



January 13, 2022

SENATE BILL No. 251

DIGEST OF SB 251 (Updated January 12, 2022 10:09 am - DI 140)

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

Synopsis: Interstate medical licensure compact. Requires the medical licensing board of Indiana to administer the interstate medical licensure compact (compact). Adopts the compact. Sets forth requirements of a compact state. Sets forth the duties and authority of the interstate medical licensure compact commission. Provides for two voting members on the commission from each member state. Establishes the procedure to withdraw from the compact. Specifies that the compact supersedes any state law that is in conflict. Makes conforming changes.

Effective: July 1, 2022.

Brown L, Charbonneau

January 10, 2022, read first time and referred to Committee on Health and Provider Services.
January 12, 2022, reported favorably — Do Pass.

SB 251—LS 6631/DI 77



January 13, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 251

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.212-2021,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: 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

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- 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) In consultation with the state department of health and the
 37 office of the secretary of family and social services, adopt rules
 38 under IC 4-22-2 or protocols concerning the following for
 39 providers that are providing office based opioid treatment:
 40 (A) Requirements of a treatment agreement (as described in
 41 IC 12-23-20-2) concerning the proper referral and treatment of
 42 mental health and substance use.



- 1 (B) Parameters around the frequency and types of visits
 2 required for the periodic scheduled visits required by
 3 IC 12-23-20-2.
 4 (C) Conditions on when the following should be ordered or
 5 performed:
 6 (i) A urine toxicology screening.
 7 (ii) HIV, hepatitis B, and hepatitis C testing.
 8 (D) Required documentation in a patient's medical record
 9 when buprenorphine is prescribed over a specified dosage.
 10 (15) Adopt rules as set forth in IC 25-14.5 concerning the
 11 certification of certified dietitians.
 12 (16) Adopt rules and establish fees as set forth in IC 25-8.5-2-6
 13 concerning the licensure of behavior analysts.
 14 **(17) Administer the interstate medical licensure compact**
 15 **under IC 25-22.5-16, including appointing members to the**
 16 **interstate medical licensure compact commission and**
 17 **adopting any rules necessary to administer the compact.**
 18 (b) The board may adopt rules that establish:
 19 (1) certification requirements for child death pathologists;
 20 (2) an annual training program for child death pathologists under
 21 IC 16-35-7-3(b)(2); and
 22 (3) a process to certify a qualified child death pathologist.
 23 (c) The board may adopt rules under IC 4-22-2 establishing
 24 guidelines for the practice of telehealth in Indiana. Adoption of rules
 25 under this subsection may not delay the implementation and provision
 26 of telehealth services by a provider under IC 25-1-9.5.
 27 SECTION 2. IC 25-22.5-16 IS ADDED TO THE INDIANA CODE
 28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]:
 30 **Chapter 16. Interstate Medical Licensure Compact**
 31 **Sec. 1. (a) In order to strengthen access to health care, and in**
 32 **recognition of the advances in the delivery of health care, the**
 33 **member states of the interstate medical licensure compact have**
 34 **allied in common purpose to develop a comprehensive process that**
 35 **complements the existing licensing and regulatory authority of**
 36 **state medical boards and provides a streamlined process that**
 37 **allows physicians to become licensed in multiple states, thereby**
 38 **enhancing the portability of a medical license and ensuring the**
 39 **safety of patients. The compact creates another pathway for**
 40 **licensure and does not otherwise change a state's existing medical**
 41 **practice act. The compact also adopts the prevailing standard for**
 42 **licensure and affirms that the practice of medicine occurs where**



1 the patient is located at the time of the physician-patient encounter,
 2 and therefore requires the physician to be under the jurisdiction of
 3 the state medical board where the patient is located.

4 (b) State medical boards that participate in the compact retain
 5 the jurisdiction to impose an adverse action against a license to
 6 practice medicine in that state issued to a physician through the
 7 procedures in the compact.

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

9 (1) "Bylaws" means those bylaws established by the interstate
 10 commission under section 11 of this chapter for its
 11 governance, or for directing and controlling its actions and
 12 conduct.

13 (2) "Commissioner" means the voting representative
 14 appointed by each member board under section 11 of this
 15 chapter.

16 (3) "Compact" means the interstate medical licensure
 17 compact.

18 (4) "Conviction" means a finding by a court that an
 19 individual is guilty of a criminal offense through adjudication,
 20 or entry of a plea of guilt or no contest to the charge by the
 21 offender. Evidence of an entry of a conviction of a criminal
 22 offense by the court shall be considered final for purposes of
 23 disciplinary action by a member board.

24 (5) "Expedited license" means a full and unrestricted medical
 25 license granted by a member state to an eligible physician
 26 through the process set forth in the compact.

27 (6) "Interstate commission" means the interstate medical
 28 licensure compact commission created under section 11 of this
 29 chapter.

30 (7) "License" means authorization by a state for a physician
 31 to engage in the practice of medicine, which would be
 32 unlawful without the authorization.

33 (8) "Medical practice act" means laws and regulations
 34 governing the practice of allopathic and osteopathic medicine
 35 within a member state.

36 (9) "Member board" means a state agency in a member state
 37 that acts in the sovereign interests of the state by protecting
 38 the public through licensure, regulation, and education of
 39 physicians as directed by state government.

40 (10) "Member state" means a state that has enacted the
 41 compact.

42 (11) "Offense" means a felony, gross misdemeanor, or crime



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of moral turpitude.
(12) "Physician" means any person who satisfies all of the following:
(A) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent.
(B) Passed each component of the United States Medical Licensing Examination or the Comprehensive Osteopathic Medical Licensing Examination within three (3) attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes.
(C) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.
(D) Holds specialty certification or a time unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists.
(E) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board.
(F) Has never been convicted or received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction.
(G) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.
(H) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.
(I) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.
(13) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.



1 (14) "Rule" means a written statement by the interstate
2 commission adopted under section 12 of this chapter that is of
3 general applicability, implements, interprets, or prescribes a
4 policy or provision of the compact or an organizational,
5 procedural, or practice requirement of the interstate
6 commission, has the force and effect of statutory law in a
7 member state, and includes the amendment, repeal, or
8 suspension of an existing rule.

9 (15) "State" means any state, commonwealth, district, or
10 territory of the United States.

11 (16) "State of principal license" means a member state where
12 a physician holds a license to practice medicine and that has
13 been designated as such by the physician for purposes of
14 registration and participation in the compact.

15 Sec. 3. (a) A physician must meet the eligibility requirements as
16 defined in section 2(12) of this chapter to receive an expedited
17 license under the terms and provisions of the compact.

18 (b) A physician who does not meet the requirements of section
19 2(12) of this chapter may obtain a license to practice medicine in a
20 member state if the individual complies with all laws and
21 requirements, other than the compact, relating to the issuance of
22 a license to practice medicine in that state.

23 Sec. 4. (a) A physician shall designate a member state as the
24 state of principal license for purposes of registration for expedited
25 licensure through the compact if the physician possesses a full and
26 unrestricted license to practice medicine in that state and the state
27 is:

- 28 (1) the state of primary residence for the physician;
- 29 (2) the state where at least twenty-five percent (25%) of the
30 physician's practice of medicine occurs;
- 31 (3) the location of the physician's employer; or
- 32 (4) if no state qualifies under subdivision (1), (2), or (3), the
33 state designated as state of residence for purposes of federal
34 income tax.

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

38 (c) The interstate commission is authorized to develop rules to
39 facilitate redesignation of another member state as the state of
40 principal license.

41 Sec. 5. (a) A physician seeking licensure through the compact
42 shall file an application for an expedited license with the member



1 board of the state selected by the physician as the state of principal
2 license.

3 (b) Upon receipt of an application for an expedited license, the
4 member board within the state selected as the state of principal
5 license shall evaluate whether the physician is eligible for expedited
6 licensure and issue a letter of qualification, verifying or denying
7 the physician's eligibility, to the interstate commission. The
8 following shall apply:

9 (1) Static qualifications, which include verification of medical
10 education, graduate medical education, results of any medical
11 or licensing examinations, and other qualifications as
12 determined by the interstate commission through rule, shall
13 not be subject to additional primary source verification where
14 already primary source verified by the state of principal
15 license.

16 (2) The member board within the state selected as the state of
17 principal license shall, in the course of verifying eligibility,
18 perform a criminal background check of an applicant,
19 including the use of the results of fingerprint or other
20 biometric data checks compliant with the requirements of the
21 Federal Bureau of Investigation, with the exception of federal
22 employees who have suitability determination in accordance
23 with 5 CFR 731.202.

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

27 (c) Upon verification in subsection (b), physicians eligible for an
28 expedited license shall complete the registration process
29 established by the interstate commission to receive a license in a
30 member state selected under subsection (a), including the payment
31 of any applicable fees.

32 (d) After receiving verification of eligibility under subsection (b)
33 and any fees under subsection (c), a member board shall issue an
34 expedited license to the physician. This license shall authorize the
35 physician to practice medicine in the issuing state consistent with
36 the medical practice act and all applicable laws and regulations of
37 the issuing member board and member state.

38 (e) An expedited license shall be valid for a period consistent
39 with the licensure period in the member state and in the same
40 manner as required for other physicians holding a full and
41 unrestricted license within the member state.

42 (f) An expedited license obtained through the compact shall be



1 terminated if a physician fails to maintain a license in the state of
2 principal license for a nondisciplinary reason, without
3 redesignation of a new state of principal license.

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

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

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

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

15 (1) Maintains a full and unrestricted license in a state of
16 principal license.

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

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

24 (4) Has not had a controlled substance license or permit
25 suspended or revoked by a state or the United States Drug
26 Enforcement Administration.

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

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

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

35 (e) Physician information collected by the interstate commission
36 during the renewal process will be distributed to all member
37 boards.

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

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



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

5 (c) Member boards shall report disciplinary or investigatory
6 information determined as necessary and proper by rule of the
7 interstate commission.

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

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

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

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

20 **Sec. 9. (a)** Licensure and disciplinary records of physicians are
21 considered investigative.

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

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

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

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

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

40 (b) If a license granted to a physician by the member board in
41 the state of principal license is revoked, surrendered or
42 relinquished in lieu of discipline, or suspended, then all licenses



1 issued to the physician by member boards shall automatically be
2 placed, without further action necessary by any member board, on
3 the same status. If the member board in the state of principal
4 license subsequently reinstates the physician's license, a license
5 issued to the physician by any other member board shall remain
6 encumbered until that respective member board takes action to
7 reinstate the license in a manner consistent with the medical
8 practice act of that state.

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

13 (1) impose the same or lesser sanctions against the physician
14 so long as the sanctions are consistent with the medical
15 practice act of that state; or

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

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

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

32 (b) The purpose of the interstate commission is the
33 administration of the interstate medical licensure compact, which
34 is a discretionary state function.

35 (c) The interstate commission shall be a body corporate and
36 joint agency of the member states and shall have all the
37 responsibilities, powers, and duties set forth in the compact, and
38 any additional powers as may be conferred upon it by a subsequent
39 concurrent action of the respective legislatures of the member
40 states in accordance with the terms of the compact.

41 (d) The interstate commission shall consist of two (2) voting
42 representatives appointed by each member state who shall serve as



1 commissioners. In states where allopathic and osteopathic
2 physicians are regulated by separate member boards, or if the
3 licensing and disciplinary authority is split between multiple
4 member boards within a member state, the member state shall
5 appoint one (1) representative from each member board. A
6 commissioner shall be one (1) of the following:

7 (1) An allopathic or osteopathic physician appointed to a
8 member board.

9 (2) An executive director, executive secretary, or similar
10 executive of a member board.

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

12 (e) The interstate commission shall meet at least once each
13 calendar year. A portion of this meeting shall be a business meeting
14 to address any matters that may properly come before the
15 commission, including the election of officers. The chairperson may
16 call additional meetings and shall call for a meeting upon the
17 request of a majority of the member states.

18 (f) The bylaws may provide for meetings of the interstate
19 commission to be conducted by telecommunication or electronic
20 communication.

21 (g) Each commissioner participating at a meeting of the
22 interstate commission is entitled to one (1) vote. A majority of
23 commissioners shall constitute a quorum for the transaction of
24 business, unless a larger quorum is required by the bylaws of the
25 interstate commission. A commissioner shall not delegate a vote to
26 another commissioner. In the absence of its commissioner, a
27 member state may delegate voting authority for a specified meeting
28 to another person from that state who shall meet the requirements
29 of subsection (d).

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

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

38 (2) Discuss matters specifically exempted from disclosure by
39 federal statute.

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

42 (4) Involve accusing a person of a crime, or formally



- 1 censuring a person.
- 2 **(5) Discuss information of a personal nature where disclosure**
- 3 **would constitute a clearly unwarranted invasion of personal**
- 4 **privacy.**
- 5 **(6) Discuss investigative records compiled for law**
- 6 **enforcement purposes.**
- 7 **(7) Specifically relate to the participation in a civil action or**
- 8 **other legal proceeding.**
- 9 **(i) The interstate commission shall keep minutes that shall fully**
- 10 **describe all matters discussed in a meeting and shall provide a full**
- 11 **and accurate summary of actions taken, including a record of any**
- 12 **roll call votes.**
- 13 **(j) The interstate commission shall make its information and**
- 14 **official records, to the extent not otherwise designated in the**
- 15 **compact or by its rules, available to the public for inspection.**
- 16 **(k) The interstate commission shall establish an executive**
- 17 **committee, which shall include officers, members, and others as**
- 18 **determined by the bylaws. The executive committee shall have the**
- 19 **power to act on behalf of the interstate commission, with the**
- 20 **exception of rulemaking, during periods when the interstate**
- 21 **commission is not in session. When acting on behalf of the**
- 22 **interstate commission, the executive committee shall oversee the**
- 23 **administration of the compact, including enforcement and**
- 24 **compliance with the provisions of the compact, its bylaws and**
- 25 **rules, and any other duties as necessary.**
- 26 **(l) The interstate commission may establish other committees**
- 27 **for governance and administration of the compact.**
- 28 **Sec. 12. The interstate commission shall have the power to**
- 29 **perform the following functions:**
- 30 **(1) Oversee and maintain the administration of the compact.**
- 31 **(2) Adopt rules that shall be binding to the extent and in the**
- 32 **manner provided for in the compact.**
- 33 **(3) Issue, upon the request of a member state or member**
- 34 **board, advisory opinions concerning the meaning or**
- 35 **interpretation of the compact, its bylaws, rules, and actions.**
- 36 **(4) Enforce compliance with compact provisions, the rules**
- 37 **adopted by the interstate commission, and the bylaws, using**
- 38 **all necessary and proper means, including but not limited to**
- 39 **the use of judicial process.**
- 40 **(5) Establish and appoint committees, including but not**
- 41 **limited to an executive committee as required by section 11 of**
- 42 **this chapter, which shall have the power to act on behalf of**



- 1 the interstate commission in carrying out its powers and
 2 duties.
 3 (6) Pay, or provide for the payment of, the expenses related to
 4 the establishment, organization, and ongoing activities of the
 5 interstate commission.
 6 (7) Establish and maintain one (1) 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 the power
 10 to employ, select, or appoint employees, agents, or
 11 consultants, and to determine their qualifications, define their
 12 duties, and fix their compensation.
 13 (11) Establish personnel policies and programs relating to
 14 conflicts of interest, rates of compensation, and qualifications
 15 of personnel.
 16 (12) Accept donations and grants of money, equipment,
 17 supplies, materials, and services, and to receive, utilize, and
 18 dispose of the same in a manner consistent with the conflict
 19 interest policies established by the interstate commission.
 20 (13) Lease, purchase, accept contributions or donations of, or
 21 otherwise own, hold, improve, or use any property, real,
 22 personal, or mixed.
 23 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon,
 24 or otherwise dispose of any property, real, personal, or mixed.
 25 (15) Establish a budget and make expenditures.
 26 (16) Adopt a seal and bylaws governing the management and
 27 operation of the interstate commission.
 28 (17) Report annually to the legislatures and governors of the
 29 member states concerning the activities of the interstate
 30 commission during the preceding year. The annual reports
 31 shall also include reports of financial audits and any
 32 recommendations that may have been adopted by the
 33 interstate commission.
 34 (18) Coordinate education, training, and public awareness
 35 regarding the compact, its implementation, and its operation.
 36 (19) Maintain records in accordance with the bylaws.
 37 (20) Seek and obtain trademarks, copyrights, and patents.
 38 (21) Perform the functions as may be necessary or
 39 appropriate to achieve the purposes of the compact.
 40 Sec. 13. (a) The interstate commission may levy on and collect
 41 an annual assessment from each member state to cover the cost of
 42 the operations and activities of the interstate commission and its



1 staff. The total assessment must be sufficient to cover the annual
2 budget approved each year for which revenue is not provided by
3 other sources. The aggregate annual assessment amount shall be
4 allocated upon a formula to be determined by the interstate
5 commission, which shall adopt a rule binding upon all member
6 states.

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

9 (c) The interstate commission shall not pledge the credit of any
10 of the member states, except by, and with the authority of, the
11 member state.

12 (d) The interstate commission shall be subject to a yearly
13 financial audit conducted by a certified or licensed public
14 accountant and the report of the audit shall be included in the
15 annual report of the interstate commission.

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

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

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

29 (d) The officers and employees of the interstate commission
30 shall be immune from suit and liability, either personally or in
31 their official capacity, for a claim for damage to or loss of property
32 or personal injury or other civil liability caused or arising out of,
33 or relating to, an actual or alleged act, error, or omission that
34 occurred, or that the person had a reasonable basis for believing
35 occurred, within the scope of interstate commission employment,
36 duties, or responsibilities, provided that the person shall not be
37 protected from suit or liability for damage, loss, injury, or liability
38 caused by the intentional or willful and wanton misconduct of the
39 person. The following shall apply:

40 (1) The liability of the executive director and employees of the
41 interstate commission or representatives of the interstate
42 commission, acting within the scope of the person's



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

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

24 (3) To the extent not covered by the state involved, member
25 state, or the interstate commission, the representatives or
26 employees of the interstate commission shall be held harmless
27 in the amount of a settlement or judgment, including
28 attorney's fees and costs, obtained against the persons arising
29 out of an actual or alleged act, error, or omission that
30 occurred within the scope of interstate commission
31 employment, duties, or responsibilities, or that the persons
32 had a reasonable basis for believing occurred within the scope
33 of interstate commission employment, duties, or
34 responsibilities, provided that the actual or alleged act, error,
35 or omission did not result from intentional or willful and
36 wanton misconduct on the part of the persons.

37 Sec. 15. (a) The interstate commission shall adopt reasonable
38 rules in order to effectively and efficiently achieve the purposes of
39 the compact. Notwithstanding the foregoing, in the event the
40 interstate commission exercises its rulemaking authority in a
41 manner that is beyond the scope of the purposes of the compact, or
42 the powers granted under this compact, then the action by the



1 interstate commission shall be invalid and have no force or effect.

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

6 (c) Not later than thirty (30) days after a rule is adopted, any
7 person may file a petition for judicial review of the rule in the
8 United States District Court for the District of Columbia or the
9 federal district where the interstate commission has its principal
10 offices, provided that the filing of the petition shall not stay or
11 otherwise prevent the rule from becoming effective unless the court
12 finds that the petitioner has a substantial likelihood of success. The
13 court shall give deference to the actions of the interstate
14 commission consistent with applicable law and shall not find the
15 rule to be unlawful if the rule represents a reasonable exercise of
16 the authority granted to the interstate commission.

17 Sec. 16. (a) The executive, legislative, and judicial branches of
18 state government in each member state shall enforce the compact
19 and shall take all actions necessary and appropriate to effectuate
20 the compact's purposes and intent. The provisions of the compact
21 and the rules adopted under this compact shall have standing as
22 statutory law but shall not override existing state authority to
23 regulate the practice of medicine.

24 (b) All courts shall take judicial notice of the compact and the
25 rules in any judicial or administrative proceeding in a member
26 state pertaining to the subject matter of the compact that may
27 affect the powers, responsibilities, or actions of the interstate
28 commission.

29 (c) The interstate commission shall be entitled to receive all
30 service of process in any such proceeding, and shall have standing
31 to intervene in the proceeding for all purposes. Failure to provide
32 service of process to the interstate commission shall render a
33 judgment or order void as to the interstate commission, the
34 compact, or adopted rules.

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

38 (b) The interstate commission may, by majority vote of the
39 commissioners, initiate legal action in the United States District
40 Court for the District of Columbia, or, at the discretion of the
41 interstate commission, in the federal district where the interstate
42 commission has its principal offices, to enforce compliance with the



1 provisions of the compact, and its adopted rules and bylaws,
2 against a member state in default. The relief sought may include
3 both injunctive relief and damages. In the event judicial
4 enforcement is necessary, the prevailing party shall be awarded all
5 costs of the litigation, including reasonable attorney's fees.

6 (c) The remedies provided in this section shall not be the
7 exclusive remedies of the interstate commission. The interstate
8 commission may avail itself of any other remedies available under
9 state law or the regulation of a profession.

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

14 (b) If the interstate commission determines that a member state
15 has defaulted in the performance of its obligations or
16 responsibilities under the compact, or the bylaws or adopted rules,
17 the interstate commission shall do the following:

18 (1) Provide written notice to the defaulting state and other
19 member states of the nature of the default, the means of
20 curing the default, and any action taken by the interstate
21 commission. The interstate commission shall specify the
22 conditions by which the defaulting state must cure its default.

23 (2) Provide remedial training and specific technical assistance
24 regarding the default.

25 (c) If the defaulting state fails to cure the default, the defaulting
26 state shall be terminated from the compact upon an affirmative
27 vote of a majority of the commissioners and all rights, privileges,
28 and benefits conferred by the compact shall terminate on the
29 effective date of termination. A cure of the default does not relieve
30 the offending state of obligations or liabilities incurred during the
31 period of the default.

32 (d) Termination of membership in the compact shall be imposed
33 only after all other means of securing compliance have been
34 exhausted. Notice of intent to terminate shall be given by the
35 interstate commission to the governor, the majority and minority
36 leaders of the defaulting state's legislature, and each of the member
37 states.

38 (e) The interstate commission shall establish rules and
39 procedures to address licenses and physicians that are materially
40 impacted by the termination of a member state, or the withdrawal
41 of a member state.

42 (f) The member state that has been terminated is responsible for



1 all dues, obligations, and liabilities incurred through the effective
2 date of termination, including obligations, the performance of
3 which extends beyond the effective date of termination.

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

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

15 Sec. 19. (a) The interstate commission shall attempt, upon the
16 request of a member state, to resolve disputes that are subject to
17 the compact and that may arise among member states or member
18 boards.

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

21 Sec. 20. (a) Any state is eligible to become a member state of the
22 compact.

23 (b) The compact shall become effective and binding upon
24 legislative enactment of the compact into law by not less than seven
25 (7) states. Thereafter, it shall become effective and binding on a
26 state upon enactment of the compact into law by that state.

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

31 (d) The interstate commission may propose amendments to the
32 compact for enactment by the member states. No amendment shall
33 become effective and binding upon the interstate commission and
34 the member states unless and until it is enacted into law by
35 unanimous consent of the member states.

36 Sec. 21. (a) Once effective, the compact shall continue in force
37 and remain binding upon each and every member state, provided
38 that a member state may withdraw from the compact by
39 specifically repealing the statute that enacted the compact into law.

40 (b) Withdrawal from the compact shall be by the enactment of
41 a statute repealing the same, but shall not take effect until one (1)
42 year after the effective date of the statute and until written notice



1 of the withdrawal has been given by the withdrawing state to the
2 governor of each other member state.

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

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

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

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

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

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

24 (b) Upon the dissolution of the compact, the compact becomes
25 null and void and shall be of no further force or effect, and the
26 business and affairs of the interstate commission shall be concluded
27 and surplus funds shall be distributed in accordance with the
28 bylaws.

29 **Sec. 23. (a)** The provisions of the compact shall be severable,
30 and if any phrase, clause, sentence, or provision is considered
31 unenforceable, the remaining provisions of the compact shall be
32 enforceable.

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

35 (c) Nothing in the compact shall be construed to prohibit the
36 applicability of other interstate compacts to which the states are
37 members.

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

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



1 **(c) All lawful actions of the interstate commission, including all**
2 **rules and bylaws adopted by the commission, are binding upon the**
3 **member states.**
4 **(d) All agreements between the interstate commission and the**
5 **member states are binding in accordance with their terms.**
6 **(e) In the event any provision of the compact exceeds the**
7 **constitutional limits imposed on the legislature of any member**
8 **state, the provision shall be ineffective to the extent of the conflict**
9 **with the constitutional provision in question in that member state.**
10 **SECTION 3. IC 34-30-2-99.2 IS ADDED TO THE INDIANA**
11 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
12 **[EFFECTIVE JULY 1, 2022]: Sec. 99.2. IC 25-22.5-16-14**
13 **(Concerning officers and employees of the interstate medical**
14 **licensure compact commission under the interstate medical**
15 **licensure compact).**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 251 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0

