

HOUSE BILL No. 1153

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-22.5; IC 34-30-2-99.2.

Synopsis: Interstate medical licensure compact. Requires the medical licensing board of Indiana (board) to administer the interstate medical licensure compact (compact). Adopts the compact. Grants eligible physicians an expedited license to practice medicine in compact member states. Requires a physician to designate a member state as the state of principal license for purposes of registration. Establishes application and issuance procedures. Allows the board to establish fees for the issuance and renewal of licenses. Authorizes the creation of the interstate medical licensure compact commission (commission) by the member states to administer the compact. Provides for two voting members on the commission from each member state. Requires the commission to establish a data base of all physicians who have applied for or been granted an expedited licensure. Allows a member board to participate with other member boards in joint investigations. Allows the commission to collect an annual assessment from each member state. Provides civil liability immunity to officers and employees of the commission for certain acts, errors, or omissions. Allows the commission to adopt rules to achieve the purposes of the compact. Requires each member state to enforce the compact. Specifies that the compact does not override the state's authority to regulate the practice of medicine. Allows the commission to enforce the compact against member states. Requires the commission to adopt rules that provide mediation and binding dispute resolution. Establishes the procedure to withdraw from the compact. Specifies that the compact supersedes any state law that is in conflict. Makes a conforming change.

Effective: July 1, 2018.

Ziemke

January 8, 2018, read first time and referred to Committee on Public Health.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1153

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-22.5-2-7, AS AMENDED BY P.L.78-2016,
- 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2018]: Sec. 7. (a) The board shall do the following:
- 4 (1) Adopt rules and forms necessary to implement this article that
- 5 concern, but are not limited to, the following areas:
- 6 (A) Qualification by education, residence, citizenship,
- 7 training, and character for admission to an examination for
- 8 licensure or by endorsement for licensure.
- 9 (B) The examination for licensure.
- 10 (C) The license or permit.
- 11 (D) Fees for examination, permit, licensure, and registration.
- 12 (E) Reinstatement of licenses and permits.
- 13 (F) Payment of costs in disciplinary proceedings conducted by
- 14 the board.
- 15 (2) Administer oaths in matters relating to the discharge of the
- 16 board's official duties.
- 17 (3) Enforce this article and assign to the personnel of the agency



- 1 duties as may be necessary in the discharge of the board's duty.
 2 (4) Maintain, through the agency, full and complete records of all
 3 applicants for licensure or permit and of all licenses and permits
 4 issued.
 5 (5) Make available, upon request, the complete schedule of
 6 minimum requirements for licensure or permit.
 7 (6) Issue, at the board's discretion, a temporary permit to an
 8 applicant for the interim from the date of application until the
 9 next regular meeting of the board.
 10 (7) Issue an unlimited license, a limited license, or a temporary
 11 medical permit, depending upon the qualifications of the
 12 applicant, to any applicant who successfully fulfills all of the
 13 requirements of this article.
 14 (8) Adopt rules establishing standards for the competent practice
 15 of medicine, osteopathic medicine, or any other form of practice
 16 regulated by a limited license or permit issued under this article.
 17 (9) Adopt rules regarding the appropriate prescribing of Schedule
 18 III or Schedule IV controlled substances for the purpose of weight
 19 reduction or to control obesity.
 20 (10) Adopt rules establishing standards for office based
 21 procedures that require moderate sedation, deep sedation, or
 22 general anesthesia.
 23 (11) Adopt rules or protocol establishing the following:
 24 (A) An education program to be used to educate women with
 25 high breast density.
 26 (B) Standards for providing an annual screening or diagnostic
 27 test for a woman who is at least forty (40) years of age and
 28 who has been determined to have high breast density.
 29 As used in this subdivision, "high breast density" means a
 30 condition in which there is a greater amount of breast and
 31 connective tissue in comparison to fat in the breast.
 32 (12) Adopt rules establishing standards and protocols for the
 33 prescribing of controlled substances.
 34 (13) Adopt rules as set forth in IC 25-23.4 concerning the
 35 certification of certified direct entry midwives.
 36 **(14) Administer the interstate medical licensure compact**
 37 **under IC 25-22.5-16, including appointing members to the**
 38 **interstate medical licensure compact commission and**
 39 **adopting any rules necessary to administer the compact.**
 40 (b) The board may adopt rules that establish:
 41 (1) certification requirements for child death pathologists;
 42 (2) an annual training program for child death pathologists under



1 IC 16-35-7-3(b)(2); and

2 (3) a process to certify a qualified child death pathologist.

3 (c) The board may adopt rules under IC 4-22-2 establishing
4 guidelines for the practice of telemedicine in Indiana. Adoption of rules
5 under this subsection may not delay the implementation and provision
6 of telemedicine services by a provider under IC 25-1-9.5.

7 SECTION 2. IC 25-22.5-16 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]:

10 **Chapter 16. Interstate Medical Licensure Compact**

11 **Sec. 1. (a) In order to strengthen access to health care, and in**
12 **recognition of the advances in the delivery of health care, the**
13 **member states of the interstate medical licensure compact have**
14 **allied in common purpose to develop a comprehensive process that**
15 **complements the existing licensing and regulatory authority of**
16 **state medical boards and provides a streamlined process that**
17 **allows physicians to become licensed in multiple states, thereby**
18 **enhancing the portability of a medical license and ensuring the**
19 **safety of patients. The compact creates another pathway for**
20 **licensure and does not otherwise change a state's existing medical**
21 **practice act. The compact also adopts the prevailing standard for**
22 **licensure and affirms that the practice of medicine occurs where**
23 **the patient is located at the time of the physician-patient encounter,**
24 **and therefore requires the physician to be under the jurisdiction of**
25 **the state medical board where the patient is located.**

26 **(b) State medical boards that participate in the compact retain**
27 **the jurisdiction to impose an adverse action against a license to**
28 **practice medicine in that state issued to a physician through the**
29 **procedures in the compact.**

30 **Sec. 2. The following definitions apply throughout this chapter:**

31 **(1) "Bylaws" means those bylaws established by the interstate**
32 **commission under section 11 of this chapter for its**
33 **governance, or for directing and controlling its actions and**
34 **conduct.**

35 **(2) "Commissioner" means the voting representative**
36 **appointed by each member board under section 11 of this**
37 **chapter.**

38 **(3) "Compact" means the interstate medical licensure**
39 **compact.**

40 **(4) "Conviction" means a finding by a court that an**
41 **individual is guilty of a criminal offense through adjudication,**
42 **or entry of a plea of guilt or no contest to the charge by the**



- 1 offender. Evidence of an entry of a conviction of a criminal
 2 offense by the court shall be considered final for purposes of
 3 disciplinary action by a member board.
- 4 (5) "Expedited license" means a full and unrestricted medical
 5 license granted by a member state to an eligible physician
 6 through the process set forth in the compact.
- 7 (6) "Interstate commission" means the interstate medical
 8 licensure compact commission created under section 11 of this
 9 chapter.
- 10 (7) "License" means authorization by a state for a physician
 11 to engage in the practice of medicine, which would be
 12 unlawful without the authorization.
- 13 (8) "Medical practice act" means laws and regulations
 14 governing the practice of allopathic and osteopathic medicine
 15 within a member state.
- 16 (9) "Member board" means a state agency in a member state
 17 that acts in the sovereign interests of the state by protecting
 18 the public through licensure, regulation, and education of
 19 physicians as directed by state government.
- 20 (10) "Member state" means a state that has enacted the
 21 compact.
- 22 (11) "Offense" means a felony, gross misdemeanor, or crime
 23 of moral turpitude.
- 24 (12) "Physician" means any person who satisfies all of the
 25 following:
- 26 (A) Is a graduate of a medical school accredited by the
 27 Liaison Committee on Medical Education, the Commission
 28 on Osteopathic College Accreditation, or a medical school
 29 listed in the International Medical Education Directory or
 30 its equivalent.
- 31 (B) Passed each component of the United States Medical
 32 Licensing Examination or the Comprehensive Osteopathic
 33 Medical Licensing Examination within three (3) attempts,
 34 or any of its predecessor examinations accepted by a state
 35 medical board as an equivalent examination for licensure
 36 purposes.
- 37 (C) Successfully completed graduate medical education
 38 approved by the Accreditation Council for Graduate
 39 Medical Education or the American Osteopathic
 40 Association.
- 41 (D) Holds specialty certification or a time unlimited
 42 specialty certificate recognized by the American Board of



- 1 **Medical Specialties or the American Osteopathic**
 2 **Association's Bureau of Osteopathic Specialists.**
 3 **(E) Possesses a full and unrestricted license to engage in**
 4 **the practice of medicine issued by a member board.**
 5 **(F) Has never been convicted or received adjudication,**
 6 **deferred adjudication, community supervision, or deferred**
 7 **disposition for any offense by a court of appropriate**
 8 **jurisdiction.**
 9 **(G) Has never held a license authorizing the practice of**
 10 **medicine subjected to discipline by a licensing agency in**
 11 **any state, federal, or foreign jurisdiction, excluding any**
 12 **action related to nonpayment of fees related to a license.**
 13 **(H) Has never had a controlled substance license or permit**
 14 **suspended or revoked by a state or the United States Drug**
 15 **Enforcement Administration.**
 16 **(I) Is not under active investigation by a licensing agency**
 17 **or law enforcement authority in any state, federal, or**
 18 **foreign jurisdiction.**
 19 **(13) "Practice of medicine" means the clinical prevention,**
 20 **diagnosis, or treatment of human disease, injury, or condition**
 21 **requiring a physician to obtain and maintain a license in**
 22 **compliance with the medical practice act of a member state.**
 23 **(14) "Rule" means a written statement by the interstate**
 24 **commission adopted under section 12 of this chapter that is of**
 25 **general applicability, implements, interprets, or prescribes a**
 26 **policy or provision of the compact or an organizational,**
 27 **procedural, or practice requirement of the interstate**
 28 **commission, has the force and effect of statutory law in a**
 29 **member state, and includes the amendment, repeal, or**
 30 **suspension of an existing rule.**
 31 **(15) "State" means any state, commonwealth, district, or**
 32 **territory of the United States.**
 33 **(16) "State of principal license" means a member state where**
 34 **a physician holds a license to practice medicine and that has**
 35 **been designated as such by the physician for purposes of**
 36 **registration and participation in the compact.**
 37 **Sec. 3. (a) A physician must meet the eligibility requirements as**
 38 **defined in section 2(12) of this chapter to receive an expedited**
 39 **license under the terms and provisions of the compact.**
 40 **(b) A physician who does not meet the requirements of section**
 41 **2(12) of this chapter may obtain a license to practice medicine in a**
 42 **member state if the individual complies with all laws and**



1 requirements, other than the compact, relating to the issuance of
2 a license to practice medicine in that state.

3 **Sec. 4. (a)** A physician shall designate a member state as the
4 state of principal license for purposes of registration for expedited
5 licensure through the compact if the physician possesses a full and
6 unrestricted license to practice medicine in that state and the state
7 is:

- 8 (1) the state of primary residence for the physician;
9 (2) the state where at least twenty-five percent (25%) of the
10 physician's practice of medicine occurs;
11 (3) the location of the physician's employer; or
12 (4) if no state qualifies under subdivision (1), (2), or (3), the
13 state designated as state of residence for purposes of federal
14 income tax.

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

18 (c) The interstate commission is authorized to develop rules to
19 facilitate redesignation of another member state as the state of
20 principal license.

21 **Sec. 5. (a)** A physician seeking licensure through the compact
22 shall file an application for an expedited license with the member
23 board of the state selected by the physician as the state of principal
24 license.

25 (b) Upon receipt of an application for an expedited license, the
26 member board within the state selected as the state of principal
27 license shall evaluate whether the physician is eligible for expedited
28 licensure and issue a letter of qualification, verifying or denying
29 the physician's eligibility, to the interstate commission. The
30 following shall apply:

31 (1) Static qualifications, which include verification of medical
32 education, graduate medical education, results of any medical
33 or licensing examinations, and other qualifications as
34 determined by the interstate commission through rule, shall
35 not be subject to additional primary source verification where
36 already primary source verified by the state of principal
37 license.

38 (2) The member board within the state selected as the state of
39 principal license shall, in the course of verifying eligibility,
40 perform a criminal background check of an applicant,
41 including the use of the results of fingerprint or other
42 biometric data checks compliant with the requirements of the



1 Federal Bureau of Investigation, with the exception of federal
2 employees who have suitability determination in accordance
3 with 5 CFR 731.202.

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

7 (c) Upon verification in subsection (b), physicians eligible for an
8 expedited license shall complete the registration process
9 established by the interstate commission to receive a license in a
10 member state selected pursuant to subsection (a), including the
11 payment of any applicable fees.

12 (d) After receiving verification of eligibility under subsection (b)
13 and any fees under subsection (c), a member board shall issue an
14 expedited license to the physician. This license shall authorize the
15 physician to practice medicine in the issuing state consistent with
16 the medical practice act and all applicable laws and regulations of
17 the issuing member board and member state.

18 (e) An expedited license shall be valid for a period consistent
19 with the licensure period in the member state and in the same
20 manner as required for other physicians holding a full and
21 unrestricted license within the member state.

22 (f) An expedited license obtained through the compact shall be
23 terminated if a physician fails to maintain a license in the state of
24 principal license for a nondisciplinary reason, without
25 redesignation of a new state of principal license.

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

29 Sec. 6. (a) A member state issuing an expedited license
30 authorizing the practice of medicine in that state may impose a fee
31 for a license issued or renewed through the compact.

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

34 Sec. 7. (a) A physician seeking to renew an expedited license
35 granted in a member state shall complete a renewal process with
36 the interstate commission if the physician satisfies the following:

37 (1) Maintains a full and unrestricted license in a state of
38 principal license.

39 (2) Has not been convicted or received adjudication, deferred
40 adjudication, community supervision, or deferred disposition
41 for any offense by a court of appropriate jurisdiction.

42 (3) Has not had a license authorizing the practice of medicine



1 subject to discipline by a licensing agency in any state, federal,
2 or foreign jurisdiction, excluding any action related to
3 nonpayment of fees related to a license.

4 **(4) Has not had a controlled substance license or permit**
5 **suspended or revoked by a state or the United States Drug**
6 **Enforcement Administration.**

7 **(b) Physicians shall comply with all continuing professional**
8 **development or continuing medical education requirements for**
9 **renewal of a license issued by a member state.**

10 **(c) The interstate commission shall collect any renewal fees**
11 **charged for the renewal of a license and distribute the fees to the**
12 **applicable member board.**

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

15 **(e) Physician information collected by the interstate commission**
16 **during the renewal process will be distributed to all member**
17 **boards.**

18 **(f) The interstate commission is authorized to develop rules to**
19 **address renewal of licenses obtained through the compact.**

20 **Sec. 8. (a) The interstate commission shall establish a data base**
21 **of all physicians licensed, or who have applied for licensure, under**
22 **section 5 of this chapter.**

23 **(b) Notwithstanding any other provision of law, member boards**
24 **shall report to the interstate commission any public action or**
25 **complaints against a licensed physician who has applied or**
26 **received an expedited license through the compact.**

27 **(c) Member boards shall report disciplinary or investigatory**
28 **information determined as necessary and proper by rule of the**
29 **interstate commission.**

30 **(d) Member boards may report any nonpublic complaint,**
31 **disciplinary, or investigatory information not required by**
32 **subsection (c) to the interstate commission.**

33 **(e) Member boards shall share complaint or disciplinary**
34 **information about a physician upon request of another member**
35 **board.**

36 **(f) All information provided to the interstate commission or**
37 **distributed by member boards shall be confidential, filed under**
38 **seal, and used only for investigatory or disciplinary matters.**

39 **(g) The interstate commission is authorized to develop rules for**
40 **mandated or discretionary sharing of information by member**
41 **boards.**

42 **Sec. 9. (a) Licensure and disciplinary records of physicians are**



1 considered investigative.

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

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

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

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

15 **Sec. 10. (a)** Any disciplinary action taken by any member board
16 against a physician licensed through the compact shall be
17 considered discipline for unprofessional conduct that may be
18 subject to discipline by other member boards, in addition to any
19 violation of the medical practice act or regulations in that state.

20 (b) If a license granted to a physician by the member board in
21 the state of principal license is revoked, surrendered or
22 relinquished in lieu of discipline, or suspended, then all licenses
23 issued to the physician by member boards shall automatically be
24 placed, without further action necessary by any member board, on
25 the same status. If the member board in the state of principal
26 license subsequently reinstates the physician's license, a license
27 issued to the physician by any other member board shall remain
28 encumbered until that respective member board takes action to
29 reinstate the license in a manner consistent with the medical
30 practice act of that state.

31 (c) If disciplinary action is taken against a physician by a
32 member board not in the state of principal license, any other
33 member board may consider the action conclusive as to matter of
34 law and fact decided and either:

35 (1) impose the same or lesser sanctions against the physician
36 so long as such sanctions are consistent with the medical
37 practice act of that state; or

38 (2) pursue separate disciplinary action against the physician
39 under its respective medical practice act, regardless of the
40 action taken in other member states.

41 (d) If a license granted to a physician by a member board is
42 revoked, surrendered or relinquished in lieu of discipline, or



1 suspended, then any licenses issued to the physician by any other
2 member boards shall be suspended, automatically and immediately
3 without further action necessary by the other member boards, for
4 ninety (90) days upon entry of the order by the disciplining board,
5 to permit the member boards to investigate the basis for the action
6 under the medical practice act of that state. A member board may
7 terminate the automatic suspension of the license it issued prior to
8 the completion of the ninety (90) day suspension period in a
9 manner consistent with the medical practice act of that state.

10 Sec. 11. (a) The member states hereby create the interstate
11 medical licensure compact commission.

12 (b) The purpose of the interstate commission is the
13 administration of the interstate medical licensure compact, which
14 is a discretionary state function.

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

21 (d) The interstate commission shall consist of two (2) voting
22 representatives appointed by each member state who shall serve as
23 commissioners. In states where allopathic and osteopathic
24 physicians are regulated by separate member boards, or if the
25 licensing and disciplinary authority is split between multiple
26 member boards within a member state, the member state shall
27 appoint one (1) representative from each member board. A
28 commissioner shall be one (1) of the following:

29 (1) An allopathic or osteopathic physician appointed to a
30 member board.

31 (2) An executive director, executive secretary, or similar
32 executive of a member board.

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

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

40 (f) The bylaws may provide for meetings of the interstate
41 commission to be conducted by telecommunication or electronic
42 communication.



1 (g) Each commissioner participating at a meeting of the
2 interstate commission is entitled to one (1) vote. A majority of
3 commissioners shall constitute a quorum for the transaction of
4 business, unless a larger quorum is required by the bylaws of the
5 interstate commission. A commissioner shall not delegate a vote to
6 another commissioner. In the absence of its commissioner, a
7 member state may delegate voting authority for a specified meeting
8 to another person from that state who shall meet the requirements
9 of subsection (d).

10 (h) The interstate commission shall provide public notice of all
11 meetings and all meetings shall be open to the public. The
12 interstate commission may close a meeting, in full or in portion,
13 where it determines by a two-thirds (2/3) vote of the commissioners
14 present that an open meeting would be likely to result in any of the
15 following:

16 (1) Relate solely to the internal personnel practices and
17 procedures of the interstate commission.

18 (2) Discuss matters specifically exempted from disclosure by
19 federal statute.

20 (3) Discuss trade secrets, commercial, or financial information
21 that is privileged or confidential.

22 (4) Involve accusing a person of a crime, or formally
23 censuring a person.

24 (5) Discuss information of a personal nature where disclosure
25 would constitute a clearly unwarranted invasion of personal
26 privacy.

27 (6) Discuss investigative records compiled for law
28 enforcement purposes.

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

31 (i) The interstate commission shall keep minutes that shall fully
32 describe all matters discussed in a meeting and shall provide a full
33 and accurate summary of actions taken, including a record of any
34 roll call votes.

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

38 (k) The interstate commission shall establish an executive
39 committee, which shall include officers, members, and others as
40 determined by the bylaws. The executive committee shall have the
41 power to act on behalf of the interstate commission, with the
42 exception of rulemaking, during periods when the interstate



1 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 and
4 compliance with the provisions of the compact, its bylaws and
5 rules, and other such duties as necessary.

6 (l) The interstate commission may establish other committees
7 for governance and administration of the compact.

8 **Sec. 12.** The interstate commission shall have the power to
9 perform the following functions:

10 (1) Oversee and maintain the administration of the compact.

11 (2) Adopt 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
14 board, advisory opinions concerning the meaning or
15 interpretation of the compact, its bylaws, rules, and actions.

16 (4) Enforce compliance with compact provisions, the rules
17 adopted by the interstate commission, and the bylaws, using
18 all necessary and proper means, including but not limited to
19 the use of judicial process.

20 (5) Establish and appoint committees, including but not
21 limited to an executive committee as required by section 11 of
22 this chapter, which shall have the power to act on behalf of
23 the interstate commission in carrying out its powers and
24 duties.

25 (6) Pay, or provide for the payment of, the expenses related to
26 the establishment, organization, and ongoing activities of the
27 interstate commission.

28 (7) Establish and maintain one (1) or more offices.

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

30 (9) Purchase and maintain insurance and bonds.

31 (10) Employ an executive director who shall have such powers
32 to employ, select, or appoint employees, agents, or
33 consultants, and to determine their qualifications, define their
34 duties, and fix their compensation.

35 (11) Establish personnel policies and programs relating to
36 conflicts of interest, rates of compensation, and qualifications
37 of personnel.

38 (12) Accept donations and grants of money, equipment,
39 supplies, materials, and services, and to receive, utilize, and
40 dispose of the same in a manner consistent with the conflict of
41 interest policies established by the interstate commission.

42 (13) Lease, purchase, accept contributions or donations of, or



1 otherwise to own, hold, improve, or use any property, real,
2 personal, or mixed.

3 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon,
4 or otherwise dispose of any property, real, personal, or mixed.

5 (15) Establish a budget and make expenditures.

6 (16) Adopt a seal and bylaws governing the management and
7 operation of the interstate commission.

8 (17) Report annually to the legislatures and governors of the
9 member states concerning the activities of the interstate
10 commission during the preceding year. The annual reports
11 shall also include reports of financial audits and any
12 recommendations that may have been adopted by the
13 interstate commission.

14 (18) Coordinate education, training, and public awareness
15 regarding the compact, its implementation, and its operation.

16 (19) Maintain records in accordance with the bylaws.

17 (20) Seek and obtain trademarks, copyrights, and patents.

18 (21) Perform such functions as may be necessary or
19 appropriate to achieve the purposes of the compact.

20 Sec. 13. (a) The interstate commission may levy on and collect
21 an annual assessment from each member state to cover the cost of
22 the operations and activities of the interstate commission and its
23 staff. The total assessment must be sufficient to cover the annual
24 budget approved each year for which revenue is not provided by
25 other sources. The aggregate annual assessment amount shall be
26 allocated upon a formula to be determined by the interstate
27 commission, which shall adopt a rule binding upon all member
28 states.

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

31 (c) The interstate commission shall not pledge the credit of any
32 of the member states, except by, and with the authority of, the
33 member state.

34 (d) The interstate commission shall be subject to a yearly
35 financial audit conducted by a certified or licensed public
36 accountant and the report of the audit shall be included in the
37 annual report of the interstate commission.

38 Sec. 14. (a) The interstate commission shall, by a majority of
39 commissioners present and voting, adopt bylaws to govern its
40 conduct as may be necessary or appropriate to carry out the
41 purposes of the compact within twelve (12) months of the first
42 interstate commission meeting.



1 (b) The interstate commission shall annually elect or appoint
2 from among its commissioners a chairperson, vice chairperson,
3 and treasurer, each of whom shall have such authority and duties
4 as may be specified in the bylaws. The chairperson, or in the
5 chairperson's absence or disability, the vice chairperson, shall
6 preside at all meetings of the interstate commission.

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

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

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

32 (2) The interstate commission shall defend the executive
33 director, its employees, and subject to the approval of the
34 attorney general or other appropriate legal counsel of the
35 member state represented by an interstate commission
36 representative, the interstate commission representative in
37 any civil action seeking to impose liability arising out of an
38 actual or alleged act, error, or omission that occurred within
39 the scope of interstate commission employment, duties, or
40 responsibilities, or that the defendant had a reasonable basis
41 for believing occurred within the scope of interstate
42 commission employment, duties, or responsibilities, provided



1 that the actual or alleged act, error, or omission did not result
2 from intentional or willful and wanton misconduct on the part
3 of such person.

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

17 **Sec. 15. (a)** The interstate commission shall adopt reasonable
18 rules in order to effectively and efficiently achieve the purposes of
19 the compact. Notwithstanding the foregoing, in the event the
20 interstate commission exercises its rulemaking authority in a
21 manner that is beyond the scope of the purposes of the compact, or
22 the powers granted under this compact, then such an action by the
23 interstate commission shall be invalid and have no force or effect.

24 (b) Rules considered appropriate for the operations of the
25 interstate commission shall be made under a rulemaking process
26 that substantially conforms to the Model State Administrative
27 Procedure Act of 2010, and subsequent amendments to the Act.

28 (c) Not later than thirty (30) days after a rule is adopted, any
29 person may file a petition for judicial review of the rule in the
30 United States District Court for the District of Columbia or the
31 federal district where the interstate commission has its principal
32 offices, provided that the filing of such a petition shall not stay or
33 otherwise prevent the rule from becoming effective unless the court
34 finds that the petitioner has a substantial likelihood of success. The
35 court shall give deference to the actions of the interstate
36 commission consistent with applicable law and shall not find the
37 rule to be unlawful if the rule represents a reasonable exercise of
38 the authority granted to the interstate commission.

39 **Sec. 16. (a)** The executive, legislative, and judicial branches of
40 state government in each member state shall enforce the compact
41 and shall take all actions necessary and appropriate to effectuate
42 the compact's purposes and intent. The provisions of the compact



1 and the rules adopted under this compact shall have standing as
2 statutory law but shall not override existing state authority to
3 regulate the practice of medicine.

4 (b) All courts shall take judicial notice of the compact and the
5 rules in any judicial or administrative proceeding in a member
6 state pertaining to the subject matter of the compact that may
7 affect the powers, responsibilities, or actions of the interstate
8 commission.

9 (c) The interstate commission shall be entitled to receive all
10 service of process in any such proceeding, and shall have standing
11 to intervene in the proceeding for all purposes. Failure to provide
12 service of process to the interstate commission shall render a
13 judgment or order void as to the interstate commission, the
14 compact, or adopted rules.

15 Sec. 17. (a) The interstate commission, in the reasonable exercise
16 of its discretion, shall enforce the provisions and rules of the
17 compact.

18 (b) The interstate commission may, by majority vote of the
19 commissioners, initiate legal action in the United States District
20 Court for the District of Columbia, or, at the discretion of the
21 interstate commission, in the federal district where the interstate
22 commission has its principal offices, to enforce compliance with the
23 provisions of the compact, and its adopted rules and bylaws,
24 against a member state in default. The relief sought may include
25 both injunctive relief and damages. In the event judicial
26 enforcement is necessary, the prevailing party shall be awarded all
27 costs of such litigation, including reasonable attorney's fees.

28 (c) The remedies provided in this section shall not be the
29 exclusive remedies of the interstate commission. The interstate
30 commission may avail itself of any other remedies available under
31 state law or the regulation of a profession.

32 Sec. 18. (a) The grounds for default include but are not limited
33 to failure of a member state to perform such obligations or
34 responsibilities imposed upon it by the compact, or the rules and
35 bylaws of the interstate commission adopted under the compact.

36 (b) If the interstate commission determines that a member state
37 has defaulted in the performance of its obligations or
38 responsibilities under the compact, or the bylaws or adopted rules,
39 the interstate commission shall do the following:

40 (1) Provide written notice to the defaulting state and other
41 member states of the nature of the default, the means of
42 curing the default, and any action taken by the interstate



1 **commission. The interstate commission shall specify the**
2 **conditions by which the defaulting state must cure its default.**

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

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

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

18 **(e) The interstate commission shall establish rules and**
19 **procedures to address licenses and physicians that are materially**
20 **impacted by the termination of a member state, or the withdrawal**
21 **of a member state.**

22 **(f) The member state that has been terminated is responsible for**
23 **all dues, obligations, and liabilities incurred through the effective**
24 **date of termination, including obligations, the performance of**
25 **which extends beyond the effective date of termination.**

26 **(g) The interstate commission shall not bear any costs relating**
27 **to any state that has been found to be in default or that has been**
28 **terminated from the compact, unless otherwise mutually agreed**
29 **upon in writing between the interstate commission and the**
30 **defaulting state.**

31 **(h) The defaulting state may appeal the action of the interstate**
32 **commission by petitioning the United States District Court for the**
33 **District of Columbia or the federal district where the interstate**
34 **commission has its principal offices. The prevailing party shall be**
35 **awarded all costs of such litigation, including reasonable attorney's**
36 **fees.**

37 **Sec. 19. (a) The interstate commission shall attempt, upon the**
38 **request of a member state, to resolve disputes that are subject to**
39 **the compact and that may arise among member states or member**
40 **boards.**

41 **(b) The interstate commission shall adopt rules providing for**
42 **both mediation and binding dispute resolution as appropriate.**



1 **Sec. 20. (a) Any state is eligible to become a member state of the**
2 **compact.**

3 **(b) The compact shall become effective and binding upon**
4 **legislative enactment of the compact into law by not less than seven**
5 **(7) states. Thereafter, it shall become effective and binding on a**
6 **state upon enactment of the compact into law by that state.**

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

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

16 **Sec. 21. (a) Once effective, the compact shall continue in force**
17 **and remain binding upon each and every member state, provided**
18 **that a member state may withdraw from the compact by**
19 **specifically repealing the statute that enacted the compact into law.**

20 **(b) Withdrawal from the compact shall be by the enactment of**
21 **a statute repealing the same, but shall not take effect until one (1)**
22 **year after the effective date of such statute and until written notice**
23 **of the withdrawal has been given by the withdrawing state to the**
24 **governor of each other member state.**

25 **(c) The withdrawing state shall immediately notify the**
26 **chairperson of the interstate commission in writing upon the**
27 **introduction of legislation repealing the compact in the**
28 **withdrawing state.**

29 **(d) The interstate commission shall notify the other member**
30 **states of the withdrawing state's intent to withdraw within sixty**
31 **(60) days of its receipt of notice provided under subsection (c).**

32 **(e) The withdrawing state is responsible for all dues, obligations,**
33 **and liabilities incurred through the effective date of withdrawal,**
34 **including obligations, the performance of which extend beyond the**
35 **effective date of withdrawal.**

36 **(f) Reinstatement following withdrawal of a member state shall**
37 **occur upon the withdrawing state reenacting the compact or upon**
38 **such later date as determined by the interstate commission.**

39 **(g) The interstate commission is authorized to develop rules to**
40 **address the impact of the withdrawal of a member state on licenses**
41 **granted in other member states to physicians who designated the**
42 **withdrawing member state as the state of principal license.**



1 **Sec. 22. (a) The compact shall dissolve effective upon the date of**
 2 **the withdrawal or default of the member state that reduces the**
 3 **membership in the compact to one (1) member state.**

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

9 **Sec. 23. (a) The provisions of the compact shall be severable,**
 10 **and if any phrase, clause, sentence, or provision is considered**
 11 **unenforceable, the remaining provisions of the compact shall be**
 12 **enforceable.**

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

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

18 **Sec. 24. (a) Nothing in this compact prevents the enforcement of**
 19 **any other law of a member state that is not inconsistent with the**
 20 **compact.**

21 **(b) All laws in a member state in conflict with the compact are**
 22 **superseded to the extent of the conflict.**

23 **(c) All lawful actions of the interstate commission, including all**
 24 **rules and bylaws adopted by the commission, are binding upon the**
 25 **member states.**

26 **(d) All agreements between the interstate commission and the**
 27 **member states are binding in accordance with their terms.**

28 **(e) In the event any provision of the compact exceeds the**
 29 **constitutional limits imposed on the legislature of any member**
 30 **state, such provision shall be ineffective to the extent of the conflict**
 31 **with the constitutional provision in question in that member state.**

32 **SECTION 3. IC 34-30-2-99.2 IS ADDED TO THE INDIANA**
 33 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 34 **[EFFECTIVE JULY 1, 2018]: Sec. 99.2. IC 25-22.5-16-14**
 35 **(Concerning officers and employees of the interstate medical**
 36 **licensure compact commission under the interstate medical**
 37 **licensure compact).**

