U.S. C.F.R. § 731.202.**

32 **(4) APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL BE MADE**
33 **TO THE MEMBER STATE WHERE THE APPLICATION WAS FILED AND SHALL BE**
34 **SUBJECT TO THE LAW OF THAT STATE.**

1 (C) UPON VERIFICATION IN SUBSECTION (B), PHYSICIANS ELIGIBLE FOR AN
2 EXPEDITED LICENSE SHALL COMPLETE THE REGISTRATION PROCESS ESTABLISHED
3 BY THE INTERSTATE COMMISSION TO RECEIVE A LICENSE IN A MEMBER STATE
4 SELECTED PURSUANT TO SUBSECTION (A), INCLUDING THE PAYMENT OF ANY
5 APPLICABLE FEES.

6 (D) AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER SUBSECTION
7 (B) AND ANY FEES UNDER SUBSECTION (C), A MEMBER BOARD SHALL ISSUE AN
8 EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE SHALL AUTHORIZE THE
9 PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING STATE CONSISTENT WITH THE
10 MEDICAL PRACTICE ACT AND ALL APPLICABLE LAWS AND REGULATIONS OF THE
11 ISSUING MEMBER BOARD AND MEMBER STATE.

12 (E) AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD CONSISTENT
13 WITH THE LICENSURE PERIOD IN THE MEMBER STATE AND IN THE SAME MANNER AS
14 REQUIRED FOR OTHER PHYSICIANS HOLDING A FULL AND UNRESTRICTED LICENSE
15 WITHIN THE MEMBER STATE.

16 (F) AN EXPEDITED LICENSE OBTAINED THROUGH THE COMPACT SHALL BE
17 TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN THE STATE OF
18 PRINCIPAL LICENSE FOR A NONDISCIPLINARY REASON, WITHOUT REDESIGNATION
19 OF A NEW STATE OF PRINCIPAL LICENSE.

20 (G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
21 REGARDING THE APPLICATION PROCESS, INCLUDING PAYMENT OF ANY APPLICABLE
22 FEES, AND THE ISSUANCE OF AN EXPEDITED LICENSE.

23 SECTION 6. FEES FOR EXPEDITED LICENSURE

24 (A) A MEMBER STATE ISSUING AN EXPEDITED LICENSE AUTHORIZING THE
25 PRACTICE OF MEDICINE IN THAT STATE MAY IMPOSE A FEE FOR A LICENSE ISSUED
26 OR RENEWED THROUGH THE COMPACT.

27 (B) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
28 REGARDING FEES FOR EXPEDITED LICENSES.

29 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

30 (A) A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE GRANTED IN
31 A MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS WITH THE INTERSTATE
32 COMMISSION IF THE PHYSICIAN:

1 **(1) MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A STATE OF**
2 **PRINCIPAL LICENSE;**

3 **(2) HAS NOT BEEN CONVICTED, RECEIVED ADJUDICATION,**
4 **DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION**
5 **FOR ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;**

6 **(3) HAS NOT HAD A LICENSE AUTHORIZING THE PRACTICE OF**
7 **MEDICINE SUBJECT TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE,**
8 **FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO**
9 **NONPAYMENT OF FEES RELATED TO A LICENSE; AND**

10 **(4) HAS NOT HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT**
11 **SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG**
12 **ENFORCEMENT ADMINISTRATION.**

13 **(B) PHYSICIANS SHALL COMPLY WITH ALL CONTINUING PROFESSIONAL**
14 **DEVELOPMENT OR CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR**
15 **RENEWAL OF A LICENSE ISSUED BY A MEMBER STATE.**

16 **(C) THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL FEES**
17 **CHARGED FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES TO THE**
18 **APPLICABLE MEMBER BOARD.**

19 **(D) ON RECEIPT OF ANY RENEWAL FEES COLLECTED IN SUBSECTION (C), A**
20 **MEMBER BOARD SHALL RENEW THE PHYSICIAN'S LICENSE.**

21 **(E) PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE**
22 **COMMISSION DURING THE RENEWAL PROCESS WILL BE DISTRIBUTED TO ALL**
23 **MEMBER BOARDS.**

24 **(F) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO**
25 **ADDRESS RENEWAL OF LICENSES OBTAINED THROUGH THE COMPACT.**

26 **SECTION 8. COORDINATED INFORMATION SYSTEM**

27 **(A) THE INTERSTATE COMMISSION SHALL ESTABLISH A DATABASE OF ALL**
28 **PHYSICIANS LICENSED, OR WHO HAVE APPLIED FOR LICENSURE, UNDER SECTION 5.**

29 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MEMBER BOARDS**
30 **SHALL REPORT TO THE INTERSTATE COMMISSION ANY PUBLIC ACTION OR**
31 **COMPLAINTS AGAINST A LICENSED PHYSICIAN WHO HAS APPLIED OR RECEIVED AN**
32 **EXPEDITED LICENSE THROUGH THE COMPACT.**

1 (C) MEMBER BOARDS SHALL REPORT DISCIPLINARY OR INVESTIGATORY
2 INFORMATION DETERMINED AS NECESSARY AND PROPER BY RULE OF THE
3 INTERSTATE COMMISSION.

4 (D) MEMBER BOARDS MAY REPORT ANY NONPUBLIC COMPLAINT,
5 DISCIPLINARY, OR INVESTIGATORY INFORMATION NOT REQUIRED BY SUBSECTION
6 (C) TO THE INTERSTATE COMMISSION.

7 (E) MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY
8 INFORMATION ABOUT A PHYSICIAN ON REQUEST OF ANOTHER MEMBER BOARD.

9 (F) ALL INFORMATION PROVIDED TO THE INTERSTATE COMMISSION OR
10 DISTRIBUTED BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED UNDER SEAL,
11 AND USED ONLY FOR INVESTIGATORY OR DISCIPLINARY MATTERS.

12 (G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
13 FOR MANDATED OR DISCRETIONARY SHARING OF INFORMATION BY MEMBER
14 BOARDS.

15 SECTION 9. JOINT INVESTIGATIONS

16 (A) LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE DEEMED
17 INVESTIGATIVE.

18 (B) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER BOARD BY ITS
19 RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE STATE LAW, A
20 MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER BOARDS IN JOINT
21 INVESTIGATIONS OF PHYSICIANS LICENSED BY THE MEMBER BOARDS.

22 (C) A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE ENFORCEABLE IN
23 OTHER MEMBER STATES.

24 (D) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE, LITIGATION, OR
25 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
26 INVESTIGATION INITIATED UNDER THE COMPACT.

27 (E) ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED
28 VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE IN ANY
29 OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO PRACTICE
30 MEDICINE.

31 SECTION 10. DISCIPLINARY ACTIONS

1 **(A) ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD AGAINST A**
2 **PHYSICIAN LICENSED THROUGH THE COMPACT SHALL BE DEEMED**
3 **UNPROFESSIONAL CONDUCT THAT MAY BE SUBJECT TO DISCIPLINE BY OTHER**
4 **MEMBER BOARDS, IN ADDITION TO ANY VIOLATION OF THE MEDICAL PRACTICE ACT**
5 **OR REGULATIONS IN THAT STATE.**

6 **(B) IF A LICENSE GRANTED TO A PHYSICIAN BY THE MEMBER BOARD IN THE**
7 **STATE OF PRINCIPAL LICENSE IS REVOKED, SURRENDERED OR RELINQUISHED IN**
8 **LIEU OF DISCIPLINE, OR SUSPENDED, THEN ALL LICENSES ISSUED TO THE**
9 **PHYSICIAN BY MEMBER BOARDS SHALL AUTOMATICALLY BE PLACED, WITHOUT**
10 **FURTHER ACTION NECESSARY BY ANY MEMBER BOARD, ON THE SAME STATUS. IF**
11 **THE MEMBER BOARD IN THE STATE OF PRINCIPAL LICENSE SUBSEQUENTLY**
12 **REINSTATES THE PHYSICIAN'S LICENSE, A LICENSE ISSUED TO THE PHYSICIAN BY**
13 **ANY OTHER MEMBER BOARD SHALL REMAIN ENCUMBERED UNTIL THAT RESPECTIVE**
14 **MEMBER BOARD TAKES ACTION TO REINSTATE THE LICENSE IN A MANNER**
15 **CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.**

16 **(C) IF DISCIPLINARY ACTION IS TAKEN AGAINST A PHYSICIAN BY A MEMBER**
17 **BOARD NOT IN THE STATE OF PRINCIPAL LICENSE, ANY OTHER MEMBER BOARD MAY**
18 **DEEM THE ACTION CONCLUSIVE AS TO MATTER OF LAW AND FACT DECIDED, AND:**

19 **(1) IMPOSE THE SAME OR LESSER SANCTION(S) AGAINST THE**
20 **PHYSICIAN SO LONG AS SUCH SANCTIONS ARE CONSISTENT WITH THE MEDICAL**
21 **PRACTICE ACT OF THAT STATE; OR**

22 **(2) PURSUE SEPARATE DISCIPLINARY ACTION AGAINST THE**
23 **PHYSICIAN UNDER ITS RESPECTIVE MEDICAL PRACTICE ACT, REGARDLESS OF THE**
24 **ACTION TAKEN IN OTHER MEMBER STATES.**

25 **(D) IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD IS**
26 **REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR**
27 **SUSPENDED, THEN ANY LICENSE(S) ISSUED TO THE PHYSICIAN BY ANY OTHER**
28 **MEMBER BOARD(S) SHALL BE SUSPENDED, AUTOMATICALLY AND IMMEDIATELY**
29 **WITHOUT FURTHER ACTION NECESSARY BY THE OTHER MEMBER BOARD(S), FOR**
30 **NINETY (90) DAYS ON ENTRY OF THE ORDER BY THE DISCIPLINING BOARD, TO**
31 **PERMIT THE MEMBER BOARD(S) TO INVESTIGATE THE BASIS FOR THE ACTION**
32 **UNDER THE MEDICAL PRACTICE ACT OF THAT STATE. A MEMBER BOARD MAY**
33 **TERMINATE THE AUTOMATIC SUSPENSION OF THE LICENSE IT ISSUED PRIOR TO THE**
34 **COMPLETION OF THE NINETY (90) DAY SUSPENSION PERIOD IN A MANNER**
35 **CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.**

1 **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT**
2 **COMMISSION**

3 (A) THE MEMBER STATES HEREBY CREATE THE “INTERSTATE MEDICAL
4 LICENSURE COMPACT COMMISSION”.

5 (B) THE PURPOSE OF THE INTERSTATE COMMISSION IS THE
6 ADMINISTRATION OF THE INTERSTATE MEDICAL LICENSURE COMPACT, WHICH IS
7 A DISCRETIONARY STATE FUNCTION.

8 (C) THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE AND
9 JOINT AGENCY OF THE MEMBER STATES AND SHALL HAVE ALL THE
10 RESPONSIBILITIES, POWERS, AND DUTIES SET FORTH IN THE COMPACT, AND SUCH
11 ADDITIONAL POWERS AS MAY BE CONFERRED ON IT BY A SUBSEQUENT
12 CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE MEMBER STATES
13 IN ACCORDANCE WITH THE TERMS OF THE COMPACT.

14 (D) THE INTERSTATE COMMISSION SHALL CONSIST OF TWO VOTING
15 REPRESENTATIVES APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE AS
16 COMMISSIONERS. IN STATES WHERE ALLOPATHIC AND OSTEOPATHIC PHYSICIANS
17 ARE REGULATED BY SEPARATE MEMBER BOARDS, OR IF THE LICENSING AND
18 DISCIPLINARY AUTHORITY IS SPLIT BETWEEN MULTIPLE MEMBER BOARDS WITHIN
19 A MEMBER STATE, THE MEMBER STATE SHALL APPOINT ONE REPRESENTATIVE
20 FROM EACH MEMBER BOARD. A COMMISSIONER SHALL BE:

21 (1) AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO A
22 MEMBER BOARD;

23 (2) AN EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY, OR SIMILAR
24 EXECUTIVE OF A MEMBER BOARD; OR

25 (3) A MEMBER OF THE PUBLIC APPOINTED TO A MEMBER BOARD.

26 (E) THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH
27 CALENDAR YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS MEETING TO
28 ADDRESS SUCH MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION,
29 INCLUDING THE ELECTION OF OFFICERS. THE CHAIRPERSON MAY CALL
30 ADDITIONAL MEETINGS AND SHALL CALL FOR A MEETING ON THE REQUEST OF A
31 MAJORITY OF THE MEMBER STATES.

32 (F) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE
33 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC
34 COMMUNICATION.

1 **(G) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE**
2 **INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF**
3 **COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF**
4 **BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE**
5 **INTERSTATE COMMISSION. A COMMISSIONER SHALL NOT DELEGATE A VOTE TO**
6 **ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS COMMISSIONER, A MEMBER**
7 **STATE MAY DELEGATE VOTING AUTHORITY FOR A SPECIFIED MEETING TO ANOTHER**
8 **PERSON FROM THAT STATE WHO SHALL MEET THE REQUIREMENTS OF SUBSECTION**
9 **(D).**

10 **(H) THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF ALL**
11 **MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE INTERSTATE**
12 **COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PORTION, WHERE IT**
13 **DETERMINES BY A TWO-THIRDS VOTE OF THE COMMISSIONERS PRESENT THAT AN**
14 **OPEN MEETING WOULD BE LIKELY TO:**

15 **(1) RELATE SOLELY TO THE INTERNAL PERSONNEL PRACTICES AND**
16 **PROCEDURES OF THE INTERSTATE COMMISSION;**

17 **(2) DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE**
18 **BY FEDERAL STATUTE;**

19 **(3) DISCUSS TRADE SECRETS, COMMERCIAL, OR FINANCIAL**
20 **INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;**

21 **(4) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY**
22 **CENSURING A PERSON;**

23 **(5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE**
24 **DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF**
25 **PERSONAL PRIVACY;**

26 **(6) DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW**
27 **ENFORCEMENT PURPOSES; OR**

28 **(7) SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION**
29 **OR OTHER LEGAL PROCEEDING.**

30 **(I) THE INTERSTATE COMMISSION SHALL KEEP MINUTES THAT SHALL**
31 **FULLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A**
32 **FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING RECORD OF ANY**
33 **ROLL CALL VOTES.**

1 **(J) THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION AND**
2 **OFFICIAL RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THE**
3 **COMPACT OR BY ITS RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.**

4 **(K) THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE**
5 **COMMITTEE, WHICH SHALL INCLUDE OFFICERS, MEMBERS, AND OTHERS AS**
6 **DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE SHALL HAVE THE**
7 **POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH THE**
8 **EXCEPTION OF RULEMAKING, DURING PERIODS WHEN THE INTERSTATE**
9 **COMMISSION IS NOT IN SESSION. WHEN ACTING ON BEHALF OF THE INTERSTATE**
10 **COMMISSION, THE EXECUTIVE COMMITTEE SHALL OVERSEE THE ADMINISTRATION**
11 **OF THE COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE**
12 **PROVISIONS OF THE COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES**
13 **AS NECESSARY.**

14 **(L) THE INTERSTATE COMMISSION MAY ESTABLISH OTHER COMMITTEES**
15 **FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.**

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

17 **THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER TO:**

18 **(A) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT;**

19 **(B) PROMULGATE RULES THAT SHALL BE BINDING TO THE EXTENT AND IN**
20 **THE MANNER PROVIDED FOR IN THE COMPACT;**

21 **(C) ISSUE, ON THE REQUEST OF A MEMBER STATE OR MEMBER BOARD,**
22 **ADVISORY OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE**
23 **COMPACT, ITS BYLAWS, RULES, AND ACTIONS;**

24 **(D) ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES**
25 **PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS, USING ALL**
26 **NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF**
27 **JUDICIAL PROCESS;**

28 **(E) ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT LIMITED**
29 **TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY SECTION 11, WHICH SHALL HAVE**
30 **THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING**
31 **OUT ITS POWERS AND DUTIES;**

1 **(F) PAY, OR PROVIDE FOR THE PAYMENT OF THE EXPENSES RELATED TO**
2 **THE ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES OF THE**
3 **INTERSTATE COMMISSION;**

4 **(G) ESTABLISH AND MAINTAIN ONE OR MORE OFFICES;**

5 **(H) BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF PERSONNEL;**

6 **(I) PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

7 **(J) EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH POWERS TO**
8 **EMPLOY, SELECT OR APPOINT EMPLOYEES, AGENTS, OR CONSULTANTS, AND TO**
9 **DETERMINE THEIR QUALIFICATIONS, DEFINE THEIR DUTIES, AND FIX THEIR**
10 **COMPENSATION;**

11 **(K) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO**
12 **CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS OF**
13 **PERSONNEL;**

14 **(L) ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,**
15 **MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE OF IT IN A**
16 **MANNER CONSISTENT WITH THE CONFLICT OF INTEREST POLICIES ESTABLISHED BY**
17 **THE INTERSTATE COMMISSION;**

18 **(M) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR**
19 **OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL, OR**
20 **MIXED;**

21 **(N) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR**
22 **OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;**

23 **(O) ESTABLISH A BUDGET AND MAKE EXPENDITURES;**

24 **(P) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND**
25 **OPERATION OF THE INTERSTATE COMMISSION;**

26 **(Q) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE**
27 **MEMBER STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION**
28 **DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF**
29 **FINANCIAL AUDITS AND ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED**
30 **BY THE INTERSTATE COMMISSION;**

1 (R) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS
2 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

3 (S) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;

4 (T) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS; AND

5 (U) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
6 TO ACHIEVE THE PURPOSES OF THE COMPACT.

7 SECTION 13. FINANCE POWERS

8 (A) THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
9 ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS
10 AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF. THE TOTAL
11 ASSESSMENT MUST BE SUFFICIENT TO COVER THE ANNUAL BUDGET APPROVED
12 EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE
13 AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED ON A FORMULA
14 TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL PROMULGATE
15 A RULE BINDING ON ALL MEMBER STATES.

16 (B) THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY
17 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME.

18 (C) THE INTERSTATE COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY
19 OF THE MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE MEMBER
20 STATE.

21 (D) THE INTERSTATE COMMISSION SHALL BE SUBJECT TO A YEARLY
22 FINANCIAL AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT
23 AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF
24 THE INTERSTATE COMMISSION.

25 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 26 COMMISSION

27 (A) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF
28 COMMISSIONERS PRESENT AND VOTING, ADOPT BYLAWS TO GOVERN ITS CONDUCT
29 AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE
30 COMPACT WITHIN TWELVE (12) MONTHS OF THE FIRST INTERSTATE COMMISSION
31 MEETING.

1 **(B) THE INTERSTATE COMMISSION SHALL ELECT OR APPOINT ANNUALLY**
2 **FROM AMONG ITS COMMISSIONERS A CHAIRPERSON, A VICE-CHAIRPERSON, AND A**
3 **TREASURER, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY BE**
4 **SPECIFIED IN THE BYLAWS. THE CHAIRPERSON, OR IN THE CHAIRPERSON'S**
5 **ABSENCE OR DISABILITY, THE VICE-CHAIRPERSON, SHALL PRESIDE AT ALL**
6 **MEETINGS OF THE INTERSTATE COMMISSION.**

7 **(C) OFFICERS SELECTED IN SUBSECTION (B) SHALL SERVE WITHOUT**
8 **REMUNERATION FROM THE INTERSTATE COMMISSION.**

9 **(D) (1) THE OFFICERS AND EMPLOYEES OF THE INTERSTATE**
10 **COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY**
11 **OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF**
12 **PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING**
13 **OUT OF, OR RELATING TO, AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT**
14 **OCCURRED, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING**
15 **OCCURRED, WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,**
16 **DUTIES, OR RESPONSIBILITIES; PROVIDED THAT SUCH PERSON SHALL NOT BE**
17 **PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY**
18 **CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH**
19 **PERSON.**

20 **(2) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND EMPLOYEES**
21 **OF THE INTERSTATE COMMISSION OR REPRESENTATIVES OF THE INTERSTATE**
22 **COMMISSION, ACTING WITHIN THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR**
23 **DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING WITHIN SUCH PERSON'S**
24 **STATE, MAY NOT EXCEED THE LIMITS OF LIABILITY SET FORTH UNDER THE**
25 **CONSTITUTION AND LAWS OF THAT STATE FOR STATE OFFICIALS, EMPLOYEES, AND**
26 **AGENTS. THE INTERSTATE COMMISSION IS CONSIDERED TO BE AN**
27 **INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF ANY SUCH ACTION.**
28 **NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROTECT SUCH PERSON**
29 **FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE**
30 **INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.**

31 **(3) THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE**
32 **DIRECTOR, ITS EMPLOYEES, AND SUBJECT TO THE APPROVAL OF THE ATTORNEY**
33 **GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE**
34 **REPRESENTED BY AN INTERSTATE COMMISSION REPRESENTATIVE, SHALL DEFEND**
35 **SUCH INTERSTATE COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING**
36 **TO IMPOSE LIABILITY ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR**
37 **OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION**
38 **EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A**
39 **REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE**

1 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE
2 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM
3 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH
4 PERSON.

5 (4) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER
6 STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES
7 OF THE INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A
8 SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS, OBTAINED
9 AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR
10 OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION
11 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A
12 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE
13 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE
14 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM
15 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH
16 PERSONS.

17 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
18 COMMISSION

19 (A) THE INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE
20 RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF
21 THE COMPACT. NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE
22 INTERSTATE COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER
23 THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT, OR THE POWERS
24 GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE INTERSTATE COMMISSION
25 SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

26 (B) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE
27 INTERSTATE COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS
28 THAT SUBSTANTIALLY CONFORMS TO THE "MODEL STATE ADMINISTRATIVE
29 PROCEDURE ACT" OF 2010, AND SUBSEQUENT AMENDMENTS THERETO.

30 (C) NOT LATER THAN THIRTY (30) DAYS AFTER A RULE IS PROMULGATED,
31 ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE IN THE
32 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
33 FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL
34 OFFICES, PROVIDED THAT THE FILING OF SUCH A PETITION SHALL NOT STAY OR
35 OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE COURT
36 FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE
37 COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE INTERSTATE COMMISSION
38 CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE RULE TO BE

1 UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE AUTHORITY
2 GRANTED TO THE INTERSTATE COMMISSION.

3 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

4 (A) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF STATE
5 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL
6 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE
7 COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THE COMPACT AND THE
8 RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY LAW
9 BUT SHALL NOT OVERRIDE EXISTING STATE AUTHORITY TO REGULATE THE
10 PRACTICE OF MEDICINE.

11 (B) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE
12 RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE
13 PERTAINING TO THE SUBJECT MATTER OF THE COMPACT THAT MAY AFFECT THE
14 POWERS, RESPONSIBILITIES, OR ACTIONS OF THE INTERSTATE COMMISSION.

15 (C) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL
16 SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO
17 INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE
18 SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL RENDER A
19 JUDGMENT OR AN ORDER VOID AS TO THE INTERSTATE COMMISSION, THE
20 COMPACT, OR PROMULGATED RULES.

21 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

22 (A) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
23 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE COMPACT.

24 (B) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF THE
25 COMMISSIONERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT
26 COURT FOR THE DISTRICT OF COLUMBIA, OR, AT THE DISCRETION OF THE
27 INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE INTERSTATE
28 COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE COMPLIANCE WITH THE
29 PROVISIONS OF THE COMPACT, AND ITS PROMULGATED RULES AND BYLAWS,
30 AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF SOUGHT MAY INCLUDE BOTH
31 INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS
32 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
33 LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

34 (C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF
35 THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF

1 OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A
2 PROFESSION.

3 **SECTION 18. DEFAULT PROCEDURES**

4 (A) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO,
5 FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR
6 RESPONSIBILITIES IMPOSED ON IT BY THE COMPACT, OR THE RULES AND BYLAWS
7 OF THE INTERSTATE COMMISSION PROMULGATED UNDER THE COMPACT.

8 (B) IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE
9 HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
10 UNDER THE COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE
11 COMMISSION SHALL:

12 (1) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
13 OTHER MEMBER STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING
14 THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE COMMISSION. THE
15 INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE
16 DEFAULTING STATE MUST CURE ITS DEFAULT; AND

17 (2) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
18 ASSISTANCE REGARDING THE DEFAULT.

19 (C) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE
20 DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT ON AN
21 AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS,
22 PRIVILEGES, AND BENEFITS CONFERRED BY THE COMPACT SHALL TERMINATE ON
23 THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT
24 RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED
25 DURING THE PERIOD OF THE DEFAULT.

26 (D) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED
27 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
28 EXHAUSTED. NOTICE OF INTENT TO TERMINATE SHALL BE GIVEN BY THE
29 INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY
30 LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE MEMBER
31 STATES.

32 (E) THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND
33 PROCEDURES TO ADDRESS LICENSES AND PHYSICIANS THAT ARE MATERIALLY
34 IMPACTED BY THE TERMINATION OF A MEMBER STATE, OR THE WITHDRAWAL OF A
35 MEMBER STATE.

1 (F) THE MEMBER STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE
2 FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
3 EFFECTIVE DATE OF TERMINATION INCLUDING OBLIGATIONS, THE PERFORMANCE
4 OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF TERMINATION.

5 (G) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING
6 TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT HAS BEEN
7 TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED ON IN
8 WRITING BETWEEN THE INTERSTATE COMMISSION AND THE DEFAULTING STATE.

9 (H) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE
10 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE
11 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE
12 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE
13 AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S
14 FEES.

15 SECTION 19. DISPUTE RESOLUTION

16 (A) THE INTERSTATE COMMISSION SHALL ATTEMPT, ON THE REQUEST OF
17 A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO THE COMPACT AND
18 THAT MAY ARISE AMONG MEMBER STATES OR MEMBER BOARDS.

19 (B) THE INTERSTATE COMMISSION SHALL PROMULGATE RULES
20 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION AS
21 APPROPRIATE.

22 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

23 (A) ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THE
24 COMPACT.

25 (B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING ON
26 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN SEVEN (7)
27 STATES. THEREAFTER, IT SHALL BECOME EFFECTIVE AND BINDING ON A STATE ON
28 ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE.

29 (C) THE GOVERNORS OF NONMEMBER STATES, OR THEIR DESIGNEES,
30 SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE
31 COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL
32 STATES.

1 (D) THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE
2 COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL
3 BECOME EFFECTIVE AND BINDING ON THE INTERSTATE COMMISSION AND THE
4 MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS
5 CONSENT OF THE MEMBER STATES.

6 SECTION 21. WITHDRAWAL

7 (A) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND
8 REMAIN BINDING ON EACH AND EVERY MEMBER STATE; PROVIDED THAT A MEMBER
9 STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY REPEALING THE
10 STATUTE THAT ENACTED THE COMPACT INTO LAW.

11 (B) WITHDRAWAL FROM THE COMPACT SHALL BE BY THE ENACTMENT OF A
12 STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL ONE (1) YEAR
13 AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN NOTICE OF THE
14 WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF
15 EACH OTHER MEMBER STATE.

16 (C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
17 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING ON THE
18 INTRODUCTION OF LEGISLATION REPEALING THE COMPACT IN THE WITHDRAWING
19 STATE.

20 (D) THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER MEMBER
21 STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN SIXTY (60)
22 DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER SUBSECTION (C).

23 (E) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES,
24 OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
25 WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND
26 BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

27 (F) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE
28 SHALL OCCUR ON THE WITHDRAWING STATE REENACTING THE COMPACT OR ON
29 SUCH LATER DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

30 (G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO
31 ADDRESS THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE ON LICENSES
32 GRANTED IN OTHER MEMBER STATES TO PHYSICIANS WHO DESIGNATED THE
33 WITHDRAWING MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE.

34 SECTION 22. DISSOLUTION

1 **(A) THE COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE**
2 **WITHDRAWAL OR DEFAULT OF THE MEMBER STATE THAT REDUCES THE**
3 **MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.**

4 **(B) ON THE DISSOLUTION OF THE COMPACT, THE COMPACT BECOMES**
5 **NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE**
6 **BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE CONCLUDED**
7 **AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.**

8 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

9 **(A) THE PROVISIONS OF THE COMPACT SHALL BE SEVERABLE, AND IF ANY**
10 **PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE, THE**
11 **REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.**

12 **(B) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY CONSTRUED**
13 **TO EFFECTUATE ITS PURPOSES.**

14 **(C) NOTHING IN THE COMPACT SHALL BE CONSTRUED TO PROHIBIT THE**
15 **APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE**
16 **MEMBERS.**

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

18 **(A) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW**
19 **OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.**

20 **(B) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE**
21 **SUPERSEDED TO THE EXTENT OF THE CONFLICT.**

22 **(C) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING**
23 **ALL RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE**
24 **MEMBER STATES.**

25 **(D) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE**
26 **MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.**

27 **(E) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE**
28 **CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE,**
29 **SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH**
30 **THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect
2 until the enactment of a substantially similar act by at least six other states as defined in
3 Section 2(n) of this Compact.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of
5 Section 2 of this Act, this Act shall take effect July 1, 2016.