

SECOND REGULAR SESSION

HOUSE BILL NO. 2256

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

4798H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to the Interstate Medical Licensure Compact.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto one new section, to be known as section 334.290, to read as follows:

334.290. INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1. PURPOSE

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

SECTION 2. DEFINITIONS

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **In this compact:**

19 (a) "Bylaws" means those bylaws established by the Interstate Commission
20 pursuant to Section 11.

21 (b) "Commissioner" means the voting representative appointed by each member
22 board pursuant to Section 11.

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

27 (d) "Expedited License" means a full and unrestricted medical license granted by
28 a member state to an eligible physician through the process set forth in the Compact.

29 (e) "Interstate Commission" means the interstate commission created pursuant to
30 Section 11.

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

33 (g) "Medical Practice Act" means laws and regulations governing the practice of
34 allopathic and osteopathic medicine within a member state.

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

38 (i) "Member State" means a state that has enacted the Compact.

39 (j) "Practice of Medicine" means that clinical prevention, diagnosis, or treatment
40 of human disease, injury, or condition requiring a physician to obtain and maintain a
41 license in compliance with the Medical Practice Act of a member state.

42 (k) "Physician" means any person who:

43 1) Is a graduate of a medical school accredited by the Liaison Committee on
44 Medical Education, the Commission on Osteopathic College Accreditation, or a medical
45 school listed in the International Medical Education Directory or its equivalent;

46 2) Passed each component of the United States Medical Licensing
47 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination
48 (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted
49 by a state medical board as an equivalent examination for licensure purposes;

50 3) Successfully completed graduate medical education approved by the
51 Accreditation Council for Graduate Medical Education or the American Osteopathic
52 Association;

53 4) Holds specialty certification or a time-unlimited specialty certificate
54 recognized by the American Board of Medical Specialties or the American Osteopathic
55 Association's Bureau of Osteopathic Specialists;

56 5) Possesses a full and unrestricted license to engage in the practice of
57 medicine issued by a member board;

58 6) Has never been convicted, received adjudication, deferred adjudication,
59 community supervision, or deferred disposition for any offense by a court of appropriate
60 jurisdiction;

61 7) Has never held a license authorizing the practice of medicine subjected
62 to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding
63 any action related to non-payment of fees related to a license;

64 8) Has never had a controlled substance license or permit suspended or
65 revoked by a state or the United States Drug Enforcement Administration; and

66 9) Is not under active investigation by a licensing agency or law enforcement
67 authority in any state, federal, or foreign jurisdiction.

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

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

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

77 (o) "State of Principal License" means a member state where a physician holds a
78 license to practice medicine and which has been designated as such by the physician for
79 purposes of registration and participation in the Compact.

80 SECTION 3. ELIGIBILITY

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

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

87 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

- 91 **1) The state of principal residence for the physician, or**
92 **2) The state where at least 25% of the practice of medicine occurs, or**
93 **3) The location of the physician's employer, or**
94 **4) If no state qualifies under subsection (1), subsection (2), or subsection (3),**
95 **the state designated as state of residence for purpose of federal income tax.**

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

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

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

101 **(a) A physician seeking licensure through the Compact shall file an application for**
102 **an expedited license with the member board of the state selected by the physician as the**
103 **state of principal license.**

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

108 **1) Static qualifications, which include verification of medical education,**
109 **graduate medical education, results of any medical or licensing examination, and other**
110 **qualifications as determined by the Interstate Commission through rule, shall not be**
111 **subject to additional primary source verification where already primary source verified**
112 **by the state of principal license.**

113 **2) The member board within the state selected as the state of principal**
114 **license shall, in the course of verifying eligibility, perform a criminal background check of**
115 **an applicant, including the use of the results of fingerprint or other biometric data checks**
116 **compliant with the requirements of the Federal Bureau of Investigation, with the exception**
117 **of federal employees who have suitability determination in accordance with 5 C.F.R.**
118 **§731.202.**

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

121 **(c) Upon verification in subsection (b), physicians eligible for an expedited license**
122 **shall complete the registration process established by the Interstate Commission to receive**

123 a license in a member state selected pursuant to subsection (a), including the payment of
124 any applicable fees.

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

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

133 (f) An expedited license obtained through the Compact shall be terminated if a
134 physician fails to maintain a license in the state of principal licensure for a non-disciplinary
135 reason, without redesignation of a new state of principal licensure.

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

139 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

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

145 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

148 1) Maintains a full and unrestricted license in a state of principal license;

149 2) Has not been convicted, received adjudication, deferred adjudication,
150 community supervision, or deferred disposition for any offense by a court of appropriate
151 jurisdiction;

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

155 4) Has not had a controlled substance license or permit suspended or
156 revoked by a state or the United States Drug Enforcement Administration.

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

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

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

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

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

168 **SECTION 8. COORDINATED INFORMATION SYSTEM**

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

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

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

176 **(d) Member boards may report any non-public complaint, disciplinary, or**
177 **investigatory information not required by subsection (c) to the Interstate Commission.**

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

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

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

185 **SECTION 9. JOINT INVESTIGATIONS**

186 **(a) Licensure and disciplinary records of physicians are deemed investigative.**

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

190 **(c) A subpoena issued by a member state shall be enforceable in other member**
191 **states.**

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

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

197 SECTION 10. DISCIPLINARY ACTIONS

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

202 (b) If a license granted to a physician by the member board in the state of principal
203 license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all
204 licenses issued to the physician by member boards shall automatically be placed, without
205 further action necessary by any member board, on the same status. If the member board
206 in the state of principal license subsequently reinstates the physician's license, a license
207 issued to the physician by any other member board shall remain encumbered until that
208 respective member board takes action to reinstate the license in a manner consistent with
209 the Medical Practice Act of that state.

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

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

215 2) Pursue separate disciplinary action against the physician under its
216 respective Medical Practice Act, regardless of the action taken in other member states.

217 (d) If a license granted to a physician by a member board is revoked, surrendered
218 or relinquished in lieu of discipline, or suspended, then any license(s) issued to the
219 physician by any other member board(s) shall be suspended, automatically and
220 immediately without further action necessary by the other member board(s), for ninety
221 (90) days upon entry of the order by the disciplining board, to permit the member board(s)
222 to investigate the basis for the action under the Medical Practice Act of that state. A
223 member board may terminate the automatic suspension of the license it issued prior to the
224 completion of the ninety (90) day suspension period in a manner consistent with the
225 Medical Practice Act of that state.

226 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT
227 COMMISSION

228 (a) The member states hereby create the "Interstate Medical Licensure Compact
229 Commission".

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

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

237 (d) The Interstate Commission shall consist of two voting representatives appointed
238 by each member state who shall serve as Commissioners. In states where allopathic and
239 osteopathic physicians are regulated by separate member boards, or if the licensing and
240 disciplinary authority is split between separate member boards, or if the licensing and
241 disciplinary authority is split between multiple member boards within a member state, the
242 member state shall appoint one representative from each member board. A Commissioner
243 shall be a(n):

244 1) Allopathic or osteopathic physician appointed to a member board;
245 2) Executive director, executive secretary, or similar executive of a member
246 board; or

247 3) Member of the public appointed to a member board.

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

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

255 (g) Each Commissioner participating at a meeting of the Interstate Commission is
256 entitled to one vote. A majority of Commissioners shall constitute a quorum for the
257 transaction of business, unless a larger quorum is required by the bylaws of the Interstate
258 Commission. A Commission shall not delegate a vote to another Commissioner. In the
259 absence of its Commissioner, a member state may delegate voting authority for a specified
260 meeting to another person from that state who shall meet the requirements of subsection
261 (d).

262 (h) The Interstate Commission shall provide public notice of all meetings and all
263 meetings shall be open to the public. The Interstate Commission may close a meeting, in

264 full or in portion, where it determines by a two-thirds vote of the Commissioners present
265 that an open meeting would be likely to:

266 1) Relate solely to the internal personnel practice and procedures of the
267 Interstate Commission;

268 2) Discuss matters specifically exempted from disclosure by federal statute;

269 3) Discuss trade secrets, commercial, or financial information that is
270 privileged or confidential;

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

272 5) Discuss information of a personal nature where disclosure would
273 constitute a clearly unwarranted invasion of personal privacy;

274 6) Discuss investigative records compiled for law enforcement purposes; or

275 7) Specifically relate to the participation in a civil action or other legal
276 proceeding.

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

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

283 (k) The Interstate Commission shall establish an executive committee, which shall
284 include officers, members, and others as determined by the bylaws. The executive
285 committee shall have the power to act on behalf of the Interstate Commission, with the
286 exception of rulemaking, during periods when the Interstate Commission is not in session.
287 When acting on behalf of the Interstate Commission, the executive committee shall oversee
288 the administration of the Compact including enforcement and compliance with the
289 provisions of the Compact, its bylaws and rules, and other such duties as necessary.

290 (l) The Interstate Commission shall establish other committees for governance and
291 administration of the Compact.

292 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

293 (a) Oversee and maintain the administration of the Compact;

294 (b) Promulgate rules which shall be binding to the extent and in the manner
295 provided for in the Compact;

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

- 298 **(d) Enforce compliance with Compact provisions, the rules promulgated by the**
299 **Interstate Commission, and the bylaws, using all necessary and proper means, including**
300 **but not limited to the use of judicial process;**
- 301 **(e) Establish and appoint committees including, but not limited to, an executive**
302 **committee as required by Section 11, which shall have the power to act on behalf of the**
303 **Interstate Commission in carrying out its powers and duties;**
- 304 **(f) Pay, or provide for the payment of the expenses related to the establishment,**
305 **organization, and ongoing activities of the Interstate Commission;**
- 306 **(g) Establish and maintain one or more offices;**
- 307 **(h) Borrow, accept, hire, or contract for services of personnel;**
- 308 **(i) Purchase and maintain insurance and bonds;**
- 309 **(j) Employ an executive director who shall have such powers to employ, select or**
310 **appoint employees, agents, or consultants, and to determine their qualifications, define**
311 **their duties, and fix their compensation;**
- 312 **(k) Establish personnel policies and programs relating to conflicts of interest, rates**
313 **of compensation, and qualifications of personnel;**
- 314 **(l) Accept donations and grants of money, equipment, supplies, materials, and**
315 **services and to receive, utilize, and dispose of it in a manner consistent with the conflict of**
316 **interest policies established by the Interstate Commission;**
- 317 **(m) Lease, purchase, accept contributions or donations of, or otherwise to own,**
318 **hold, improve or use, any property, real, personal, or mixed;**
- 319 **(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose**
320 **of any property, real, personal, or mixed;**
- 321 **(o) Establish a budget and make expenditures;**
- 322 **(p) Adopt a seal and bylaws governing the management and operation of the**
323 **Interstate Commission;**
- 324 **(q) Report annually to the legislatures and governors of the member states**
325 **concerning the activities of the Interstate Commission during the preceding year. Such**
326 **reports shall also include reports of financial audits and any recommendations that may**
327 **have been adopted by the Interstate Commission;**
- 328 **(r) Coordinate education, training, and public awareness regarding the Compact,**
329 **its implementation, and its operation;**
- 330 **(s) Maintain records in accordance with the bylaws;**
- 331 **(t) Seek and obtain trademarks, copyrights, and patents; and**
- 332 **(u) Perform such functions as may be necessary or appropriate to achieve the**
333 **purpose of the Compact.**

334 **SECTION 13. FINANCE POWERS**

335 **(a) The Interstate Commission may levy on and collect an annual assessment from**
336 **each member state to cover the cost of the operations and activities of the Interstate**
337 **Commission and its staff. The total assessment must be sufficient to cover the annual**
338 **budget approved each year for which revenue is not provided by other sources. The**
339 **aggregate annual assessment amount shall be allocated upon a formula to be determined**
340 **by the Interstate Commission, which shall promulgate a rule binding upon all member**
341 **states.**

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

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

346 **(d) The Interstate Commission shall be subject to a yearly financial audit conducted**
347 **by a certified or licensed accountant and the report of the audit shall be included in the**
348 **annual report of the Interstate Commission.**

349 **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE**
350 **COMMISSION**

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

355 **(b) The Interstate Commission shall elect or appoint annually from among its**
356 **Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall**
357 **have such authority and duties as may be specified in the bylaws. The chairperson, or in**
358 **the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings**
359 **of the Interstate Commission.**

360 **(c) Officers selected in subsection (b) shall serve without remuneration for the**
361 **Interstate Commission.**

362 **(d) The officers and employees of the Interstate Commission shall be immune from**
363 **suit and liability, either personally or in their official capacity, for a claim for damage to**
364 **or loss of property or personal injury or other civil liability caused or arising out of, or**
365 **relating to, an actual or alleged act, error, or omission that occurred, or that such person**
366 **had a reasonable basis for believing occurred, within the scope of Interstate Commission**
367 **employment, duties, or responsibilities; provided that such person shall not be protected**
368 **from suit or liability for damage, loss, injury, or liability caused by the intentional or**
369 **willful and wanton misconduct of such person.**

370 (e) The liability of the executive director and employees of the Interstate
371 Commission or representatives of the Interstate Commission, acting within the scope of
372 such person's employment or duties for acts, errors, or omissions occurring within such
373 person's state, may not exceed the limits of liability set forth under the constitution and
374 laws of that state for state officials, employees, and agents. The Interstate Commission is
375 considered to be an instrumentality of the states for the purpose of any such action.
376 Nothing in this subsection shall be construed to protect such person from suit or liability
377 for damage, loss, injury, or liability caused by the intentional or willful and wanton
378 misconduct of such person.

379 (f) The Interstate Commission shall defend the executive director, its employees,
380 and subject to the approval of the attorney general or other appropriate legal counsel of
381 the member state represented by an Interstate Commission representative, shall defend
382 such Interstate Commission representative in any civil action seeking to impose liability
383 arising out of an actual or alleged act, error or omission that occurred within the scope of
384 Interstate Commission employment, duties or responsibilities, or that the defendant had
385 a reasonable basis for believing occurred within the scope of Interstate Commission
386 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
387 omission did not result from intentional or willful and wanton misconduct on the part of
388 such person.

389 (g) To the extent not covered by the state involved, member state, or the Interstate
390 Commission, the representatives or employees of the Interstate Commission shall be held
391 harmless in the amount of a settlement or judgement, including attorney's fees and costs,
392 obtained against such persons arising out of an actual or alleged act, error, or omission
393 that occurred within the scope of the Interstate Commission employment, duties, or
394 responsibilities, or that such persons had a reasonable basis for believing occurred within
395 the scope of Interstate Commission employment, duties, or responsibilities, provided that
396 the actual or alleged act, error, or omission did not result from intentional or willful and
397 wanton misconduct on the part of such person.

398 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
399 COMMISSION

400 (a) The Interstate Commission shall promulgate reasonable rules in order to
401 effectively and efficiently achieve the purpose of the Compact. Notwithstanding the
402 foregoing, in the event the Interstate Commission exercises its rulemaking authority in a
403 manner that is beyond the scope of the purposes of the Compact, or the powers granted
404 hereunder, then such an action by the Interstate Commission shall be invalid and have no
405 force or effect.

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

409 (c) Not later than thirty (30) days after a rule is promulgated, any person may file
410 a petition for judicial review of the rule in the United States District Court for the District
411 of Columbia or the federal district where the Interstate Commission has its principal
412 offices, provided that the filing of such a petition shall not stay or otherwise prevent the
413 rule from becoming effective unless the court finds that the petitioner has a substantial
414 likelihood of success. The court shall give deference to the actions of the Interstate
415 Commission consistent with applicable law and shall not find the rule to be unlawful if the
416 rule represents a reasonable exercise of the authority granted to the Interstate Commission.

417 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

418 (a) The executive, legislative, and judicial branches of state government in each
419 member state shall enforce the Compact and shall take all actions necessary and
420 appropriate to effectuate the Compact's purposes and intent. The provisions of the
421 Compact and the rules promulgated hereunder shall have standing as statutory law but
422 shall not override existing state authority to regulate the practice of medicine.

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

427 (c) The Interstate Commission shall be entitled to receive all services of process in
428 any such proceeding, and shall have standing to intervene in the proceeding for all
429 purposes. Failure to provide service of process to the Interstate Commission shall render
430 a judgment or order void as to the Interstate Commission, the Compact, or promulgated
431 rules.

432 **SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT**

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

435 (b) The Interstate Commission may, by majority vote of the Commissioners, initiate
436 legal action in the United States Court for the District of Columbia, or, at the discretion of
437 the Interstate Commission, in the federal district where the Interstate Commission has its
438 principal offices, to enforce compliance with the provisions of the Compact, and its
439 promulgated rules and bylaws, against a member state in default. The relief sought may
440 include both injunctive relief and damages. In the event judicial enforcement is necessary,

441 the prevailing party shall be awarded all costs of such litigation including reasonable
442 attorney's fees.

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

446 SECTION 18. DEFAULT PROCEDURES

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

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

453 1) Provide written notice to the defaulting state and other member states,
454 of the nature of the default, the means of curing the default, and any action taken by the
455 Interstate Commission. The Interstate Commission shall specify the conditions by which
456 the defaulting state must cure its default; and

457 2) Provide remedial training and specific technical assistance regarding the
458 default.

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

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

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

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

474 (g) The Interstate Commission shall not bear any costs relating to any state that has
475 been found to be in default or which has been terminated from the Compact, unless

476 otherwise mutually agreed upon in writing between the Interstate Commission and the
477 defaulting state.

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

482 SECTION 19. DISPUTE RESOLUTION

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

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

488 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

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

500 SECTION 21. WITHDRAWAL

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

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

508 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
509 Commission in writing upon the introduction of legislation repealing the Compact in the
510 withdrawing state.

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

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

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

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

523 SECTION 22. DISSOLUTION

524 (a) The Compact shall dissolve effective upon the date of the withdrawal or default
525 of the member state which reduces the membership of the Compact to one (1) member
526 state.

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

531 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

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

539 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

548 **(e) In the event any provision of the Compact exceeds the constitutional limits**
549 **imposed on the legislature of any member state, such provision shall be ineffective to the**
550 **extent of the conflict with the constitutional provision in question in that member state.**

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