

2020 Regular Session

SENATE BILL NO. 464

BY SENATOR PEACOCK

HEALTH CARE. Provides relative to the practice of medicine. (2/3 - CA7s2.1(A)) (8/1/20)

1 AN ACT
2 To amend and reenact R.S. 37:1272(2) and to enact Part I - C of Chapter 15 of Title 37 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.1, relative
4 to the practice of medicine; to provide for certain qualifications of applicants who
5 wish to practice medicine; to provide for authority to enter into the Interstate Medical
6 Licensure Compact; to provide for enactment of the model language required to
7 participate in the compact; to provide for definitions; to provide for eligibility,
8 application, and renewal process; to provide for a coordinated information system;
9 to provide for investigations and disciplinary actions; to provide for membership,
10 powers, and duties of the Interstate Medical Licensure Compact Commission; to
11 provide for oversight and enforcement of the compact; to provide for withdrawal and
12 dissolution of the compact; to provide for severability; and to provide for related
13 matters.
14 Be it enacted by the Legislature of Louisiana:
15 Section 1. R.S. 37:1272(2) is hereby amended and reenacted and Part I - C of Chapter
16 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1310.1, is
17 hereby enacted to read as follows:

1 §1272. Qualifications of applicants

2 Any person who wishes to practice medicine shall:

3 * * *

4 (2) Be a citizen of the United States, **a United States national, or an alien**
5 **lawfully admitted for permanent residency in the United States;**

6 * * *

7 **PART I - C. INTERSTATE MEDICAL LICENSURE COMPACT**

8 **§1310.1. Interstate Medical Licensure Compact; adoption**

9 **The Interstate Medical Licensure Compact is hereby recognized and**
10 **enacted into law and entered into by this state with all states legally joining**
11 **therein in the form substantially as follows:**

12 **SECTION 1. PURPOSE**

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

29 **SECTION 2. DEFINITIONS**

1 **In this compact:**

2 **(a) "Bylaws" means those bylaws established by the Interstate**
3 **Commission pursuant to Section 11.**

4 **(b) "Commissioner" means the voting representative appointed by each**
5 **member board pursuant to Section 11.**

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

11 **(d) "Expedited license" means a full and unrestricted medical license**
12 **granted by a member state to an eligible physician through the process set forth**
13 **in the compact.**

14 **(e) "Interstate commission" means the interstate commission created**
15 **pursuant to Section 11.**

16 **(f) "License" means authorization by a member state for a physician to**
17 **engage in the practice of medicine, which would be unlawful without**
18 **authorization.**

19 **(g) "Medical practice act" means laws and regulations governing the**
20 **practice of allopathic and osteopathic medicine within a member state.**

21 **(h) "Member board" means a state agency in a member state that acts**
22 **in the sovereign interests of the state by protecting the public through licensure,**
23 **regulation, and education of physicians as directed by the state government.**

24 **(i) "Member state" means a state that has enacted the compact.**

25 **(j) "Practice of medicine" means that clinical prevention, diagnosis, or**
26 **treatment of human disease, injury, or condition requiring a physician to obtain**
27 **and maintain a license in compliance with the medical practice act of a member**
28 **state.**

29 **(k) "Physician" means any person who:**

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

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

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

13 **(4) Holds specialty certification or a time-unlimited specialty certificate**
14 **recognized by the American Board of Medical Specialties or the American**
15 **Osteopathic Association's Bureau of Osteopathic Specialists;**

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

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

21 **(7) Has never held a license authorizing the practice of medicine**
22 **subjected to discipline by a licensing agency in any state, federal, or foreign**
23 **jurisdiction, excluding any action related to non-payment of fees related to a**
24 **license;**

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

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

29 **(l) "Offense" means a felony, gross misdemeanor, or crime of moral**

1 turpitude.

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

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

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

13 SECTION 3. ELIGIBILITY

14 (a) A physician must meet the eligibility requirements as defined in
15 Section 2(k) to receive an expedited license under the terms and provisions of
16 the compact.

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

21 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

26 (1) The state of principal residence for the physician, or

27 (2) The state where at least twenty-five percent of the practice of
28 medicine occurs, or

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

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

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

5 **(c) The interstate commission is authorized to develop rules to facilitate**
6 **redesignation of another member state as the state of principal license.**

7 **SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE**

8 **(a) A physician seeking licensure through the compact shall file an**
9 **application for an expedited license with the member board of the state selected**
10 **by the physician as the state of principal license.**

11 **(b) Upon receipt of an application for an expedited license, the member**
12 **board within the state selected as the state of principal license shall evaluate**
13 **whether the physician is eligible for expedited licensure and issue a letter of**
14 **qualification, verifying or denying the physician's eligibility, to the interstate**
15 **commission.**

16 **(1) Static qualifications, which include verification of medical education,**
17 **graduate medical education, results of any medical or licensing examination,**
18 **and other qualifications as determined by the interstate commission through**
19 **rule, shall not be subject to additional primary source verification where**
20 **already primary source verified by the state of principal license.**

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

27 **(3) Appeal on the determination of eligibility shall be made to the**
28 **member state where the application was filed and shall be subject to the law of**
29 **that state.**

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

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

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

13 (f) An expedited license obtained through the compact shall be
14 terminated if a physician fails to maintain a license in the state of principal
15 licensure for a non-disciplinary reason, without redesignation of a new state of
16 principal licensure.

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

20 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

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

26 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

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

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

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

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

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

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

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

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

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

22 **SECTION 8. COORDINATED INFORMATION SYSTEM**

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

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

29 **(c) Member boards shall report disciplinary or investigatory information**

1 determined as necessary and proper by rule of the interstate commission.

2 (d) Member boards may report any non-public complaint, disciplinary,
3 or investigatory information not required by subsection (c) to the interstate
4 commission.

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

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

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

12 SECTION 9. JOINT INVESTIGATIONS

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

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

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

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

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

27 SECTION 10. DISCIPLINARY ACTIONS

28 (a) Any disciplinary action taken by any member board against a
29 physician licensed through the compact shall be deemed unprofessional conduct

1 which may be subject to discipline by other member boards, in addition to any
2 violation of the medical practice act or regulations in that state.

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

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

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

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

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

1 **SECTION 11. INTERSTATE MEDICAL LICENSURE**

2 **COMPACT COMMISSION**

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

5 **(b) The purpose of the interstate commission is the administration of the**
6 **interstate medical licensure compact, which is a discretionary state function.**

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

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

19 **(1) Allopathic or osteopathic physician appointed to a member board;**

20 **(2) Executive director, executive secretary, or similar executive of a**
21 **member board; or**

22 **(3) Member of the public appointed to a member board.**

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

28 **(f) The bylaws may provide for meetings of the interstate commission to**
29 **be conducted by telecommunication or electronic communication.**

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

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

12 (1) Relate solely to the internal personnel practice and procedures of the
13 interstate commission;

14 (2) Discuss matters specifically exempted from disclosure by federal
15 statute;

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

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

19 (5) Discuss information of a personal nature where disclosure would
20 constitute a clearly unwarranted invasion of personal privacy;

21 (6) Discuss investigative records compiled for law enforcement purposes;

22 or

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

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

28 (j) The interstate commission shall make its information and official
29 records, to the extent not otherwise designated in the compact or by its rules,

1 available to the public for inspection.

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

10 (l) The interstate commission shall establish other committees for
11 governance and administration of the compact.

12 SECTION 12. POWERS AND DUTIES OF THE
13 INTERSTATE COMMISSION

14 (a) Oversee and maintain the administration of the compact;

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

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

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

23 (e) Establish and appoint committees including, but not limited to, an
24 executive committee as required by Section 11, which shall have the power to
25 act on behalf of the interstate commission in carrying out its powers and duties;

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

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

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

- 1 **(i) Purchase and maintain insurance and bonds;**
- 2 **(j) Employ an executive director who shall have such powers to employ,**
3 **select or appoint employees, agents, or consultants, and to determine their**
4 **qualifications, define their duties, and fix their compensation;**
- 5 **(k) Establish personnel policies and programs relating to conflicts of**
6 **interest, rates of compensation, and qualifications of personnel;**
- 7 **(l) Accept donations and grants of money, equipment, supplies,**
8 **materials, and services and to receive, utilize, and dispose of it in a manner**
9 **consistent with the conflict of interest policies established by the interstate**
10 **commission;**
- 11 **(m) Lease, purchase, accept contributions or donations of, or otherwise**
12 **to own, hold, improve or use, any property, real, personal, or mixed;**
- 13 **(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or**
14 **otherwise dispose of any property, real, personal, or mixed;**
- 15 **(o) Establish a budget and make expenditures;**
- 16 **(p) Adopt a seal and bylaws governing the management and operation**
17 **of the interstate commission;**
- 18 **(q) Report annually to the legislatures and governors of the member**
19 **states concerning the activities of the interstate commission during the**
20 **preceding year. Such reports shall also include reports of financial audits and**
21 **any recommendations that may have been adopted by the interstate**
22 **commission;**
- 23 **(r) Coordinate education, training, and public awareness regarding the**
24 **compact, its implementation, and its operation;**
- 25 **(s) Maintain records in accordance with the bylaws;**
- 26 **(t) Seek and obtain trademarks, copyrights, and patents; and**
- 27 **(u) Perform such functions as may be necessary or appropriate to**
28 **achieve the purpose of the compact.**

29 **SECTION 13. FINANCE POWERS**

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

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

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

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

15 SECTION 14. ORGANIZATION AND OPERATION OF
16 THE INTERSTATE COMMISSION

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

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

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

28 (d) The officers and employees of the interstate commission shall be
29 immune from suit and liability, either personally or in their official capacity, for

1 a claim for damage to or loss of property or personal injury or other civil
2 liability caused or arising out of, or relating to, an actual or alleged act, error,
3 or omission that occurred, or that such person had a reasonable basis for
4 believing occurred, within the scope of interstate commission employment,
5 duties, or responsibilities; provided that such person shall not be protected from
6 suit or liability for damage, loss, injury, or liability caused by the intentional or
7 willful and wanton misconduct of such person.

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

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

29 (g) To the extent not covered by the state involved, member state, or the

1 interstate commission, the representatives or employees of the interstate
2 commission shall be held harmless in the amount of a settlement or judgement,
3 including attorney's fees and costs, obtained against such persons arising out of
4 an actual or alleged act, error, or omission that occurred within the scope of the
5 interstate commission employment, duties, or responsibilities, or that such
6 persons had a reasonable basis for believing occurred within the scope of
7 interstate commission employment, duties, or responsibilities, provided that the
8 actual or alleged act, error, or omission did not result from intentional or willful
9 and wanton misconduct on the part of such person.

10 SECTION 15. RULEMAKING FUNCTIONS OF
11 THE INTERSTATE COMMISSION

12 (a) The interstate commission shall promulgate reasonable rules in order
13 to effectively and efficiently achieve the purpose of the compact.
14 Notwithstanding the foregoing, in the event the interstate commission exercises
15 its rulemaking authority in a manner that is beyond the scope of the purposes
16 of the compact, or the powers granted hereunder, then such an action by the
17 interstate commission shall be invalid and have no force or effect.

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

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

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

2 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

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

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

18 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

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

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

4 SECTION 18. DEFAULT PROCEDURES

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

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

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

16 (2) Provide remedial training and specific technical assistance regarding
17 the default.

18 (c) If the defaulting state fails to cure the default, the defaulting state
19 shall be terminated from the compact upon an affirmative vote of a majority of
20 the commissioners and all rights, privileges, and benefits conferred by the
21 compact shall terminate on the effective date of termination. A cure of the
22 default does not relieve the offending state of obligations or liabilities incurred
23 during the period of the default.

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

29 (e) The interstate commission shall establish rules and procedures to

1 address licenses and physicians that are materially impacted by the termination
2 of a member state, or the withdrawal of a member state.

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

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

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

16 SECTION 19. DISPUTE RESOLUTION

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

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

22 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

24 (b) The compact shall become effective and binding upon legislative
25 enactment of the compact into law by no less than seven states. Thereafter, it
26 shall become effective and binding on a state upon enactment of the compact
27 into law by that state.

28 (c) The governors of non-member states, or their designees, shall be
29 invited to participate in the activities of the interstate commission on a

1 non-voting basis prior to adoption of the compact by all states.

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

6 SECTION 21. WITHDRAWAL

7 (a) Once effective, the compact shall continue in force and remain
8 binding upon each and every member state; provided that a member state may
9 withdraw from the compact by specifically repealing the statute which enacted
10 the compact into law.

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

15 (c) The withdrawing state shall immediately notify the chairperson of the
16 interstate commission in writing upon the introduction of legislation repealing
17 the compact in the withdrawing state.

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

21 (e) The withdrawing state is responsible for all dues, obligations and
22 liabilities incurred through the effective date of withdrawal, including
23 obligations, the performance of which extend beyond the effective date of
24 withdrawal.

25 (f) Reinstatement following withdrawal of a member state shall occur
26 upon the withdrawing date reenacting the compact or upon such later date as
27 determined by the interstate commission.

28 (g) The interstate commission is authorized to develop rules to address
29 the impact of the withdrawal of a member state on licenses granted in other

1 member states to physicians who designated the withdrawing member state as
2 the state of principal license.

3 SECTION 22. DISSOLUTION

4 (a) The compact shall dissolve effective upon the date of the withdrawal
5 or default of the member state which reduces the membership of the compact
6 to one member state.

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

11 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

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

20 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

29 (e) In the event any provision of the compact exceeds the constitutional

1 **limits imposed on the legislature of any member state, such provision shall be**
 2 **ineffective to the extent of the conflict with the constitutional provision in**
 3 **question in that member state.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 464 Original

2020 Regular Session

Peacock

Present law provides that a person who wishes to practice medicine in Louisiana must meet certain minimum qualifications, including being a citizen of the United States. Proposed law retains present law and increases the eligibility to also include a United States national or an alien lawfully admitted for permanent residency in the United States.

Proposed law enacts the Interstate Medical Licensure Compact. Proposed law allows Louisiana to join a multi-state compact for physicians to obtain multi-state license privileges to practice in participating compact states to enhance the portability of a medical license and ensure the safety of patients.

Proposed law provides that each participating state to the compact adopt similar requirements for expedited licensure including satisfaction of criminal background checks, licensure, and education. Proposed law requires verification of licensure information through the coordinated information system and exchange of information regarding discipline and adverse actions by all participating states. Proposed law provides that the medical board in the state where the patient is located shall regulate the physician in that state.

Proposed law requires a physician to select a State of Principal License (SPL) within the compact where the physician already has a license. Proposed law provides that the SPL is responsible for conducting the primary source verification of the applying physician's qualifications to participate in the compact.

Proposed law establishes the Interstate Medical Licensure Compact Commission (commission) and grants each participating state two voting representatives on the commission. Proposed law provides for the powers, duties, financial authority, organization, and rulemaking functions of the commission. Proposed law authorizes the commission to levy and collect an annual assessment from each member state. Proposed law authorizes the commission to initiate legal action in federal court in the District of Columbia or where the commission has its principal offices to enforce the compact's provisions.

Proposed law provides for oversight, enforcement, dispute resolution, withdrawal, and dissolution of the compact. Proposed law provides for severability.

Effective August 1, 2020.

(Amends R.S. 37:1272(2); adds R.S. 37:1310.1)