

1 S.253

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; medicine; Interstate Medical Licensure  
6 Compact

7 Statement of purpose of bill as introduced: This bill proposes to adopt the  
8 Interstate Medical Licensure Compact in Vermont.

9 An act relating to Vermont's adoption of the Interstate Medical Licensure  
10 Compact

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

12 Sec. 1. 26 V.S.A. chapter 23, subchapter 3A is added to read:

13 Subchapter 3A. Interstate Medical Licensure Compact

14 § 1420. INTERSTATE MEDICAL LICENSURE COMPACT; ADOPTION

15 This subchapter is the Vermont adoption of the Interstate Medical Licensure  
16 Compact as revised by the Interstate Medical Licensure Compact Commission.

17 The form, format, and text of the compact have been conformed to the  
18 conventions of the Vermont Statutes Annotated. It is the intent of the General  
19 Assembly that this subchapter be interpreted as substantively the same as the  
20 Interstate Medical Licensure Compact that is enacted by other member states.

1     § 1420a. PURPOSE

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

18    § 1420b. DEFINITIONS

19           As used in this compact:

1           (1) “Bylaws” means those bylaws established by the Interstate  
2           Commission pursuant to section 1420k of this subchapter for its governance  
3           or for directing and controlling its actions and conduct.

4           (2) “Commissioner” means the voting representative appointed by each  
5           member board pursuant to section 1420k of this subchapter.

6           (3) “Conviction” means a finding by a court that an individual is guilty  
7           of a criminal offense through adjudication or entry of a plea of guilt or no  
8           contest to the charge by the offender. Evidence of an entry of a conviction of a  
9           criminal offense by the court shall be considered final for purposes of  
10          disciplinary action by a member board.

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

14          (5) “Interstate Commission” means the interstate commission created  
15          pursuant to section 1420k of this subchapter.

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

18          (7) “Medical Practice Act” means laws and regulations governing the  
19          practice of allopathic and osteopathic medicine within a member state.

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

4           (9) “Member State” means a state that has enacted the Compact.

5           (10) “Practice of Medicine” means the clinical prevention, diagnosis, or  
6           treatment of human disease, injury, or condition requiring a physician to obtain  
7           and maintain a license in compliance with the Medical Practice Act of a  
8           member state.

9           (11) “Physician” means any person who:

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

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

19           (C) successfully completed graduate medical education approved by  
20           the Accreditation Council for Graduate Medical Education or the American  
21           Osteopathic Association;

1           (D) holds specialty certification or a time-unlimited specialty  
2           certificate recognized by the American Board of Medical Specialties or the  
3           American Osteopathic Association’s Bureau of Osteopathic Specialists;

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

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

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

13          (H) has never had a controlled substance license or permit suspended  
14          or revoked by a state or the U.S. Drug Enforcement Administration; and

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

17          (12) “Offense” means a felony, gross misdemeanor, or crime of moral  
18          turpitude.

19          (13) “Rule” means a written statement by the Interstate Commission  
20          promulgated pursuant to section 1420I of this subchapter that is of general  
21          applicability, implements, interprets, or prescribes a policy or provision of the

1 Compact, or an organizational, procedural, or practice requirement of the  
2 Interstate Commission, and has the force and effect of statutory law in a  
3 member state, and includes the amendment, repeal, or suspension of an  
4 existing rule.

5 (14) “State” means any state, commonwealth, district, or territory of the  
6 United States.

7 (15) “State of Principal License” means a member state where a  
8 physician holds a license to practice medicine and that has been designated as  
9 such by the physician for purposes of registration and participation in the  
10 Compact.

11 § 1420c. ELIGIBILITY

12 (a) A physician must meet the eligibility requirements as defined in  
13 subdivision 1420b(11) of this subchapter to receive an expedited license under  
14 the terms and provisions of the Compact.

15 (b) A physician who does not meet the requirements of subdivision  
16 1420b(11) of this subchapter may obtain a license to practice medicine in a  
17 member state if the individual complies with all laws and requirements, other  
18 than the Compact, relating to the issuance of a license to practice medicine in  
19 that state.

1       § 1420d. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

6           (1) the state of primary residence for the physician;

7           (2) the state where at least 25 percent of the practice of medicine occurs;

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

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

12          (b) A physician may redesignate a member state as state of principal  
13       license at any time, as long as the state meets the requirements in subsection  
14       (a) of this section.

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

17       § 1420e. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

6           (1) Static qualifications, which include verification of medical  
7       education, graduate medical education, results of any medical or licensing  
8       examination, and other qualifications as determined by the Interstate  
9       Commission through rule, shall not be subject to additional primary source  
10       verification where already primary source verified by the state of principal  
11       license.

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

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



1       (c) Upon verification in subsection (b) of this section, physicians eligible  
2       for an expedited license shall complete the registration process established by  
3       the Interstate Commission to receive a license in a member state selected  
4       pursuant to subsection (a) of this section, including the payment of any  
5       applicable fees.

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

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

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

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

4       § 1420f. FEES FOR EXPEDITED LICENSURE

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

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

10       § 1420g. RENEWAL AND CONTINUED PARTICIPATION

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

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

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

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

1           (4) has not had a controlled substance license or permit suspended or  
2           revoked by a state or the U.S. Drug Enforcement Administration.

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

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

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

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

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

14          § 1420h. COORDINATED INFORMATION SYSTEM

15          (a) The Interstate Commission shall establish a database of all physicians  
16          licensed or who have applied for licensure under section 1420e of this  
17          subchapter.

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

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

3       (d) Member boards may report any nonpublic complaint, disciplinary, or  
4       investigatory information not required by subsection (c) of this section to the  
5       Interstate Commission.

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

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

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

13       § 1420i. JOINT INVESTIGATIONS

14       (a) Licensure and disciplinary records of physicians are deemed  
15       investigative.

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

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

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

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

7       § 1420j. DISCIPLINARY ACTIONS

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

12       (b) If a license granted to a physician by the member board in the state of  
13       principal license is revoked, surrendered or relinquished in lieu of discipline, or  
14       suspended, then all licenses issued to the physician by member boards shall  
15       automatically be placed, without further action necessary by any member  
16       board, on the same status. If the member board in the state of principal license  
17       subsequently reinstates the physician's license, a license issued to the  
18       physician by any other member board shall remain encumbered until that  
19       respective member board takes action to reinstate the license in a manner  
20       consistent with the Medical Practice Act of that state.

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

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

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

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

1     § 1420k. INTERSTATE MEDICAL LICENSURE COMPACT

2             COMMISSION

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

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

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

12            (d) The Interstate Commission shall consist of two voting representatives  
13            appointed by each member state who shall serve as Commissioners. In states  
14            where allopathic and osteopathic physicians are regulated by separate member  
15            boards, or if the licensing and disciplinary authority is split between multiple  
16            member boards within a member state, the member state shall appoint one  
17            representative from each member board. A Commissioner shall be:

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

19            (2) an executive director, executive secretary, or similar executive of a  
20            member board; or

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

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

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

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

16       (h) The Interstate Commission shall provide public notice of all meetings  
17       and all meetings shall be open to the public. The Interstate Commission may  
18       close a meeting, in full or in portion, when it determines by a two-thirds' vote  
19       of the Commissioners present that an open meeting would be likely to:

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



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

3           (3) discuss trade secrets or commercial or financial information that is  
4 privileged or confidential;

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

6           (5) discuss information of a personal nature when disclosure would  
7 constitute a clearly unwarranted invasion of personal privacy;

8           (6) discuss investigative records compiled for law enforcement  
9 purposes; or

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

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

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

18           (k) The Interstate Commission shall establish an executive committee,  
19 which shall include officers, members, and others as determined by the bylaws.  
20 The executive committee shall have the power to act on behalf of the Interstate  
21 Commission, with the exception of rulemaking, during periods when the

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

6 (1) The Interstate Commission may establish other committees for  
7 governance and administration of the Compact.

8 § 1420l. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

9 The Interstate Commission shall have a duty and power to:

10 (1) Oversee and maintain the administration of the Compact;

11 (2) Promulgate rules that shall be binding to the extent and in the  
12 manner provided for in the Compact;

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

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

19 (5) Establish and appoint committees including, but not limited to, an  
20 executive committee as required by section 1420k of this subchapter, which

1 shall have the power to act on behalf of the Interstate Commission in carrying  
2 out its powers and duties;

3 (6) Pay or provide for the payment of the expenses related to the  
4 establishment, organization, and ongoing activities of the Interstate  
5 Commission;

6 (7) Establish and maintain one or more offices;

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

8 (9) Purchase and maintain insurance and bonds;

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

12 (11) Establish personnel policies and programs relating to conflicts of  
13 interest, rates of compensation, and qualifications of personnel;

14 (12) Accept donations and grants of money, equipment, supplies,  
15 materials, and services and to receive, utilize, and dispose of it in a manner  
16 consistent with the conflict-of-interest policies established by the Interstate  
17 Commission;

18 (13) Lease, purchase, accept contributions or donations of, or otherwise  
19 to own, hold, improve or use, any property, real, personal, or mixed;

20 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
21 otherwise dispose of any property, real, personal, or mixed;

1           (15) Establish a budget and make expenditures;

2           (16) Adopt a seal and bylaws governing the management and operation  
3 of the Interstate Commission;

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

9           (18) Coordinate education, training, and public awareness regarding the  
10 Compact, its implementation, and its operation;

11           (19) Maintain records in accordance with the bylaws;

12           (20) Seek and obtain trademarks, copyrights, and patents; and

13           (21) Perform such functions as may be necessary or appropriate to  
14 achieve the purposes of the Compact.

15           § 1420m. FINANCE POWERS

16           (a) The Interstate Commission may levy on and collect an annual  
17 assessment from each member state to cover the cost of the operations and  
18 activities of the Interstate Commission and its staff. The total assessment must  
19 be sufficient to cover the annual budget approved each year for which revenue  
20 is not provided by other sources. The aggregate annual assessment amount

1 shall be allocated upon a formula to be determined by the Interstate  
2 Commission, which shall promulgate a rule binding upon all member states.

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

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

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

10 § 1420n. ORGANIZATION AND OPERATION OF THE INTERSTATE

11 COMMISSION

12 (a) The Interstate Commission shall, by a majority of the Commissioners  
13 present and voting, adopt bylaws to govern its conduct as may be necessary or  
14 appropriate to carry out the purposes of the Compact within 12 months of the  
15 first Interstate Commission meeting.

16 (b) The Interstate Commission shall elect or appoint annually from among  
17 its Commissioners a chairperson, a vice chairperson, and a treasurer, each of  
18 whom shall have such authority and duties as may be specified in the bylaws.  
19 The chairperson, or in the chairperson's absence or disability, the vice  
20 chairperson, shall preside at all meetings of the Interstate Commission.

1       (c) Officers selected in subsection (b) of this section shall serve without  
2       remuneration from the Interstate Commission.

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

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

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

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

1     § 1420o. RULEMAKING FUNCTIONS OF THE INTERSTATE

2             COMMISSION

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

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

9             (b) Rules deemed appropriate for the operations of the Interstate  
10            Commission shall be made pursuant to a rulemaking process that substantially  
11            conforms to the “Model State Administrative Procedure Act” of 2010, and  
12            subsequent amendments thereto.

13            (c) Not later than 30 days after a rule is promulgated, any person may file a  
14            petition for judicial review of the rule in the U.S. District Court for the District  
15            of Columbia or the federal district where the Interstate Commission has its  
16            principal offices, provided that the filing of such a petition shall not stay or  
17            otherwise prevent the rule from becoming effective unless the court finds that  
18            the petitioner has a substantial likelihood of success. The court shall give  
19            deference to the actions of the Interstate Commission consistent with  
20            applicable law and shall not find the rule to be unlawful if the rule represents a  
21            reasonable exercise of the authority granted to the Interstate Commission.



1     § 1420p. OVERSIGHT OF INTERSTATE COMPACT

2           (a) The executive, legislative, and judicial branches of state government in  
3     each member state shall enforce the Compact and shall take all actions  
4     necessary and appropriate to effectuate the Compact's purposes and intent.

5     The provisions of the Compact and the rules promulgated hereunder shall have  
6     standing as statutory law but shall not override existing state authority to  
7     regulate the practice of medicine.

8           (b) All courts shall take judicial notice of the Compact and the rules in any  
9     judicial or administrative proceeding in a member state pertaining to the  
10    subject matter of the Compact that may affect the powers, responsibilities, or  
11    actions of the Interstate Commission.

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

17    § 1420q. ENFORCEMENT OF INTERSTATE COMPACT

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

20          (b) The Interstate Commission may, by majority vote of the  
21    Commissioners, initiate legal action in the U.S. District Court for the District

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

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

11 § 1420r. DEFAULT PROCEDURES

12 (a) The grounds for default include, but are not limited to, failure of a  
13 member state to perform such obligations or responsibilities imposed upon it  
14 by the Compact, or the rules and bylaws of the Interstate Commission  
15 promulgated under the Compact.

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

19 (1) Provide written notice to the defaulting state and other member  
20 states, of the nature of the default, the means of curing the default, and any

1 action taken by the Interstate Commission. The Interstate Commission shall  
2 specify the conditions by which the defaulting state must cure its default; and

3 (2) Provide remedial training and specific technical assistance regarding  
4 the default.

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

11 (d) Termination of membership in the Compact shall be imposed only after  
12 all other means of securing compliance have been exhausted. Notice of intent  
13 to terminate shall be given by the Interstate Commission to the governor, the  
14 majority and minority leaders of the defaulting state's legislature, and each of  
15 the member states.

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

19 (f) The member state that has been terminated is responsible for all dues,  
20 obligations, and liabilities incurred through the effective date of termination

1 including obligations, the performance of which extends beyond the effective  
2 date of termination.

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

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

12 § 1420s. DISPUTE RESOLUTION

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

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

18 § 1420t. MEMBER STATES; EFFECTIVE DATE AND AMENDMENT

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

20 (b) The Compact shall become effective and binding upon legislative  
21 enactment of the Compact into law by no fewer than seven states. Thereafter,

1 it shall become effective and binding on a state upon enactment of the  
2 Compact into law by that state.

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

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

10 § 1420u. WITHDRAWAL

11 (a) Once effective, the Compact shall continue in force and remain binding  
12 upon each and every member state; provided that a member state may  
13 withdraw from the Compact by specifically repealing the statute that enacted  
14 the Compact into law.

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

19 (c) The withdrawing state shall immediately notify the chairperson of the  
20 Interstate Commission in writing upon the introduction of legislation repealing  
21 the Compact in the withdrawing state.

1       (d) The Interstate Commission shall notify the other member states of the  
2       withdrawing state's intent to withdraw within 60 days of its receipt of notice  
3       provided under subsection (c) of this section.

4       (e) The withdrawing state is responsible for all dues, obligations, and  
5       liabilities incurred through the effective date of withdrawal, including  
6       obligations, the performance of which extends beyond the effective date of  
7       withdrawal.

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

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

15       § 1420v. DISSOLUTION

16       (a) The Compact shall dissolve effective on the date of the withdrawal or  
17       default of the member state that reduces the membership in the Compact to one  
18       member state.

19       (b) Upon the dissolution of the Compact, the Compact becomes null and  
20       void and shall be of no further force or effect, and the business and affairs of

1 the Interstate Commission shall be concluded and surplus funds shall be  
2 distributed in accordance with the bylaws.

3 § 1420w. SEVERABILITY AND CONSTRUCTION

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

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

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

11 § 1420x. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

20 (e) In the event any provision of the Compact exceeds the constitutional  
21 limits imposed on the legislature of any member state, such provision shall be

1 ineffective to the extent of the conflict with the constitutional provision in  
2 question in that member state.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on January 1, 2019.