

1 S.8

2 Introduced by Senators Ayer, Cummings, Lyons, McCormack, and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Professions; medicine; interstate medical licensure compact

6 Statement of purpose of bill as introduced: This bill proposes to adopt the

7 Interstate Medical Licensure Compact. The Compact provides a process

8 through which physicians in other member states can seek an expedited

9 medical license to practice medicine in the State of Vermont.

10 An act relating to the Interstate Medical Licensure Compact

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 26 V.S.A. chapter 26 is added to read:

13 CHAPTER 26. INTERSTATE MEDICAL LICENSURE COMPACT

14 § 1501. PURPOSE – SECTION 1

15 In order to strengthen access to health care, and in recognition of the

16 advances in the delivery of health care, the member states of the Interstate

17 Medical Licensure Compact have allied in common purpose to develop a

18 comprehensive process that complements the existing licensing and regulatory

19 authority of state medical boards, provides a streamlined process that allows

20 physicians to become licensed in multiple states, thereby enhancing the

1 portability of a medical license and ensuring the safety of patients. The
2 Compact creates another pathway for licensure and does not otherwise change
3 a state's existing Medical Practice Act. The Compact also adopts the
4 prevailing standard for licensure and affirms that the practice of medicine
5 occurs where the patient is located at the time of the physician-patient
6 encounter, and therefore, requires the physician to be under the jurisdiction of
7 the state medical board where the patient is located. State medical boards that
8 participate in the Compact retain the jurisdiction to impose an adverse action
9 against a license to practice medicine in that state issued to a physician through
10 the procedures in the Compact.

11 § 1502. DEFINITIONS – SECTION 2

12 In this Compact:

13 (a) “Bylaws” means those bylaws established by the Interstate
14 Commission pursuant to Section 11 for its governance, or for directing and
15 controlling its actions and conduct.

16 (b) “Commissioner” means the voting representative appointed by each
17 member board pursuant to Section 11.

18 (c) “Conviction” means a finding by a court that an individual is guilty
19 of a criminal offense through adjudication, or entry of a plea of guilt or no
20 contest to the charge by the offender. Evidence of an entry of a conviction of a

1 criminal offense by the court shall be considered final for purposes of
2 disciplinary action by a member board.

3 (d) “Expedited License” means a full and unrestricted medical license
4 granted by a member state to an eligible physician through the process set forth
5 in the Compact.

6 (e) “Interstate Commission” means the interstate commission created
7 pursuant to Section 11.

8 (f) “License” means authorization by a state for a physician to engage in
9 the practice of medicine, which would be unlawful without the authorization.

10 (g) “Medical Practice Act” means laws and regulations governing the
11 practice of allopathic and osteopathic medicine within a member state.

12 (h) “Member Board” means a state agency in a member state that acts in
13 the sovereign interests of the state by protecting the public through licensure,
14 regulation, and education of physicians as directed by the state government.

15 (i) “Member State” means a state that has enacted the Compact.

16 (j) “Practice of Medicine” means the clinical prevention, diagnosis, or
17 treatment of human disease, injury, or condition requiring a physician to obtain
18 and maintain a license in compliance with the Medical Practice Act of a
19 member state.

1 (k) “Physician” means any person who:

2 (1) is a graduate of a medical school accredited by the Liaison
3 Committee on Medical Education, the Commission on Osteopathic College
4 Accreditation, or a medical school listed in the International Medical
5 Education Directory or its equivalent;

6 (2) passed each component of the United States Medical Licensing
7 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing
8 Examination (COMLEX-USA) within three attempts, or any of its predecessor
9 examinations accepted by a state medical board as an equivalent examination
10 for licensure purposes;

11 (3) successfully completed graduate medical education approved by
12 the Accreditation Council for Graduate Medical Education or the American
13 Osteopathic Association;

14 (4) holds specialty certification or a time-unlimited specialty
15 certificate recognized by the American Board of Medical Specialties or the
16 American Osteopathic Association’s Bureau of Osteopathic Specialists;

17 (5) possesses a full and unrestricted license to engage in the practice
18 of medicine issued by a member board;

19 (6) has never been convicted, received adjudication, deferred
20 adjudication, community supervision, or deferred disposition for any offense
21 by a court of appropriate jurisdiction;

1 (7) has never held a license authorizing the practice of medicine
2 subjected to discipline by a licensing agency in any state, federal, or foreign
3 jurisdiction, excluding any action related to non-payment of fees related to a
4 license;

5 (8) has never had a controlled substance license or permit suspended
6 or revoked by a state or the United States Drug Enforcement
7 Administration; and

8 (9) is not under active investigation by a licensing agency or law
9 enforcement authority in any state, federal, or foreign jurisdiction.

10 (l) "Offense" means a felony, gross misdemeanor, or crime of moral
11 turpitude.

12 (m) "Rule" means a written statement by the Interstate Commission
13 promulgated pursuant to Section 12 of the Compact that is of general
14 applicability, implements, interprets, or prescribes a policy or provision of the
15 Compact, or an organizational, procedural, or practice requirement of the
16 Interstate Commission, and has the force and effect of statutory law in a
17 member state, and includes the amendment, repeal, or suspension of an
18 existing rule.

19 (n) "State" means any state, commonwealth, district, or territory of the
20 United States.

1 (o) “State of Principal License” means a member state where a
2 physician holds a license to practice medicine and which has been designated
3 as such by the physician for purposes of registration and participation in the
4 Compact.

5 § 1503. ELIGIBILITY – SECTION 3

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

9 (b) A physician who does not meet the requirements of Section 2(k) may
10 obtain a license to practice medicine in a member state if the individual
11 complies with all laws and requirements, other than the Compact, relating to
12 the issuance of a license to practice medicine in that state.

13 § 1504. DESIGNATION OF STATE OF PRINCIPAL LICENSE –

14 SECTION 4

15 (a) A physician shall designate a member state as the state of principal
16 license for purposes of registration for expedited licensure through the
17 Compact if the physician possesses a full and unrestricted license to practice
18 medicine in that state, and the state is:

19 (1) the state of primary residence for the physician, or

20 (2) the state where at least 25% of the practice of medicine occurs, or

21 (3) the location of the physician’s employer, or

1 (4) if no state qualifies under subsection (1), subsection (2), or
2 subsection (3), the state designated as state of residence for purpose of federal
3 income tax.

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

7 (c) The Interstate Commission is authorized to develop rules to facilitate
8 redesignation of another member state as the state of principal license.

9 § 1505. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE –

10 SECTION 5

11 (a) A physician seeking licensure through the Compact shall file an
12 application for an expedited license with the member board of the state
13 selected by the physician as the state of principal license.

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

19 (1) Static qualifications, which include verification of medical
20 education, graduate medical education, results of any medical or licensing
21 examination, and other qualifications as determined by the Interstate

1 Commission through rule, shall not be subject to additional primary source
2 verification where already primary source verified by the state of principal
3 license.

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

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

13 (c) Upon verification in subsection (b), physicians eligible for an expedited
14 license shall complete the registration process established by the Interstate
15 Commission to receive a license in a member state selected pursuant to
16 subsection (a), including the payment of any applicable fees.

17 (d) After receiving verification of eligibility under subsection (b) and any
18 fees under subsection (c), a member board shall issue an expedited license to
19 the physician. This license shall authorize the physician to practice medicine
20 in the issuing state consistent with the Medical Practice Act and all applicable
21 laws and regulations of the issuing member board and member state.

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

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

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

12 § 1506. FEES FOR EXPEDITED LICENSURE – SECTION 6

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

16 (b) The Interstate Commission is authorized to develop rules regarding fees
17 for expedited licenses.

18 § 1507. RENEWAL AND CONTINUED PARTICIPATION – SECTION 7

19 (a) A physician seeking to renew an expedited license granted in a member
20 state shall complete a renewal process with the Interstate Commission if the
21 physician:

1 (1) maintains a full and unrestricted license in a state of principal
2 license;

3 (2) has not been convicted, received adjudication, deferred adjudication,
4 community supervision, or deferred disposition for any offense by a court of
5 appropriate jurisdiction;

6 (3) has not had a license authorizing the practice of medicine subject to
7 discipline by a licensing agency in any state, federal, or foreign jurisdiction,
8 excluding any action related to non-payment of fees related to a license; and

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

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

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

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

18 (e) Physician information collected by the Interstate Commission during
19 the renewal process will be distributed to all member boards.

20 (f) The Interstate Commission is authorized to develop rules to address
21 renewal of licenses obtained through the Compact.

1 § 1508. COORDINATED INFORMATION SYSTEM – SECTION 8

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

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

8 (c) Member boards shall report disciplinary or investigatory information
9 determined as necessary and proper by rule of the Interstate Commission.

10 (d) Member boards may report any nonpublic complaint, disciplinary, or
11 investigatory information not required by subsection (c) to the Interstate
12 Commission.

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

15 (f) All information provided to the Interstate Commission or distributed by
16 member boards shall be confidential, filed under seal, and used only for
17 investigatory or disciplinary matters.

18 (g) The Interstate Commission is authorized to develop rules for mandated
19 or discretionary sharing of information by member boards.

1 § 1509. JOINT INVESTIGATIONS – SECTION 9

2 (a) Licensure and disciplinary records of physicians are deemed
3 investigative.

4 (b) In addition to the authority granted to a member board by its respective
5 Medical Practice Act or other applicable state law, a member board may
6 participate with other member boards in joint investigations of physicians
7 licensed by the member boards.

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

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

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

16 § 1510. DISCIPLINARY ACTIONS – SECTION 10

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

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

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

13 (1) impose the same or lesser sanction(s) against the physician so long
14 as such sanctions are consistent with the Medical Practice Act of that state; or

15 (2) pursue separate disciplinary action against the physician under its
16 respective Medical Practice Act, regardless of the action taken in other
17 member states.

18 (d) If a license granted to a physician by a member board is revoked,
19 surrendered or relinquished in lieu of discipline, or suspended, then any
20 license(s) issued to the physician by any other member board(s) shall be
21 suspended, automatically and immediately without further action necessary by

1 the other member board(s), for ninety (90) days upon entry of the order by the
2 disciplining board, to permit the member board(s) to investigate the basis for
3 the action under the Medical Practice Act of that state. A member board may
4 terminate the automatic suspension of the license it issued prior to the
5 completion of the ninety-day (90) suspension period in a manner consistent
6 with the Medical Practice Act of that state.

7 § 1511. INTERSTATE MEDICAL LICENSURE COMPACT

8 COMMISSION – SECTION 11

9 (a) The member states hereby create the “Interstate Medical Licensure
10 Compact Commission.”

11 (b) The purpose of the Interstate Commission is the administration of the
12 Interstate Medical Licensure Compact, which is a discretionary state function.

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

18 (d) The Interstate Commission shall consist of two voting representatives
19 appointed by each member state who shall serve as Commissioners. In states
20 where allopathic and osteopathic physicians are regulated by separate member
21 boards, or if the licensing and disciplinary authority is split between multiple

1 member boards within a member state, the member state shall appoint one
2 representative from each member board. A Commissioner shall be a(n):

3 (1) allopathic or osteopathic physician appointed to a member board;

4 (2) executive director, executive secretary, or similar executive of a
5 member board; or

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

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

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

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

1 (h) The Interstate Commission shall provide public notice of all meetings
2 and all meetings shall be open to the public. The Interstate Commission may
3 close a meeting, in full or in portion, where it determines by a two-thirds vote
4 of the Commissioners present that an open meeting would be likely to:

5 (1) relate solely to the internal personnel practices and procedures of the
6 Interstate Commission;

7 (2) discuss matters specifically exempted from disclosure by federal
8 statute;

9 (3) discuss trade secrets, commercial, or financial information that is
10 privileged or confidential;

11 (4) involve accusing a person of a crime, or formally censuring a person;

12 (5) discuss information of a personal nature where disclosure would
13 constitute a clearly unwarranted invasion of personal privacy;

14 (6) discuss investigative records compiled for law enforcement
15 purposes; or

16 (7) specifically relate to the participation in a civil action or other legal
17 proceeding.

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

1 (j) The Interstate Commission shall make its information and official
2 records, to the extent not otherwise designated in the Compact or by its rules,
3 available to the public for inspection.

4 (k) The Interstate Commission shall establish an executive committee,
5 which shall include officers, members, and others as determined by the bylaws.
6 The executive committee shall have the power to act on behalf of the Interstate
7 Commission, with the exception of rulemaking, during periods when the
8 Interstate Commission is not in session. When acting on behalf of the
9 Interstate Commission, the executive committee shall oversee the
10 administration of the Compact, including enforcement and compliance with the
11 provisions of the Compact, its bylaws and rules, and other such duties as
12 necessary.

13 (l) The Interstate Commission may establish other committees for
14 governance and administration of the Compact.

15 § 1512. POWERS AND DUTIES OF THE INTERSTATE COMMISSION –

16 SECTION 12

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 which shall be binding to the extent and in the
20 manner provided for in the Compact;

1 (c) Issue, upon the request of a member state or member board, advisory
2 opinions concerning the meaning or interpretation of the Compact, its bylaws,
3 rules, and actions;

4 (d) Enforce compliance with Compact provisions, the rules promulgated
5 by the Interstate Commission, and the bylaws, using all necessary and proper
6 means, including but not limited to the use of judicial process;

7 (e) Establish and appoint committees including, but not limited to, an
8 executive committee as required by Section 11, which shall have the power to
9 act on behalf of the Interstate Commission in carrying out its powers and
10 duties;

11 (f) Pay, or provide for the payment of the expenses related to the
12 establishment, organization, and ongoing activities of the Interstate
13 Commission;

14 (g) Establish and maintain one or more offices;

15 (h) Borrow, accept, hire, or contract for services of personnel;

16 (i) Purchase and maintain insurance and bonds;

17 (j) Employ an executive director who shall have such powers to employ,
18 select, or appoint employees, agents, or consultants and to determine their
19 qualifications, define their duties, and fix their compensation;

20 (k) Establish personnel policies and programs relating to conflicts of
21 interest, rates of compensation, and qualifications of personnel;

- 1 (l) Accept donations and grants of money, equipment, supplies,
2 materials, and services and to receive, utilize, and dispose of it in a manner
3 consistent with the conflict-of-interest policies established by the Interstate
4 Commission;
- 5 (m) Lease, purchase, accept contributions or donations of, or otherwise
6 to own, hold, improve or use, any property, real, personal, or mixed;
- 7 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
8 otherwise dispose of any property, real, personal, or mixed;
- 9 (o) Establish a budget and make expenditures;
- 10 (p) Adopt a seal and bylaws governing the management and operation of
11 the Interstate Commission;
- 12 (q) Report annually to the legislatures and governors of the member
13 states concerning the activities of the Interstate Commission during the
14 preceding year. Such reports shall also include reports of financial audits and
15 any recommendations that may have been adopted by the Interstate
16 Commission;
- 17 (r) Coordinate education, training, and public awareness regarding the
18 Compact, its implementation, and its operation;
- 19 (s) Maintain records in accordance with the bylaws;
- 20 (t) Seek and obtain trademarks, copyrights, and patents; and

1 (u) Perform such functions as may be necessary or appropriate to
2 achieve the purposes of the Compact.

3 § 1513. FINANCE POWERS – SECTION 13

4 (a) The Interstate Commission may levy on and collect an annual
5 assessment from each member state to cover the cost of the operations and
6 activities of the Interstate Commission and its staff. The total assessment must
7 be sufficient to cover the annual budget approved each year for which revenue
8 is not provided by other sources. The aggregate annual assessment amount
9 shall be allocated upon a formula to be determined by the Interstate
10 Commission, which shall promulgate a rule binding upon all member states.

11 (b) The Interstate Commission shall not incur obligations of any kind prior
12 to securing the funds adequate to meet the same.

13 (c) The Interstate Commission shall not pledge the credit of any of the
14 member states, except by, and with the authority of, the member state.

15 (d) The Interstate Commission shall be subject to a yearly financial audit
16 conducted by a certified or licensed public accountant and the report of the
17 audit shall be included in the annual report of the Interstate Commission.

18 § 1514. ORGANIZATION AND OPERATION OF THE INTERSTATE

19 COMMISSION – SECTION 14

20 (a) The Interstate Commission shall, by a majority of the Commissioners
21 present and voting, adopt bylaws to govern its conduct as may be necessary or

1 appropriate to carry out the purposes of the Compact within twelve (12)
2 months of the first Interstate Commission meeting.

3 (b) The Interstate Commission shall elect or appoint annually from among
4 its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of
5 whom shall have such authority and duties as may be specified in the bylaws.

6 The chairperson, or in the chairperson's absence or disability, the
7 vice-chairperson, shall preside at all meetings of the Interstate Commission.

8 (c) Officers selected in subsection (b) shall serve without remuneration
9 from the Interstate Commission.

10 (d) The officers and employees of the Interstate Commission shall be
11 immune from suit and liability, either personally or in their official capacity,
12 for a claim for damage to or loss of property or personal injury or other civil
13 liability caused or arising out of, or relating to, an actual or alleged act, error,
14 or omission that occurred, or that such person had a reasonable basis for
15 believing occurred, within the scope of Interstate Commission employment,
16 duties, or responsibilities; provided that such person shall not be protected
17 from suit or liability for damage, loss, injury, or liability caused by the
18 intentional or willful and wanton misconduct of such person.

19 (1) The liability of the executive director and employees of the Interstate
20 Commission or representatives of the Interstate Commission, acting within the
21 scope of such person's employment or duties for acts, errors, or omissions

1 occurring within such person's state, may not exceed the limits of liability set
2 forth under the constitution and laws of that state for state officials, employees,
3 and agents. The Interstate Commission is considered to be an instrumentality
4 of the states for the purposes of any such action. Nothing in the subsection
5 shall be construed to protect such person from suit or liability for damage, loss,
6 injury, or liability caused by the intentional or willful and wanton misconduct
7 of such person.

8 (2) The Interstate Commission shall defend the executive director, its
9 employees, and subject to the approval of the attorney general or other
10 appropriate legal counsel of the member state represented by an Interstate
11 Commission representative, shall defend such Interstate Commission
12 representative in any civil action seeking to impose liability arising out of an
13 actual or alleged act, error, or omission that occurred within the scope of
14 Interstate Commission employment, duties, or responsibilities, or that the
15 defendant had a reasonable basis for believing occurred within the scope of
16 Interstate Commission employment, duties, or responsibilities, provided that
17 the actual or alleged act, error, or omission did not result from intentional or
18 willful and wanton misconduct on the part of such person.

19 (3) To the extent not covered by the state involved, member state, or the
20 Interstate Commission, the representatives or employees of the Interstate
21 Commission shall be held harmless in the amount of a settlement or judgment,

1 including attorney's fees and costs, obtained against such persons arising out
2 of an actual or alleged act, error, or omission that occurred within the scope of
3 Interstate Commission employment, duties, or responsibilities, or that such
4 persons had a reasonable basis for believing occurred within the scope of
5 Interstate Commission employment, duties, or responsibilities, provided that
6 the actual or alleged act, error, or omission did not result from intentional or
7 willful and wanton misconduct on the part of such persons.

8 § 1515. RULEMAKING FUNCTIONS OF THE INTERSTATE

9 COMMISSION – SECTION 15

10 (a) The Interstate Commission shall promulgate reasonable rules in order to
11 effectively and efficiently achieve the purposes of the Compact.

12 Notwithstanding the foregoing, in the event the Interstate Commission
13 exercises its rulemaking authority in a manner that is beyond the scope of the
14 purposes of the Compact, or the powers granted hereunder, then such an action
15 by the Interstate Commission shall be invalid and have no force or effect.

16 (b) Rules deemed appropriate for the operations of the Interstate
17 Commission shall be made pursuant to a rulemaking process that substantially
18 conforms to the "Model State Administrative Procedure Act" of 2010, and
19 subsequent amendments thereto.

20 (c) Not later than thirty (30) days after a rule is promulgated, any person
21 may file a petition for judicial review of the rule in the United States District

1 Court for the District of Columbia or the federal district where the Interstate
2 Commission has its principal offices, provided that the filing of such a petition
3 shall not stay or otherwise prevent the rule from becoming effective unless the
4 court finds that the petitioner has a substantial likelihood of success. The court
5 shall give deference to the actions of the Interstate Commission consistent with
6 applicable law and shall not find the rule to be unlawful if the rule represents a
7 reasonable exercise of the authority granted to the Interstate Commission.

8 § 1516. OVERSIGHT OF INTERSTATE COMPACT – SECTION 16

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

15 (b) All courts shall take judicial notice of the Compact and the rules in any
16 judicial or administrative proceeding in a member state pertaining to the
17 subject matter of the Compact which may affect the powers, responsibilities, or
18 actions of the Interstate Commission.

19 (c) The Interstate Commission shall be entitled to receive all service of
20 process in any such proceeding, and shall have standing to intervene in the
21 proceeding for all purposes. Failure to provide service of process to the

1 Interstate Commission shall render a judgment or order void as to the Interstate
2 Commission, the Compact, or promulgated rules.

3 § 1517. ENFORCEMENT OF INTERSTATE COMPACT – SECTION 17

4 (a) The Interstate Commission, in the reasonable exercise of its discretion,
5 shall enforce the provisions and rules of the Compact.

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

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

18 § 1518. DEFAULT PROCEDURES – SECTION 18

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

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

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

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

10 (2) Provide remedial training and specific technical assistance regarding
11 the default.

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

18 (d) Termination of membership in the Compact shall be imposed only after
19 all other means of securing compliance have been exhausted. Notice of intent
20 to terminate shall be given by the Interstate Commission to the governor, the

1 majority and minority leaders of the defaulting state's legislature, and each of
2 the member states.

3 (e) The Interstate Commission shall establish rules and procedures to
4 address licenses and physicians that are materially impacted by the termination
5 of a member state, or the withdrawal of a member state.

6 (f) The member state which has been terminated is responsible for all dues,
7 obligations, and liabilities incurred through the effective date of termination
8 including obligations, the performance of which extends beyond the effective
9 date of termination.

10 (g) The Interstate Commission shall not bear any costs relating to any state
11 that has been found to be in default or which has been terminated from the
12 Compact, unless otherwise mutually agreed upon in writing between the
13 Interstate Commission and the defaulting state.

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

1 § 1519. DISPUTE RESOLUTION – SECTION 19

2 (a) The Interstate Commission shall attempt, upon the request of a member
3 state, to resolve disputes which are subject to the Compact and which may
4 arise among member states or member boards.

5 (b) The Interstate Commission shall promulgate rules providing for both
6 mediation and binding dispute resolution as appropriate.

7 § 1520. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT –
8 SECTION 20

9 (a) Any state is eligible to become a member state of the Compact.

10 (b) The Compact shall become effective and binding upon legislative
11 enactment of the Compact into law by no less than seven (7) states.
12 Thereafter, it shall become effective and binding on a state upon enactment of
13 the Compact into law by that state.

14 (c) The governors of non-member states, or their designees, shall be invited
15 to participate in the activities of the Interstate Commission on a nonvoting
16 basis prior to adoption of the Compact by all states.

17 (d) The Interstate Commission may propose amendments to the Compact
18 for enactment by the member states. No amendment shall become effective
19 and binding upon the Interstate Commission and the member states unless and
20 until it is enacted into law by unanimous consent of the member states.

1 § 1521. WITHDRAWAL – SECTION 21

2 (a) Once effective, the Compact shall continue in force and remain binding
3 upon each and every member state; provided that a member state may
4 withdraw from the Compact by specifically repealing the statute which enacted
5 the Compact into law.

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

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

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

17 (e) The withdrawing state is responsible for all dues, obligations, and
18 liabilities incurred through the effective date of withdrawal, including
19 obligations, the performance of which extend beyond the effective date of
20 withdrawal.

1 (f) Reinstatement following withdrawal of a member state shall occur upon
2 the withdrawing state reenacting the Compact or upon such later date as
3 determined by the Interstate Commission.

4 (g) The Interstate Commission is authorized to develop rules to address the
5 impact of the withdrawal of a member state on licenses granted in other
6 member states to physicians who designated the withdrawing member state as
7 the state of principal license.

8 § 1522. DISSOLUTION – SECTION 22

9 (a) The Compact shall dissolve effective upon the date of the withdrawal or
10 default of the member state which reduces the membership in the Compact to
11 one (1) member state.

12 (b) Upon the dissolution of the Compact, the Compact becomes null and
13 void and shall be of no further force or effect, and the business and affairs of
14 the Interstate Commission shall be concluded and surplus funds shall be
15 distributed in accordance with the bylaws.

16 § 1523. SEVERABILITY AND CONSTRUCTION – SECTION 23

17 (a) The provisions of the Compact shall be severable, and if any phrase,
18 clause, sentence, or provision is deemed unenforceable, the remaining
19 provisions of the Compact shall be enforceable.

20 (b) The provisions of the Compact shall be liberally construed to effectuate
21 its purposes.

1 (c) Nothing in the Compact shall be construed to prohibit the applicability
2 of other interstate compacts to which the states are members.

3 § 1524. BINDING EFFECT OF COMPACT AND OTHER LAWS –

4 SECTION 24

5 (a) Nothing herein prevents the enforcement of any other law of a member
6 state that is not inconsistent with the Compact.

7 (b) All laws in a member state in conflict with the Compact are superseded
8 to the extent of the conflict.

9 (c) All lawful actions of the Interstate Commission, including all rules and
10 bylaws promulgated by the Commission, are binding upon the member states.

11 (d) All agreements between the Interstate Commission and the member
12 states are binding in accordance with their terms.

13 (e) In the event any provision of the Compact exceeds the constitutional
14 limits imposed on the legislature of any member state, such provision shall be
15 ineffective to the extent of the conflict with the constitutional provision in
16 question in that member state.

17 Sec. 2. EFFECTIVE DATE; NOTIFICATION

18 (a) This act shall take effect when the compact set forth in this act is
19 enacted by six other states in the United States.

20 (b) The Commissioner of Health shall notify the General Assembly when
21 the requisite number of states has enacted the compact.