

1 SB125
2 163123-4
3 By Senators Reed, Waggoner, Dial, Marsh, Melson, Stutts and
4 Bussman
5 RFD: Health and Human Services
6 First Read: 03-MAR-15

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8 SYNOPSIS: This bill would establish the Interstate
9 Medical Licensure Compact in order to develop a
10 comprehensive licensing process that complements
11 the existing licensing and regulatory authority of
12 state medical boards in member states and provides
13 a streamlined process for physicians to become
14 licensed in multiple states.

15 This bill would provide eligibility
16 requirements for physicians, require the
17 designation of a state of principal license, and
18 would provide for the application, issuance, and
19 fees of expedited and continued licensure of
20 physicians under the compact.

21 This bill would provide for a coordinated
22 information system, joint investigations, and
23 disciplinary actions.

24 This bill would establish the Interstate
25 Medical Licensure Compact Commission, and would
26 provide for membership, powers, duties, and terms
27 of office.

1 This bill would also provide for the funding
2 of and rulemaking functions of the interstate
3 commission, for oversight of the compact,
4 enforcement of the compact, default procedures,
5 dispute resolution, withdrawal of member states,
6 and dissolution of the compact.

7
8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 Relating to medical licensure, to provide and adopt
13 the Interstate Medical Licensure Compact to develop a
14 comprehensive licensing process complementing existing
15 licensing and regulatory authority of state medical boards in
16 member states; to provide a streamlined process for physicians
17 to become licensed in multiple states; to provide eligibility
18 requirements for physicians; to require the designation of a
19 state of principal license; to provide for the application,
20 issuance, and fees for expedited and continued licensure of
21 physicians under the compact; to provide for a coordinated
22 information system, joint investigations, and disciplinary
23 actions; to establish the Interstate Medical Licensure Compact
24 Commission, and to provide for membership, powers, duties, and
25 terms of office; to provide for the funding of and rulemaking
26 functions of the interstate commission; to provide for
27 oversight of the compact, enforcement of the compact, default

1 procedures, dispute resolution, and the withdrawal of member
2 states; and to provide for dissolution of the compact.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Purpose.

5 In order to strengthen access to health care, and in
6 recognition of the advances in the delivery of health care,
7 the member states of the Interstate Medical Licensure Compact
8 have allied in common purpose to develop a comprehensive
9 process that complements the existing licensing and regulatory
10 authority of state medical boards, provides a streamlined
11 process that allows physicians to become licensed in multiple
12 states, thereby enhancing the portability of a medical license
13 and ensuring the safety of patients. The compact creates
14 another pathway for licensure and does not otherwise change a
15 state's existing medical practice act. The compact also adopts
16 the prevailing standard for licensure and affirms that the
17 practice of medicine occurs where the patient is located at
18 the time of the physician-patient encounter, and therefore,
19 requires the physician to be under the jurisdiction of the
20 state medical board where the patient is located. State
21 medical boards that participate in the compact retain the
22 jurisdiction to impose an adverse action against a license to
23 practice medicine in that state issued to a physician through
24 the procedures in the compact.

25 Section 2. Definitions.

26 In this compact, the following terms have the
27 following meanings:

1 (a) BYLAWS. Those bylaws established by the
2 interstate commission pursuant to Section 11 for its
3 governance, or for directing and controlling its actions and
4 conduct.

5 (b) COMMISSIONER. The voting representative
6 appointed by each member board pursuant to Section 11.

7 (c) CONVICTION. A finding by a court that an
8 individual is guilty of a criminal offense through
9 adjudication, or entry of a plea of guilty or no contest to
10 the charge by the offender. Evidence of an entry of a
11 conviction of a criminal offense by the court shall be
12 considered final for purposes of disciplinary action by a
13 member board.

14 (d) EXPEDITED LICENSE. A full and unrestricted
15 medical license granted by a member state to an eligible
16 physician through the process set forth in the compact.

17 (e) INTERSTATE COMMISSION. The interstate commission
18 created pursuant to Section 11.

19 (f) LICENSE. Authorization by a state for a
20 physician to engage in the practice of medicine, which would
21 be unlawful without the authorization.

22 (g) MEDICAL PRACTICE ACT. Laws and regulations
23 governing the practice of allopathic and osteopathic medicine
24 within a member state.

25 (h) MEMBER BOARD. A state agency in a member state
26 that acts in the sovereign interests of the state by

1 protecting the public through licensure, regulation, and
2 education of physicians as directed by the state government.

3 (i) MEMBER STATE. A state that has enacted the
4 compact.

5 (j) PRACTICE OF MEDICINE. The clinical prevention,
6 diagnosis, or treatment of human disease, injury, or condition
7 requiring a physician to obtain and maintain a license in
8 compliance with the medical practice act of a member state.

9 (k) PHYSICIAN. Any person who:

10 (1) Is a graduate of a medical school accredited by
11 the Liaison Committee on Medical Education, the Commission on
12 Osteopathic College Accreditation, or a medical school listed
13 in the International Medical Education Directory or its
14 equivalent;

15 (2) Passed each component of the United States
16 Medical Licensing Examination (USMLE) or the Comprehensive
17 Osteopathic Medical Licensing Examination (COMLEX-USA) within
18 three attempts, or any of its predecessor examinations
19 accepted by a state medical board as an equivalent examination
20 for licensure purposes;

21 (3) Successfully completed graduate medical
22 education approved by the Accreditation Council for Graduate
23 Medical Education or the American Osteopathic Association;

24 (4) Holds specialty certification or a
25 time-unlimited specialty certificate recognized by the
26 American Board of Medical Specialties or the American
27 Osteopathic Association's Bureau of Osteopathic Specialists;

1 (5) Possesses a full and unrestricted license to
2 engage in the practice of medicine issued by a member board;

3 (6) Has never been convicted, received adjudication,
4 deferred adjudication, community supervision, or deferred
5 disposition for any offense by a court of appropriate
6 jurisdiction;

7 (7) Has never held a license authorizing the
8 practice of medicine subjected to discipline by a licensing
9 agency in any state, federal, or foreign jurisdiction,
10 excluding any action related to nonpayment of fees related to
11 a license;

12 (8) Has never had a controlled substance license or
13 permit suspended or revoked by a state or the United States
14 Drug Enforcement Administration; and

15 (9) Is not under active investigation by a licensing
16 agency or law enforcement authority in any state, federal, or
17 foreign jurisdiction.

18 (1) OFFENSE. A felony, gross misdemeanor, or crime
19 of moral turpitude.

20 (m) RULE. A written statement by the interstate
21 commission promulgated pursuant to Section 12 of the compact
22 that is of general applicability, implements, interprets, or
23 prescribes a policy or provision of the compact, or an
24 organizational, procedural, or practice requirement of the
25 interstate commission, and has the force and effect of
26 statutory law in a member state, and includes the amendment,
27 repeal, or suspension of an existing rule.

1 (n) STATE. Any state, commonwealth, district, or
2 territory of the United States.

3 (o) STATE OF PRINCIPAL LICENSE. A member state where
4 a physician holds a license to practice medicine and which has
5 been designated as such by the physician for purposes of
6 registration and participation in the compact.

7 Section 3. Eligibility.

8 (a) A physician must meet the eligibility
9 requirements as defined in subdivision (k) of Section 2 to
10 receive an expedited license under the terms and provisions of
11 the compact.

12 (b) A physician who does not meet the requirements
13 of subdivision (k) of Section 2 may obtain a license to
14 practice medicine in a member state if the individual complies
15 with all laws and requirements, other than the compact,
16 relating to the issuance of a license to practice medicine in
17 that state.

18 Section 4. Designation of state of principal
19 license.

20 (a) A physician shall designate a member state as
21 the state of principal license for purposes of registration
22 for expedited licensure through the compact if the physician
23 possesses a full and unrestricted license to practice medicine
24 in that state, and the state is:

25 (1) The state of primary residence for the
26 physician; or

1 (2) The state where at least 25 percent of the
2 practice of medicine occurs; or

3 (3) The location of the physician's employer; or

4 (4) If no state qualifies under subdivision (1),
5 subdivision (2), or subdivision (3), the state designated as
6 state of residence for purpose of federal income tax.

7 (b) A physician may redesignate a member state as
8 state of principal license at any time, as long as the state
9 meets the requirements in subsection (a).

10 (c) The interstate commission is authorized to
11 develop rules to facilitate redesignation of another member
12 state as the state of principal license.

13 Section 5. Application and issuance of expedited
14 licensure.

15 (a) A physician seeking licensure through the
16 compact shall file an application for an expedited license
17 with the member board of the state selected by the physician
18 as the state of principal license.

19 (b) Upon receipt of an application for an expedited
20 license, the member board within the state selected as the
21 state of principal license shall evaluate whether the
22 physician is eligible for expedited licensure and issue a
23 letter of qualification, verifying or denying the physician's
24 eligibility, to the interstate commission.

25 (1) Static qualifications, which include
26 verification of medical education, graduate medical education,
27 results of any medical or licensing examination, and other

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

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

13 (3) Appeal on the determination of eligibility shall
14 be made to the member state where the application was filed
15 and shall be subject to the law of that state.

16 (c) Upon verification in subsection (b), physicians
17 eligible for an expedited license shall complete the
18 registration process established by the interstate commission
19 to receive a license in a member state selected pursuant to
20 subsection (a), including the payment of any applicable fees.

21 (d) After receiving verification of eligibility
22 under subsection (b) and any fees under subsection (c), a
23 member board shall issue an expedited license to the
24 physician. This license shall authorize the physician to
25 practice medicine in the issuing state consistent with the
26 medical practice act and all applicable laws and regulations
27 of the issuing member board and member state.

1 (e) An expedited license shall be valid for a period
2 consistent with the licensure period in the member state and
3 in the same manner as required for other physicians holding a
4 full and unrestricted license within the member state.

5 (f) An expedited license obtained through the compact
6 shall be terminated if a physician fails to maintain a license
7 in the state of principal licensure for a nondisciplinary
8 reason, without redesignation of a new state of principal
9 licensure.

10 (g) The interstate commission is authorized to
11 develop rules regarding the application process, including
12 payment of any applicable fees, and the issuance of an
13 expedited license.

14 Section 6. Fees for expedited licensure.

15 (a) A member state issuing an expedited license
16 authorizing the practice of medicine in that state may impose
17 a fee for a license issued or renewed through the compact.

18 (b) The interstate commission is authorized to
19 develop rules regarding fees for expedited licenses.

20 Section 7. Renewal and continued participation.

21 (a) A physician seeking to renew an expedited
22 license granted in a member state shall complete a renewal
23 process with the interstate commission if the physician:

24 (1) Maintains a full and unrestricted license in a
25 state of principal license;

26 (2) Has not been convicted, received adjudication,
27 deferred adjudication, community supervision, or deferred

1 disposition for any offense by a court of appropriate
2 jurisdiction;

3 (3) Has not had a license authorizing the practice
4 of medicine subject to discipline by a licensing agency in any
5 state, federal, or foreign jurisdiction, excluding any action
6 related to nonpayment of fees related to a license; and

7 (4) Has not had a controlled substance license or
8 permit suspended or revoked by a state or the United States
9 Drug Enforcement Administration.

10 (b) Physicians shall comply with all continuing
11 professional development or continuing medical education
12 requirements for renewal of a license issued by a member
13 state.

14 (c) The interstate commission shall collect any
15 renewal fees charged for the renewal of a license and
16 distribute the fees to the applicable member board.

17 (d) Upon receipt of any renewal fees collected in
18 subsection (c), a member board shall renew the physician's
19 license.

20 (e) Physician information collected by the
21 interstate commission during the renewal process will be
22 distributed to all member boards.

23 (f) The interstate commission is authorized to
24 develop rules to address renewal of licenses obtained through
25 the compact.

26 Section 8. Coordinated information system.

1 (a) The interstate commission shall establish a
2 database of all physicians licensed, or who have applied for
3 licensure, under Section 5.

4 (b) Notwithstanding any other provision of law,
5 member boards shall report to the interstate commission any
6 public action or complaints against a licensed physician who
7 has applied or received an expedited license through the
8 compact.

9 (c) Member boards shall report disciplinary or
10 investigatory information determined as necessary and proper
11 by rule of the interstate commission.

12 (d) Member boards may report any nonpublic
13 complaint, disciplinary, or investigatory information not
14 required by subsection (c) to the interstate commission.

15 (e) Member boards shall share complaint or
16 disciplinary information about a physician upon request of
17 another member board.

18 (f) All information provided to the interstate
19 commission or distributed by member boards shall be
20 confidential, filed under seal, and used only for
21 investigatory or disciplinary matters.

22 (g) The interstate commission is authorized to
23 develop rules for mandated or discretionary sharing of
24 information by member boards.

25 Section 9. Joint investigations.

26 (a) Licensure and disciplinary records of physicians
27 are deemed investigative.

1 (b) In addition to the authority granted to a member
2 board by its respective medical practice act or other
3 applicable state law, a member board may participate with
4 other member boards in joint investigations of physicians
5 licensed by the member boards.

6 (c) A subpoena issued by a member state shall be
7 enforceable in other member states.

8 (d) Member boards may share any investigative,
9 litigation, or compliance materials in furtherance of any
10 joint or individual investigation initiated under the compact.

11 (e) Any member state may investigate actual or
12 alleged violations of the statutes authorizing the practice of
13 medicine in any other member state in which a physician holds
14 a license to practice medicine.

15 Section 10. Disciplinary actions.

16 (a) Any disciplinary action taken by any member
17 board against a physician licensed through the compact shall
18 be deemed unprofessional conduct which may be subject to
19 discipline by other member boards, in addition to any
20 violation of the medical practice act or regulations in that
21 state.

22 (b) If a license granted to a physician by the
23 member board in the state of principal license is revoked,
24 surrendered, or relinquished in lieu of discipline, or
25 suspended, then all licenses issued to the physician by member
26 boards shall automatically be placed, without further action
27 necessary by any member board, on the same status. If the

1 member board in the state of principal license subsequently
2 reinstates the physician's license, a license issued to the
3 physician by any other member board shall remain encumbered
4 until that respective member board takes action to reinstate
5 the license in a manner consistent with the medical practice
6 act of that state.

7 (c) If disciplinary action is taken against a
8 physician by a member board not in the state of principal
9 license, any other member board may deem the action conclusive
10 as to matter of law and fact decided, and:

11 (1) Impose the same or lesser sanction or sanctions
12 against the physician so long as such sanction or sanctions
13 are consistent with the medical practice act of that state; or

14 (2) Pursue separate disciplinary action against the
15 physician under its respective medical practice act,
16 regardless of the action taken in other member states.

17 (d) If a license granted to a physician by a member
18 board is revoked, surrendered, or relinquished in lieu of
19 discipline, or suspended, then any license or licenses issued
20 to the physician by any other member board or boards shall be
21 suspended, automatically and immediately without further
22 action necessary by the other member board or boards, for 90
23 days upon entry of the order by the disciplining board, to
24 permit the member board or boards to investigate the basis for
25 the action under the medical practice act of that state. A
26 member board may terminate the automatic suspension of the
27 license it issued prior to the completion of the 90-day

1 suspension period in a manner consistent with the medical
2 practice act of that state.

3 Section 11. Interstate medical licensure compact
4 commission.

5 (a) The member states hereby create the Interstate
6 Medical Licensure Compact Commission.

7 (b) The purpose of the interstate commission is the
8 administration of the Interstate Medical Licensure Compact,
9 which is a discretionary state function.

10 (c) The interstate commission shall be a body
11 corporate and joint agency of the member states and shall have
12 all the responsibilities, powers, and duties set forth in the
13 compact, and such additional powers as may be conferred upon
14 it by a subsequent concurrent action of the respective
15 legislatures of the member states in accordance with the terms
16 of the compact.

17 (d) The interstate commission shall consist of two
18 voting representatives appointed by each member state who
19 shall serve as commissioners. In states where allopathic and
20 osteopathic physicians are regulated by separate member
21 boards, or if the licensing and disciplinary authority is
22 split between multiple member boards within a member state,
23 the member state shall appoint one representative from each
24 member board. A commissioner shall be:

25 (1) An allopathic or osteopathic physician appointed
26 to a member board;

1 (2) An executive director, executive secretary, or
2 similar executive of a member board; or

3 (3) A member of the public appointed to a member
4 board.

5 (e) The interstate commission shall meet at least
6 once each calendar year. A portion of this meeting shall be a
7 business meeting to address such matters as may properly come
8 before the commission, including the election of officers. The
9 chairperson may call additional meetings and shall call for a
10 meeting upon the request of a majority of the member states.

11 (f) The bylaws may provide for meetings of the
12 interstate commission to be conducted by telecommunication or
13 electronic communication.

14 (g) Each commissioner participating at a meeting of
15 the interstate commission is entitled to one vote. A majority
16 of commissioners shall constitute a quorum for the transaction
17 of business, unless a larger quorum is required by the bylaws
18 of the interstate commission. A commissioner shall not
19 delegate a vote to another commissioner. In the absence of its
20 commissioner, a member state may delegate voting authority for
21 a specified meeting to another person from that state who
22 shall meet the requirements of subsection (d).

23 (h) The interstate commission shall provide public
24 notice of all meetings and all meetings shall be open to the
25 public. The interstate commission may close a meeting, in full
26 or in portion, where it determines by a two-thirds vote of the
27 commissioners present that an open meeting would be likely to:

1 (1) Relate solely to the internal personnel
2 practices and procedures of the interstate commission;

3 (2) Discuss matters specifically exempted from
4 disclosure by federal statute;

5 (3) Discuss trade secrets, commercial, or financial
6 information that is privileged or confidential;

7 (4) Involve accusing a person of a crime, or
8 formally censuring a person;

9 (5) Discuss information of a personal nature where
10 disclosure would constitute a clearly unwarranted invasion of
11 personal privacy;

12 (6) Discuss investigative records compiled for law
13 enforcement purposes; or

14 (7) Specifically relate to the participation in a
15 civil action or other legal proceeding.

16 (i) The interstate commission shall keep minutes
17 which shall fully describe all matters discussed in a meeting
18 and shall provide a full and accurate summary of actions
19 taken, including record of any roll call votes.

20 (j) The interstate commission shall make its
21 information and official records, to the extent not otherwise
22 designated in the compact or by its rules, available to the
23 public for inspection.

24 (k) The interstate commission shall establish an
25 executive committee, which shall include officers, members,
26 and others as determined by the bylaws. The executive
27 committee shall have the power to act on behalf of the

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

8 (1) The interstate commission may establish other
9 committees for governance and administration of the compact.

10 Section 12. Powers and duties of the interstate
11 commission.

12 The interstate commission shall have the duty and
13 power to do all of the following:

14 (a) Oversee and maintain the administration of the
15 compact.

16 (b) Promulgate rules which shall be binding to the
17 extent and in the manner provided for in the compact.

18 (c) Issue, upon the request of a member state or
19 member board, advisory opinions concerning the meaning or
20 interpretation of the compact, its bylaws, rules, and actions.

21 (d) Enforce compliance with compact provisions, the
22 rules promulgated by the interstate commission, and the
23 bylaws, using all necessary and proper means, including, but
24 not limited to, the use of judicial process.

25 (e) Establish and appoint committees including, but
26 not limited to, an executive committee as required by Section

1 11, which shall have the power to act on behalf of the
2 interstate commission in carrying out its powers and duties.

3 (f) Pay, or provide for the payment of the expenses
4 related to the establishment, organization, and ongoing
5 activities of the interstate commission.

6 (g) Establish and maintain one or more offices.

7 (h) Borrow, accept, hire, or contract for services
8 of personnel.

9 (i) Purchase and maintain insurance and bonds.

10 (j) Employ an executive director who shall have such
11 powers to employ, select, or appoint employees, agents, or
12 consultants, and determine their qualifications, define their
13 duties, and fix their compensation.

14 (k) Establish personnel policies and programs
15 relating to conflicts of interest, rates of compensation, and
16 qualifications of personnel.

17 (l) Accept donations and grants of money, equipment,
18 supplies, materials, and services, and receive, utilize, and
19 dispose of it in a manner consistent with the conflict of
20 interest policies established by the interstate commission.

21 (m) Lease, purchase, accept contributions or
22 donations of, or otherwise own, hold, improve, or use, any
23 property, real, personal, or mixed.

24 (n) Sell, convey, mortgage, pledge, lease, exchange,
25 abandon, or otherwise dispose of any property, real, personal,
26 or mixed.

27 (o) Establish a budget and make expenditures.

1 (p) Adopt a seal and bylaws governing the management
2 and operation of the interstate commission.

3 (q) Report annually to the legislatures and
4 governors of the member states concerning the activities of
5 the interstate commission during the preceding year. Such
6 reports shall also include reports of financial audits and any
7 recommendations that may have been adopted by the interstate
8 commission.

9 (r) Coordinate education, training, and public
10 awareness regarding the compact, its implementation, and its
11 operation.

12 (s) Maintain records in accordance with the bylaws.

13 (t) Seek and obtain trademarks, copyrights, and
14 patents.

15 (u) Perform such functions as may be necessary or
16 appropriate to achieve the purposes of the compact.

17 Section 13. Finance powers.

18 (a) The interstate commission may levy on and
19 collect an annual assessment from each member state to cover
20 the cost of the operations and activities of the interstate
21 commission and its staff. The total assessment must be
22 sufficient to cover the annual budget approved each year for
23 which revenue is not provided by other sources. The aggregate
24 annual assessment amount shall be allocated upon a formula to
25 be determined by the interstate commission, which shall
26 promulgate a rule binding upon all member states.

1 (b) The interstate commission shall not incur
2 obligations of any kind prior to securing the funds adequate
3 to meet the same.

4 (c) The interstate commission shall not pledge the
5 credit of any of the member states, except by, and with the
6 authority of, the member state.

7 (d) The interstate commission shall be subject to a
8 yearly financial audit conducted by a certified or licensed
9 public accountant and the report of the audit shall be
10 included in the annual report of the interstate commission.

11 Section 14. Organization and operation of the
12 interstate commission.

13 (a) The interstate commission, by a majority of
14 commissioners present and voting, shall adopt bylaws to govern
15 its conduct as may be necessary or appropriate to carry out
16 the purposes of the compact within 12 months of the first
17 interstate commission meeting.

18 (b) The interstate commission shall elect or appoint
19 annually from among its commissioners a chairperson, a vice
20 chairperson, and a treasurer, each of whom shall have such
21 authority and duties as may be specified in the bylaws. The
22 chairperson, or in the chairperson's absence or disability,
23 the vice chairperson, shall preside at all meetings of the
24 interstate commission.

25 (c) Officers selected in subsection (b) shall serve
26 without remuneration from the interstate commission.

1 (d) The officers and employees of the interstate
2 commission shall be immune from suit and liability, either
3 personally or in their official capacity, for a claim for
4 damage to or loss of property or personal injury or other
5 civil liability caused or arising out of, or relating to, an
6 actual or alleged act, error, or omission that occurred, or
7 that such person had a reasonable basis for believing
8 occurred, within the scope of interstate commission
9 employment, duties, or responsibilities; provided that such
10 person shall not be protected from suit or liability for
11 damage, loss, injury, or liability caused by the intentional
12 or willful and wanton misconduct of such person.

13 (1) The liability of the executive director and
14 employees of the interstate commission or representatives of
15 the interstate commission, acting within the scope of such
16 person's employment or duties for acts, errors, or omissions
17 occurring within such person's state, may not exceed the
18 limits of liability set forth under the constitution and laws
19 of that state for state officials, employees, and agents. The
20 interstate commission is considered to be an instrumentality
21 of the states for the purposes of any such action. Nothing in
22 this subsection shall be construed to protect such person from
23 suit or liability for damage, loss, injury, or liability
24 caused by the intentional or willful and wanton misconduct of
25 such person.

26 (2) The interstate commission shall defend the
27 executive director, its employees, and subject to the approval

1 of the attorney general or other appropriate legal counsel of
2 the member state represented by an interstate commission
3 representative, shall defend such interstate commission
4 representative in any civil action seeking to impose liability
5 arising out of an actual or alleged act, error, or omission
6 that occurred within the scope of interstate commission
7 employment, duties, or responsibilities, or that the defendant
8 had a reasonable basis for believing occurred within the scope
9 of interstate commission employment, duties, or
10 responsibilities, provided that the actual or alleged act,
11 error, or omission did not result from intentional or willful
12 and wanton misconduct on the part of such person.

13 (3) To the extent not covered by the state involved,
14 member state, or the interstate commission, the
15 representatives or employees of the interstate commission
16 shall be held harmless in the amount of a settlement or
17 judgment, including attorney's fees and costs, obtained
18 against such persons arising out of an actual or alleged act,
19 error, or omission that occurred within the scope of
20 interstate commission employment, duties, or responsibilities,
21 or that such persons had a reasonable basis for believing
22 occurred within the scope of interstate commission employment,
23 duties, or responsibilities, provided that the actual or
24 alleged act, error, or omission did not result from
25 intentional or willful and wanton misconduct on the part of
26 such persons.

1 Section 15. Rulemaking functions of the interstate
2 commission.

3 (a) The interstate commission shall promulgate
4 reasonable rules in order to effectively and efficiently
5 achieve the purposes of the compact. Notwithstanding the
6 foregoing, in the event the interstate commission exercises
7 its rulemaking authority in a manner that is beyond the scope
8 of the purposes of the compact, or the powers granted
9 hereunder, then such an action by the interstate commission
10 shall be invalid and have no force or effect.

11 (b) Rules deemed appropriate for the operations of
12 the interstate commission shall be made pursuant to a
13 rulemaking process that substantially conforms to the Model
14 State Administrative Procedure Act of 2010, and subsequent
15 amendments thereto.

16 (c) Not later than 30 days after a rule is
17 promulgated, any person may file a petition for judicial
18 review of the rule in the United States District Court for the
19 District of Columbia or the federal district where the
20 interstate commission has its principal offices, provided that
21 the filing of such a petition shall not stay or otherwise
22 prevent the rule from becoming effective unless the court
23 finds that the petitioner has a substantial likelihood of
24 success. The court shall give deference to the actions of the
25 interstate commission consistent with applicable law and shall
26 not find the rule to be unlawful if the rule represents a

1 reasonable exercise of the authority granted to the interstate
2 commission.

3 Section 16. Oversight of interstate compact.

4 (a) The executive, legislative, and judicial
5 branches of state government in each member state shall
6 enforce the compact and shall take all actions necessary and
7 appropriate to effectuate the purposes and intent of the
8 compact. The provisions of the compact and the rules
9 promulgated hereunder shall have standing as statutory law but
10 shall not override existing state authority to regulate the
11 practice of medicine.

12 (b) All courts shall take judicial notice of the
13 compact and the rules in any judicial or administrative
14 proceeding in a member state pertaining to the subject matter
15 of the compact which may affect the powers, responsibilities,
16 or actions of the interstate commission.

17 (c) The interstate commission shall be entitled to
18 receive all service of process in any such proceeding, and
19 shall have standing to intervene in the proceeding for all
20 purposes. Failure to provide service of process to the
21 interstate commission shall render a judgment or order void as
22 to the interstate commission, the compact, or promulgated
23 rules.

24 Section 17. Enforcement of interstate compact.

25 (a) The interstate commission, in the reasonable
26 exercise of its discretion, shall enforce the provisions and
27 rules of the compact.

1 (b) The interstate commission, by majority vote of
2 the commissioners, may initiate legal action in the United
3 States District Court for the District of Columbia, or, at the
4 discretion of the interstate commission, in the federal
5 district where the interstate commission has its principal
6 offices, to enforce compliance with the provisions of the
7 compact, and its promulgated rules and bylaws, against a
8 member state in default. The relief sought may include both
9 injunctive relief and damages. In the event judicial
10 enforcement is necessary, the prevailing party shall be
11 awarded all costs of such litigation including reasonable
12 attorney's fees.

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

17 Section 18. Default procedures.

18 (a) The grounds for default include, but are not
19 limited to, failure of a member state to perform such
20 obligations or responsibilities imposed upon it by the
21 compact, or the rules and bylaws of the interstate commission
22 promulgated under the compact.

23 (b) If the interstate commission determines that a
24 member state has defaulted in the performance of its
25 obligations or responsibilities under the compact, or the
26 bylaws or promulgated rules, the interstate commission shall:

1 (1) Provide written notice to the defaulting state
2 and other member states, of the nature of the default, the
3 means of curing the default, and any action taken by the
4 interstate commission. The interstate commission shall specify
5 the conditions by which the defaulting state must cure its
6 default; and

7 (2) Provide remedial training and specific technical
8 assistance regarding the default.

9 (c) If the defaulting state fails to cure the
10 default, the defaulting state shall be terminated from the
11 compact upon an affirmative vote of a majority of the
12 commissioners and all rights, privileges, and benefits
13 conferred by the compact shall terminate on the effective date
14 of termination. A cure of the default does not relieve the
15 offending state of obligations or liabilities incurred during
16 the period of the default.

17 (d) Termination of membership in the compact shall
18 be imposed only after all other means of securing compliance
19 have been exhausted. Notice of intent to terminate shall be
20 given by the interstate commission to the governor, the
21 majority and minority leaders of the defaulting state's
22 legislature, and each of the member states.

23 (e) The interstate commission shall establish rules
24 and procedures to address licenses and physicians that are
25 materially impacted by the termination of a member state, or
26 the withdrawal of a member state.

1 (f) The member state which has been terminated is
2 responsible for all dues, obligations, and liabilities
3 incurred through the effective date of termination including
4 obligations, the performance of which extends beyond the
5 effective date of termination.

6 (g) The interstate commission shall not bear any
7 costs relating to any state that has been found to be in
8 default or which has been terminated from the compact, unless
9 otherwise mutually agreed upon in writing between the
10 interstate commission and the defaulting state.

11 (h) The defaulting state may appeal the action of
12 the interstate commission by petitioning the United States
13 District Court for the District of Columbia or the federal
14 district where the interstate commission has its principal
15 offices. The prevailing party shall be awarded all costs of
16 such litigation including reasonable attorney's fees.

17 Section 19. Dispute resolution.

18 (a) The interstate commission, upon the request of a
19 member state, shall attempt to resolve disputes which are
20 subject to the compact and which may arise among member states
21 or member boards.

22 (b) The interstate commission shall promulgate rules
23 providing for both mediation and binding dispute resolution as
24 appropriate.

25 Section 20. Member states, effective date, and
26 amendment.

1 (a) Any state is eligible to become a member state
2 of the compact.

3 (b) The compact shall become effective and binding
4 upon legislative enactment of the compact into law by no less
5 than seven states. Thereafter, it shall become effective and
6 binding on a state upon enactment of the compact into law by
7 that state.

8 (c) The governors of nonmember states, or their
9 designees, shall be invited to participate in the activities
10 of the interstate commission on a nonvoting basis prior to
11 adoption of the compact by all states.

12 (d) The interstate commission may propose amendments
13 to the compact for enactment by the member states. No
14 amendment shall become effective and binding upon the
15 interstate commission and the member states unless and until
16 it is enacted into law by unanimous consent of the member
17 states.

18 Section 21. Withdrawal.

19 (a) Once effective, the compact shall continue in
20 force and remain binding upon each and every member state;
21 provided that a member state may withdraw from the compact by
22 specifically repealing the statute which enacted the compact
23 into law.

24 (b) Withdrawal from the compact shall be by the
25 enactment of a statute repealing the same, but shall not take
26 effect until one year after the effective date of such statute
27 and until written notice of the withdrawal has been given by

1 the withdrawing state to the governor of each other member
2 state.

3 (c) The withdrawing state shall immediately notify
4 the chairperson of the interstate commission in writing upon
5 the introduction of legislation repealing the compact in the
6 withdrawing state.

7 (d) The interstate commission shall notify the other
8 member states of the withdrawing state's intent to withdraw
9 within 60 days of its receipt of notice provided under
10 subsection (c).

11 (e) The withdrawing state is responsible for all
12 dues, obligations, and liabilities incurred through the
13 effective date of withdrawal, including obligations, the
14 performance of which extend beyond the effective date of
15 withdrawal.

16 (f) Reinstatement following withdrawal of a member
17 state shall occur upon the withdrawing state reenacting the
18 compact or upon such later date as determined by the
19 interstate commission.

20 (g) The interstate commission is authorized to
21 develop rules to address the impact of the withdrawal of a
22 member state on licenses granted in other member states to
23 physicians who designated the withdrawing member state as the
24 state of principal license.

25 Section 22. Dissolution.

1 (a) The compact shall dissolve effective upon the
2 date of the withdrawal or default of the member state which
3 reduces the membership in the compact to one member state.

4 (b) Upon the dissolution of the compact, the compact
5 becomes null and void and shall be of no further force or
6 effect, and the business and affairs of the interstate
7 commission shall be concluded and surplus funds shall be
8 distributed in accordance with the bylaws.

9 Section 23. Severability and construction.

10 (a) The provisions of the compact shall be
11 severable, and if any phrase, clause, sentence, or provision
12 is deemed unenforceable, the remaining provisions of the
13 compact shall be enforceable.

14 (b) The provisions of the compact shall be liberally
15 construed to effectuate its purposes.

16 (c) Nothing in the compact shall be construed to
17 prohibit the applicability of other interstate compacts to
18 which the states are members.

19 Section 24. Binding effect of compact and other
20 laws.

21 (a) Nothing herein prevents the enforcement of any
22 other law of a member state that is not inconsistent with the
23 compact.

24 (b) All laws in a member state in conflict with the
25 compact are superseded to the extent of the conflict.

1 (c) All lawful actions of the interstate commission,
2 including all rules and bylaws promulgated by the commission,
3 are binding upon the member states.

4 (d) All agreements between the interstate commission
5 and the member states are binding in accordance with their
6 terms.

7 (e) In the event any provision of the compact
8 exceeds the constitutional limits imposed on the legislature
9 of any member state, such provision shall be ineffective to
10 the extent of the conflict with the constitutional provision
11 in question in that member state.

12 Section 25. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.