

FIRST REGULAR SESSION

HOUSE BILL NO. 407

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLL.

1284H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 334.043, RSMo, and to enact in lieu thereof twenty-six new sections relating to physician licensure.

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

Section A. Section 334.043, RSMo, is repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 334.043, 334.1600, 334.1605, 334.1610, 334.1615, 334.1620, 334.1625, 334.1630, 334.1635, 334.1640, 334.1645, 334.1650, 334.1655, 334.1660, 334.1665, 334.1670, 334.1675, 334.1680, 334.1685, 334.1690, 334.1695, 334.1700, 334.1705, 334.1710, 334.1715, and 334.1720, to read as follows:

~~334.043. [Upon the applicant paying a fee equivalent to the required examination fee and furnishing the board with all locations of previous practice and licensure in chronological order, the board shall, under regulations prescribed by it, admit without examination qualified persons who meet the requirements of this state including, but not limited to, sections 334.031, 334.035 and 334.040, and who hold certificates of licensure in any state or territory of the United States or the District of Columbia authorizing them to practice in the same manner and to the same extent as physicians and surgeons are authorized to practice by this chapter. Within the limits of this section, the board is authorized and empowered to negotiate reciprocal compacts with licensing boards of other states for admission of licensed practitioners from Missouri in other states]~~ **1. For purposes of this section, the following terms mean:**

(1) "Board", the state board of registration for the healing arts in the state of Missouri;

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.

14 (2) "License", a license, certificate, registration, permit, accreditation, or
15 military occupational specialty that enables a person to legally practice an occupation or
16 profession in a particular jurisdiction;

17 (3) "Military", the Armed Forces of the United States, including the Air Force,
18 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other
19 military branch that is designated by Congress as part of the Armed Forces of the
20 United States, and all reserve components and auxiliaries. The term "military" also
21 includes the military reserves and militia of any United States territory or state;

22 (4) "Nonresident military spouse", a nonresident spouse of an active duty
23 member of the Armed Forces of the United States who has been transferred or is
24 scheduled to be transferred to the state of Missouri, or who has been transferred or is
25 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of
26 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

27 (5) "Oversight body", any board, department, agency, or office of a jurisdiction
28 that issues licenses;

29 (6) "Resident military spouse", a spouse of an active duty member of the Armed
30 Forces of the United States who has been transferred or is scheduled to be transferred to
31 the state of Missouri or an adjacent state and who is a permanent resident of the state of
32 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her
33 home of record.

34 2. Any person who holds a valid current physician and surgeon license issued by
35 another state, a branch or unit of the military, a territory of the United States, or the
36 District of Columbia, and who has been licensed for at least one year in such other
37 jurisdiction, may submit to the board an application for a physician and surgeon license
38 in Missouri along with proof of current licensure and proof of licensure for at least one
39 year in the other jurisdiction.

40 3. The board shall:

41 (1) Within six months of receiving an application described in subsection 2 of
42 this section, waive any examination, educational, or experience requirements for
43 licensure in this state for the applicant if it determines that there were minimum
44 education requirements and, if applicable, work experience and clinical supervision
45 requirements in effect and the other jurisdiction verifies that the person met those
46 requirements in order to be licensed or certified in that jurisdiction. The board may
47 require an applicant to take and pass an examination specific to the laws of this state; or

48 (2) Within thirty days of receiving an application described in subsection 2 of
49 this section from a nonresident military spouse or a resident military spouse, waive any
50 examination, educational, or experience requirements for licensure in this state for the

51 applicant and issue such applicant a license under this section if such applicant
52 otherwise meets the requirements of this section.

53 4. (1) The board shall not waive any examination, educational, or experience
54 requirements for any applicant who has had his or her license revoked by an oversight
55 body outside the state; who is currently under investigation, who has a complaint
56 pending, or who is currently under disciplinary action, except as provided in subdivision
57 (2) of this subsection, with an oversight body outside the state; who does not hold a
58 license in good standing with an oversight body outside the state; who has a criminal
59 record that would disqualify him or her for licensure in Missouri; or who does not hold
60 a valid current license in the other jurisdiction on the date the board receives his or her
61 application under this section.

62 (2) If another jurisdiction has taken disciplinary action against an applicant, the
63 board shall determine if the cause for the action was corrected and the matter resolved.
64 If the matter has not been resolved by that jurisdiction, the board may deny a license
65 until the matter is resolved.

66 5. Nothing in this section shall prohibit the board from denying a license to an
67 applicant under this section for any reason described in section 334.100.

68 6. Any person who is licensed under the provisions of this section shall be subject
69 to the board's jurisdiction and all rules and regulations pertaining to the practice as a
70 physician and surgeon in this state.

71 7. This section shall not be construed to waive any requirement for an applicant
72 to pay any fees.

334.1600. Sections 334.1600 to 334.1720 shall be known and may be cited as the
2 "Interstate Medical Licensure Compact".

334.1605. In order to strengthen access to health care, and in recognition of the
2 advances in the delivery of health care, the member states of the Interstate Medical
3 Licensure Compact have allied in common purpose to develop a comprehensive process
4 that complements the existing licensing and regulatory authority of state medical
5 boards, provides a streamlined process that allows physicians to become licensed in
6 multiple states, thereby enhancing the portability of a medical license and ensuring the
7 safety of patients. The Compact creates another pathway for licensure and does not
8 otherwise change a state's existing Medical Practice Act. The Compact also adopts the
9 prevailing standard for licensure and affirms that the practice of medicine occurs where
10 the patient is located at the time of the physician-patient encounter, and therefore,
11 requires the physician to be under the jurisdiction of the state medical board where the
12 patient is located. State medical boards that participate in the Compact retain the

13 jurisdiction to impose an adverse action against a license to practice medicine in that
14 state issued to a physician through the procedures in the Compact.

334.1610. In this compact:

2 (1) "Bylaws" means those bylaws established by the Interstate Commission
3 pursuant to section 334.1655.

4 (2) "Commissioner" means the voting representative appointed by each member
5 board pursuant to section 334.1655.

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

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

12 (5) "Interstate Commission" means the interstate commission created pursuant
13 to section 334.1655.

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

16 (7) "Medical Practice Act" means laws and regulations governing the practice of
17 allopathic and osteopathic medicine within a member state.

18 (8) "Member Board" means a state agency in a member state that acts in the
19 sovereign interests of the state by protecting the public through licensure, regulation,
20 and education of physicians as directed by the state government.

21 (9) "Member State" means a state that has enacted the Compact.

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

25 (11) "Physician" means any person who:

26 (a) Is a graduate of a medical school accredited by the Liaison Committee on
27 Medical Education, the Commission on Osteopathic College Accreditation, or a medical
28 school listed in the International Medical Education Directory or its equivalent;

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

33 (c) Successfully completed graduate medical education approved by the
34 Accreditation Council for Graduate Medical Education or the American Osteopathic
35 Association;

36 (d) Holds specialty certification or a time-unlimited specialty certificate
37 recognized by the American Board of Medical Specialties or the American
38 Osteopathic Association's Bureau of Osteopathic Specialists;

39 (e) Possesses a full and unrestricted license to engage in the practice of medicine
40 issued by a member board;

41 (f) Has never been convicted, received adjudication, deferred adjudication,
42 community supervision, or deferred disposition for any offense by a court of
43 appropriate jurisdiction;

44 (g) Has never held a license authorizing the practice of medicine subjected to
45 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding
46 any action related to non-payment of fees related to a license;

47 (h) Has never had a controlled substance license or permit suspended or revoked
48 by a state or the United States Drug Enforcement Administration; and

49 (i) Is not under active investigation by a licensing agency or law enforcement
50 authority in any state, federal, or foreign jurisdiction.

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

52 (13) "Rule" means a written statement by the Interstate Commission
53 promulgated pursuant to section 334.1660 of the Compact that is of general
54 applicability, implements, interprets, or prescribes a policy or provision of the
55 Compact, or an organizational, procedural, or practice requirement of the Interstate
56 Commission, and has the force and effect of statutory law in a member state, and
57 includes the amendment, repeal, or suspension of an existing rule.

58 (14) "State" means any state, commonwealth, district, or territory of the United
59 States.

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

334.1615. 1. A physician must meet the eligibility requirements as defined in
2 subdivision (11) of section 334.1610 to receive an expedited license under the terms and
3 provisions of the Compact.

4 2. A physician who does not meet the requirements of subdivision (11) of section
5 334.1610 may obtain a license to practice medicine in a member state if the individual
6 complies with all laws and requirements, other than the Compact, relating to the
7 issuance of a license to practice medicine in that state.

334.1620. 1. A physician shall designate a member state as the state of principal
2 license for purposes of registration for expedited licensure through the Compact if the

3 physician possesses a full and unrestricted license to practice medicine in that state, and
4 the state is:

- 5 (1) The state of principal residence for the physician, or
- 6 (2) The state where at least 25% of the practice of medicine occurs, or
- 7 (3) The location of the physician's employer, or
- 8 (4) If no state qualifies under subdivision (1), (2), or (3) of this subsection, the
9 state designated as state of residence for purpose of federal income tax.

10 2. A physician may redesignate a member state as state of principal license at
11 any time, as long as the state meets the requirements of subsection 1 of this section.

12 3. The Interstate Commission is authorized to develop rules to facilitate
13 redesignation of another member state as the state of principal license.

334.1625. 1. A physician seeking licensure through the Compact shall file an
2 application for an expedited license with the member board of the state selected by the
3 physician as the state of principal license.

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

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

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

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

21 3. Upon verification in subsection 2 of this section, physicians eligible for an
22 expedited license shall complete the registration process established by the Interstate
23 Commission to receive a license in a member state selected pursuant to subsection 1 of
24 this section, including the payment of any applicable fees.

25 4. After receiving verification of eligibility under subsection 2 of this section and
26 any fees under subsection 3 of this section, a member board shall issue an expedited

27 license to the physician. This license shall authorize the physician to practice medicine
28 in the issuing state consistent with the Medical Practice Act and all applicable laws and
29 regulations of the issuing member board and member state.

30 5. An expedited license shall be valid for a period consistent with the licensure
31 period in the member state and in the same manner as required for other physicians
32 holding a full and unrestricted license within the member state.

33 6. An expedited license obtained through the Compact shall be terminated if a
34 physician fails to maintain a license in the state of principal licensure for a non-
35 disciplinary reason, without redesignation of a new state of principal licensure.

36 7. The Interstate Commission is authorized to develop rules regarding the
37 application process, including payment of any applicable fees, and the issuance of an
38 expedited license.

334.1630. 1. A member state issuing an expedited license authorizing the
2 practice of medicine in that state may impose a fee for a license issued or renewed
3 through the Compact.

4 2. The Interstate Commission is authorized to develop rules regarding fees for
5 expedited licenses.

334.1635. 1. A physician seeking to renew an expedited license granted in a
2 member state shall complete a renewal process with the Interstate Commission if the
3 physician:

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

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

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

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

13 2. Physicians shall comply with all continuing professional development or
14 continuing medical education requirements for renewal of a license issued by a member
15 state.

16 3. The Interstate Commission shall collect any renewal fees charged for the
17 renewal of a license and distribute the fees to the applicable member board.

18 4. Upon receipt of any renewal fees collected in subsection 3 of this section, a
19 member board shall renew the physician's license.

20 **5. Physician information collected by the Interstate Commission during the**
21 **renewal process will be distributed to all member boards.**

22 **6. The Interstate Commission is authorized to develop rules to address renewal**
23 **of licenses obtained through the Compact.**

334.1640. 1. The Interstate Commission shall establish a database of all
2 **physicians licensed, or who have applied for licensure, under section 334.1625.**

3 **2. Notwithstanding any other provision of law, member boards shall report to**
4 **the Interstate Commission any public action or complaints against a licensed physician**
5 **who has applied or received an expedited license through the Compact.**

6 **3. Member boards shall report disciplinary or investigatory information**
7 **determined as necessary and proper by rule of the Interstate Commission.**

8 **4. Member boards may report any non-public complaint, disciplinary, or**
9 **investigatory information not required by subsection 3 of this section to the Interstate**
10 **Commission.**

11 **5. Member boards shall share complaint or disciplinary information about a**
12 **physician upon request of another member board.**

13 **6. All information provided to the Interstate Commission or distributed by**
14 **member boards shall be confidential, filed under seal, and used only for investigatory or**
15 **disciplinary matters.**

16 **7. The Interstate Commission is authorized to develop rules for mandated or**
17 **discretionary sharing of information by member boards.**

334.1645. 1. Licensure and disciplinary records of physicians are deemed
2 **investigative.**

3 **2. In addition to the authority granted to a member board by its respective**
4 **Medical Practice Act or other applicable state law, a member board may participate**
5 **with other member boards in joint investigations of physicians licensed by the member**
6 **boards.**

7 **3. A subpoena issued by a member state shall be enforceable in other member**
8 **states.**

9 **4. Member boards may share any investigative, litigation, or compliance**
10 **materials in furtherance of any joint or individual investigation initiated under the**
11 **Compact.**

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

334.1650. 1. Any disciplinary action taken by any member board against a
2 **physician licensed through the Compact shall be deemed unprofessional conduct which**

3 may be subject to discipline by other member boards, in addition to any violation of the
4 Medical Practice Act or regulations in that state.

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

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

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

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

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

334.1655. 1. The member states hereby create the "Interstate Medical Licensure
2 Compact Commission".

3 2. The purpose of the Interstate Commission is the administration of the
4 Interstate Medical Licensure Compact, which is a discretionary state function.

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

10 4. The Interstate Commission shall consist of two voting representatives
11 appointed by each member state who shall serve as Commissioners. In states where

12 **allopathic and osteopathic physicians are regulated by separate member boards, or if**
13 **the licensing and disciplinary authority is split between separate member boards, or if**
14 **the licensing and disciplinary authority is split between multiple member boards within**
15 **a member state, the member state shall appoint one representative from each member**
16 **board. A Commissioner shall be a(n):**

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

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

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

21 **5. The Interstate Commission shall meet at least once each calendar year. A**
22 **portion of this meeting shall be a business meeting to address such matters as may**
23 **properly come before the Commission, including the election of officers. The**
24 **chairperson may call additional meetings and shall call for a meeting upon the**
25 **request of a majority of the member states.**

26 **6. The bylaws may provide for meetings of the Interstate Commission to be**
27 **conducted by telecommunication or electronic communication.**

28 **7. Each Commissioner participating at a meeting of the Interstate Commission is**
29 **entitled to one vote. A majority of Commissioners shall constitute a quorum for the**
30 **transaction of business, unless a larger quorum is required by the bylaws of the**
31 **Interstate Commission. A Commissioner shall not delegate a vote to another**
32 **Commissioner. In the absence of its Commissioner, a member state may delegate**
33 **voting authority for a specified meeting to another person from that state who shall**
34 **meet the requirements of subsection 4 of this section.**

35 **8. The Interstate Commission shall provide public notice of all meetings and all**
36 **meetings shall be open to the public. The Interstate Commission may close a meeting, in**
37 **full or in portion, where it determines by a two-thirds vote of the Commissioners present**
38 **that an open meeting would be likely to:**

39 **(1) Relate solely to the internal personnel practice and procedures of the**
40 **Interstate Commission;**

41 **(2) Discuss matters specifically exempted from disclosure by federal statute;**

42 **(3) Discuss trade secrets, commercial, or financial information that is privileged**
43 **or confidential;**

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

45 **(5) Discuss information of a personal nature where disclosure would constitute a**
46 **clearly unwarranted invasion of personal privacy;**

47 **(6) Discuss investigative records compiled for law enforcement purposes; or**

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

50 9. The Interstate Commission shall keep minutes which shall fully describe all
51 matters discussed in a meeting and shall provide a full and accurate summary of actions
52 taken, including record of any roll call votes.

53 10. The Interstate Commission shall make its information and official records, to
54 the extent not otherwise designated in the Compact or by its rules, available to the
55 public for inspection.

56 11. The Interstate Commission shall establish an executive committee, which
57 shall include officers, members, and others as determined by the bylaws. The executive
58 committee shall have the power to act on behalf of the Interstate Commission, with the
59 exception of rulemaking, during periods when the Interstate Commission is not in
60 session. When acting on behalf of the Interstate Commission, the executive committee
61 shall oversee the administration of the Compact including enforcement and compliance
62 with the provisions of the Compact, its bylaws and rules, and other such duties as
63 necessary.

64 12. The Interstate Commission shall establish other committees for governance
65 and administration of the Compact.

334.1660. The powers and duties of the Interstate Commission shall be to:

- 2 (1) Oversee and maintain the administration of the Compact;
- 3 (2) Promulgate rules which shall be binding to the extent and in the manner
4 provided for in the Compact;
- 5 (3) Issue, upon the request of a member state or member board, advisory
6 opinions concerning the meaning or interpretation of the Compact, its bylaws, rules,
7 and actions;
- 8 (4) Enforce compliance with Compact provisions, the rules promulgated by the
9 Interstate Commission, and the bylaws, using all necessary and proper means, including
10 but not limited to the use of judicial process;
- 11 (5) Establish and appoint committees including, but not limited to, an executive
12 committee as required by section 334.1655, which shall have the power to act on behalf
13 of the Interstate Commission in carrying out its powers and duties;
- 14 (6) Pay, or provide for the payment of the expenses related to the establishment,
15 organization, and ongoing activities of the Interstate Commission;
- 16 (7) Establish and maintain one or more offices;
- 17 (8) Borrow, accept, hire, or contract for services of personnel;
- 18 (9) Purchase and maintain insurance and bonds;

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

22 **(11) Establish personnel policies and programs relating to conflicts of interest,**
23 **rates of compensation, and qualifications of personnel;**

24 **(12) Accept donations and grants of money, equipment, supplies, materials, and**
25 **services and to receive, utilize, and dispose of it in a manner consistent with the conflict**
26 **of interest policies established by the Interstate Commission;**

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

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

31 **(15) Establish a budget and make expenditures;**

32 **(16) Adopt a seal and bylaws governing the management and operation of the**
33 **Interstate Commission;**

34 **(17) Report annually to the legislatures and governors of the member states**
35 **concerning the activities of the Interstate Commission during the preceding year. Such**
36 **reports shall also include reports of financial audits and any recommendations that may**
37 **have been adopted by the Interstate Commission;**

38 **(18) Coordinate education, training, and public awareness regarding the**
39 **Compact, its implementation, and its operation;**

40 **(19) Maintain records in accordance with the bylaws;**

41 **(20) Seek and obtain trademarks, copyrights, and patents; and**

42 **(21) Perform such functions as may be necessary or appropriate to achieve the**
43 **purpose of the Compact.**

334.1665. 1. The Interstate Commission may levy on and collect an annual
2 **assessment from each member state to cover the cost of the operations and activities of**
3 **the Interstate Commission and its staff. The total assessment must be sufficient to cover**
4 **the annual budget approved each year for which revenue is not provided by other**
5 **sources. The aggregate annual assessment amount shall be allocated upon a formula to**
6 **be determined by the Interstate Commission, which shall promulgate a rule binding**
7 **upon all member states.**

8 **2. The Interstate Commission shall not incur obligations of any kind prior to**
9 **securing the funds adequate to meet the same.**

10 **3. The Interstate Commission shall not pledge the credit of any of the member**
11 **states, except by, and with the authority of, the member state.**

12 **4. 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 be**
14 **included in the annual report of the Interstate Commission.**

334.1670. 1. The Interstate Commission shall, by a majority of Commissioners
2 **present and voting, adopt bylaws to govern its conduct as may be necessary or**
3 **appropriate to carry out the purposes of the Compact within twelve (12) months of the**
4 **first Interstate Commission meeting.**

5 **2. The Interstate Commission shall elect or appoint annually from among its**
6 **Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall**
7 **have such authority and duties as may be specified in the bylaws. The chairperson, or in**
8 **the chairperson's absence or disability, the vice-chairperson, shall preside at all**
9 **meetings of the Interstate Commission.**

10 **3. Officers selected in subsection 2 of this section shall serve without**
11 **remuneration for the Interstate Commission.**

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

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

29 **6. The Interstate Commission shall defend the executive director, its employees,**
30 **and subject to the approval of the attorney general or other appropriate legal counsel of**
31 **the member state represented by an Interstate Commission representative, shall defend**
32 **such Interstate Commission representative in any civil action seeking to impose liability**
33 **arising out of an actual or alleged act, error or omission that occurred within the scope**
34 **of Interstate Commission employment, duties or responsibilities, or that the defendant**

35 had a reasonable basis for believing occurred within the scope of Interstate Commission
36 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
37 omission did not result from intentional or willful and wanton misconduct on the part of
38 such person.

39 7. To the extent not covered by the state involved, member state, or the Interstate
40 Commission, the representatives or employees of the Interstate Commission shall be
41 held harmless in the amount of a settlement or judgement, including attorney's fees and
42 costs, obtained against such persons arising out of an actual or alleged act, error, or
43 omission that occurred within the scope of the Interstate Commission employment,
44 duties, or responsibilities, or that such persons had a reasonable basis for believing
45 occurred within the scope of Interstate Commission employment, duties, or
46 responsibilities, provided that the actual or alleged act, error, or omission did not
47 result from intentional or willful and wanton misconduct on the part of such person.

334.1675. 1. The Interstate Commission shall promulgate reasonable rules in
2 order to effectively and efficiently achieve the purpose of the Compact.
3 Notwithstanding the foregoing, in the event the Interstate Commission exercises its
4 rulemaking authority in a manner that is beyond the scope of the purposes of the
5 Compact, or the powers granted hereunder, then such an action by the Interstate
6 Commission shall be invalid and have no force or effect.

7 2. Rules deemed appropriate for the operations of the Interstate Commission
8 shall be made pursuant to a rulemaking process that substantially conforms to the
9 "Model State Administrative Procedure Act" of 2010, and subsequent amendments
10 thereto.

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

334.1680. 1. The executive, legislative, and judicial branches of state
2 government in each member state shall enforce the Compact and shall take all
3 actions necessary and appropriate to effectuate the Compact's purposes and intent. The
4 provisions of the Compact and the rules promulgated hereunder shall have standing as

5 statutory law but shall not override existing state authority to regulate the practice of
6 medicine.

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

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

334.1685. 1. The Interstate Commission, in the reasonable exercise of its
2 discretion, shall enforce the provisions and rules of the Compact.

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

11 3. The remedies herein shall not be the exclusive remedies of the Interstate
12 Commission. The Interstate Commission may avail itself of any other remedies
13 available under state law or regulation of a profession.

334.1690. 1. The grounds for default include, but are not limited to, failure of a
2 member state to perform such obligations or responsibilities imposed upon it by the
3 Compact, or the rules and bylaws of the Interstate Commission promulgated under the
4 Compact.

5 2. If the Interstate Commission determines that a member state has defaulted in
6 the performance of its obligations or responsibilities under the Compact, or the bylaws
7 or promulgated rules, the Interstate Commission shall:

8 (1) Provide written notice to the defaulting state and other member states, of the
9 nature of the default, the means of curing the default, and any action taken by the
10 Interstate Commission. The Interstate Commission shall specify the conditions by
11 which the defaulting state must cure its default; and

12 (2) Provide remedial training and specific technical assistance regarding the
13 default.

14 **3. If the defaulting state fails to cure the default, the defaulting state shall be**
15 **terminated from the Compact upon an affirmative vote of a majority of the**
16 **Commissioners and all rights, privileges, and benefits conferred by the Compact shall**
17 **terminate on the effective date of termination. A cure of the default does not relieve the**
18 **offending state of obligations or liabilities incurred during the period of the default.**

19 **4. Termination of membership in the Compact shall be imposed only after all**
20 **other means of securing compliance have been exhausted. Notice of intent to terminate**
21 **shall be given by the Interstate Commission to the governor, the majority and minority**
22 **leaders of the defaulting state's legislature, and each of the member states.**

23 **5. The Interstate Commission shall establish rules and procedures to address**
24 **licenses and physicians that are materially impacted by the termination of a member**
25 **state, or the withdrawal of a member state.**

26 **6. The member state which has been terminated is responsible for all dues,**
27 **obligations, and liabilities incurred through the effective date of termination including**
28 **obligations, the performance of which extends beyond the effective date of termination.**

29 **7. The Interstate Commission shall not bear any costs relating to any state that**
30 **has been found to be in default or which has been terminated from the Compact, unless**
31 **otherwise mutually agreed upon in writing between the Interstate Commission and the**
32 **defaulting state.**

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

334.1695. 1. The Interstate Commission shall attempt, upon the request of a
2 **member state, to resolve disputes which are subject to the Compact and which may arise**
3 **among member states or member boards.**

4 **2. The Interstate Commission shall promulgate rules providing for both**
5 **mediation and binding dispute resolution as appropriate.**

334.1700. 1. Any state is eligible to become a member of the Compact.

2 **2. The Compact shall become effective and binding upon legislative enactment of**
3 **the Compact into law by no less than seven (7) states. Thereafter, it shall become**
4 **effective and binding on a state upon enactment of the Compact into law by that state.**

5 **3. The governors of non-member states, or their designees, shall be invited to**
6 **participate in the activities of the Interstate Commission on a non-voting basis prior to**
7 **adoption of the Compact by all states.**

8 **4. The Interstate Commission may propose amendments to the Compact for**
9 **enactment by the member states. No amendment shall become effective and binding**

10 upon the Interstate Commission and the member states unless and until it is enacted
11 into law by unanimous consent of the member states.

334.1705. 1. Once effective, the Compact shall continue in force and remain
2 binding upon each and every member state; provided that a member state may
3 withdraw from the Compact by specifically repealing the statute which enacted the
4 Compact into law.

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

9 3. The withdrawing state shall immediately notify the chairperson of the
10 Interstate Commission in writing upon the introduction of legislation repealing the
11 Compact in the withdrawing state.

12 4. The Interstate Commission shall notify the other member states of the
13 withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice
14 provided under subsection 3 of this section.

15 5. The withdrawing state is responsible for all dues, obligations and liabilities
16 incurred through the effective date of withdrawal, including obligations, the
17 performance of which extend beyond the effective date of withdrawal.

18 6. Reinstatement following withdrawal of a member state shall occur upon the
19 withdrawing state reenacting the Compact or upon such later date as determined by the
20 Interstate Commission.

21 7. The Interstate Commission is authorized to develop rules to address the
22 impact of the withdrawal of a member state on licenses granted in other member states
23 to physicians who designated the withdrawing member state as the state of principal
24 license.

334.1710. 1. The Compact shall dissolve effective upon the date of the
2 withdrawal or default of the member state which reduces the membership of the
3 Compact to one (1) member state.

4 2. Upon the dissolution of the Compact, the Compact becomes null and void and
5 shall be of no further force or effect, and the business and affairs of the Interstate
6 Commission shall be concluded, and surplus funds shall be distributed in accordance
7 with the bylaws.

334.1715. 1. The provisions of the Compact shall be severable, and if any
2 phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions
3 of the Compact shall be enforceable.

4 **2. The provisions of the Compact shall be liberally construed to effectuate its**
5 **purposes.**

6 **3. Nothing in the Compact shall be construed to prohibit the applicability of**
7 **other interstate compacts to which the member states are members.**

334.1720. 1. Nothing herein prevents the enforcement of any other law of a
2 **member state that is not inconsistent with the Compact.**

3 **2. All laws in a member state in conflict with the Compact are superseded to the**
4 **extent of the conflict.**

5 **3. All lawful actions of the Interstate Commission, including all rules and bylaws**
6 **promulgated by the Commission, are binding upon the member states.**

7 **4. All agreements between the Interstate Commission and the member states are**
8 **binding in accordance with their terms.**

9 **5. In the event any provision of the Compact exceeds the constitutional limits**
10 **imposed on the legislature of any member state, such provision shall be ineffective to the**
11 **extent of the conflict with the constitutional provision in question in that member state.**

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