

# SB1229



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1229

Introduced 2/11/2015, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Interstate Medical Licensure Compact Act. Provides that Illinois ratifies and approves the Interstate Medical Licensure Compact. The Compact provides that it will develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states. The Compact provides for eligibility requirements, application requirements, fees, renewal requirements, information concerning investigation and discipline, and other procedures to implement the Compact.

LRB099 09241 AWJ 29444 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Sec. 1. Short title. This Act may be cited as the  
5 Interstate Medical Licensure Compact Act.

6 Sec. 5. Interstate Medical Licensure Compact. The State of  
7 Illinois ratifies and approves the following compact:

8 INTERSTATE MEDICAL LICENSURE COMPACT

9 SECTION 1. PURPOSE

10 In order to strengthen access to health care, and in  
11 recognition of the advances in the delivery of health care, the  
12 member states of the Interstate Medical Licensure Compact have  
13 allied in common purpose to develop a comprehensive process  
14 that complements the existing licensing and regulatory  
15 authority of state medical boards, provides a streamlined  
16 process that allows physicians to become licensed in multiple  
17 states, thereby enhancing the portability of a medical license  
18 and ensuring the safety of patients. The Compact creates  
19 another pathway for licensure and does not otherwise change a  
20 state's existing Medical Practice Act. The Compact also adopts  
21 the prevailing standard for licensure and affirms that the

1 practice of medicine occurs where the patient is located at the  
2 time of the physician-patient encounter, and therefore,  
3 requires the physician to be under the jurisdiction of the  
4 state medical board where the patient is located. State medical  
5 boards that participate in the Compact retain the jurisdiction  
6 to impose an adverse action against a license to practice  
7 medicine in that state issued to a physician through the  
8 procedures in the Compact.

9 SECTION 2. DEFINITIONS

10 In this compact:

11 (a) "Bylaws" means those bylaws established by the  
12 Interstate Commission pursuant to Section 11 for its  
13 governance, or for directing and controlling its actions and  
14 conduct.

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

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

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

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

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

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

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

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

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

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

20               (1) Is a graduate of a medical school accredited by the  
21 Liaison Committee on Medical Education, the Commission on  
22 Osteopathic College Accreditation, or a medical school  
23 listed in the International Medical Education Directory or  
24 its equivalent;

25               (2) Passed each component of the United States Medical  
26 Licensing Examination (USMLE) or the Comprehensive

1 Osteopathic Medical Licensing Examination (COMLEX-USA)  
2 within three attempts, or any of its predecessor  
3 examinations accepted by a state medical board as an  
4 equivalent examination for licensure purposes;

5 (3) Successfully completed graduate medical education  
6 approved by the Accreditation Council for Graduate Medical  
7 Education or the American Osteopathic Association;

8 (4) Holds specialty certification or a time-unlimited  
9 specialty certificate recognized by the American Board of  
10 Medical Specialties or the American Osteopathic  
11 Association's Bureau of Osteopathic Specialists;

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

14 (6) Has never been convicted, received adjudication,  
15 deferred adjudication, community supervision, or deferred  
16 disposition for any offense by a court of appropriate  
17 jurisdiction;

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

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

26 (10) Is not under active investigation by a licensing

1 agency or law enforcement authority in any state, federal,  
2 or foreign jurisdiction.

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

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

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

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

19 SECTION 3. ELIGIBILITY

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

23 (b) A physician who does not meet the requirements of  
24 Section 2(k) may obtain a license to practice medicine in a  
25 member state if the individual complies with all laws and

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

3 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

9 (1) the state of primary residence for the physician,

10 or

11 (2) the state where at least 25% of the practice of  
12 medicine occurs, or

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

14 (4) if no state qualifies under subsection (1),  
15 subsection (2), or subsection (3), the

16 state designated as state of residence for purpose of  
17 federal income tax.

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

21 (c) The Interstate Commission is authorized to develop  
22 rules to facilitate redesignation of another member state as  
23 the state of principal license.

24 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

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

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



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

4           (c) Upon verification in subsection (b), physicians  
5           eligible for an expedited license shall complete the  
6           registration process established by the Interstate Commission  
7           to receive a license in a member state selected pursuant to  
8           subsection (a), including the payment of any applicable fees.

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

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

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

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

1 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

5 (b) The Interstate Commission is authorized to develop  
6 rules regarding fees for expedited  
7 licenses.

8 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

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

14 (2) Has not been convicted, received adjudication,  
15 deferred adjudication, community supervision, or deferred  
16 disposition for any offense by a court of appropriate  
17 jurisdiction;

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

23 (4) Has not had a controlled substance license or  
24 permit suspended or revoked by a state or the United States

1 Drug Enforcement Administration.

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

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

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

11 (e) Physician information collected by the Interstate  
12 Commission during the renewal process will be distributed to  
13 all member boards.

14 (f) The Interstate Commission is authorized to develop  
15 rules to address renewal of licenses obtained through the  
16 Compact.

17 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

25 (c) Member boards shall report disciplinary or

1 investigatory information determined as necessary and proper  
2 by rule of the Interstate Commission.

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

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

9 (f) All information provided to the Interstate Commission  
10 or distributed by member boards shall be confidential, filed  
11 under seal, and used only for investigatory or disciplinary  
12 matters.

13 (g) The Interstate Commission is authorized to develop  
14 rules for mandated or discretionary sharing of information by  
15 member boards.

## 16 SECTION 9. JOINT INVESTIGATIONS

17 (a) Licensure and disciplinary records of physicians are  
18 deemed investigative.

19 (b) In addition to the authority granted to a member board  
20 by its respective Medical Practice Act or other applicable  
21 state law, a member board may participate with other member  
22 boards in joint investigations of physicians licensed by  
23 the member boards.

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

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

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

8           SECTION 10. DISCIPLINARY ACTIONS

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

14           (b) If a license granted to a physician by the member board  
15 in the state of principal license is revoked, surrendered or  
16 relinquished in lieu of discipline, or suspended, then all  
17 licenses issued to the physician by member boards shall  
18 automatically be placed, without further action necessary by  
19 any member board, on the same status. If the member board in  
20 the state of principal license subsequently reinstates the  
21 physician's license, a license issued to the physician by any  
22 other member board shall remain encumbered until that  
23 respective member board takes action to reinstate the license  
24 in a manner consistent with the Medical Practice Act of that  
25 state.

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

5 (i) impose the same or lesser sanction(s) against the  
6 physician so long as such sanctions are consistent with the  
7 Medical Practice Act of that state;

8 (ii) or pursue separate disciplinary action against  
9 the physician under its respective Medical Practice Act,  
10 regardless of the action taken in other member states.

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

23 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT  
24 COMMISSION

25 (a) The member states hereby create the "Interstate Medical

1 Licensure Compact Commission".

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

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

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

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

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

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

24 (e) The Interstate Commission shall meet at least once each  
25 calendar year. A portion of this meeting shall be a business  
26 meeting to address such matters as may properly come before the

1 Commission, including the election of officers. The  
2 chairperson may call additional meetings and shall call for a  
3 meeting upon the request of a majority of the member states.

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

7 (g) Each Commissioner participating at a meeting of the  
8 Interstate Commission is entitled to one vote. A majority of  
9 Commissioners shall constitute a quorum for the transaction of  
10 business, unless a larger quorum is required by the bylaws of  
11 the Interstate Commission. A Commissioner shall not delegate a  
12 vote to another Commissioner. In the absence of its  
13 Commissioner, a member state may delegate voting authority for  
14 a specified meeting to another person from that state who shall  
15 meet the requirements of subsection (d).

16 (h) The Interstate Commission shall provide public notice  
17 of all meetings and all meetings shall be open to the public.  
18 The Interstate Commission may close a meeting, in full or in  
19 portion, where it determines by a two-thirds vote of the  
20 Commissioners present that an open meeting would be likely to:

21 (1) Relate solely to the internal personnel practices  
22 and procedures of the Interstate Commission;

23 (2) Discuss matters specifically exempted from  
24 disclosure by federal statute;

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



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

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

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

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

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

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

18          (k) The Interstate Commission shall establish an executive  
19          committee, which shall include officers, members, and others as  
20          determined by the bylaws. The executive committee shall have  
21          the power to act on behalf of the Interstate Commission, with  
22          the exception of rulemaking, during periods when the Interstate  
23          Commission is not in session. When acting on behalf of the  
24          Interstate Commission, the executive committee shall oversee  
25          the administration of the Compact including enforcement and  
26          compliance with the provisions of the Compact, its bylaws and

1 rules, and other such duties as necessary.

2 (1) The Interstate Commission may establish other  
3 committees for governance and administration of the Compact.

4 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

5 The Interstate Commission shall have the duty and power to:

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

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

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

12 (d) Enforce compliance with Compact provisions, the rules  
13 promulgated by the Interstate Commission, and the bylaws, using  
14 all necessary and proper means, including but not limited to  
15 the use of judicial process;

16 (e) Establish and appoint committees including, but not  
17 limited to, an executive committee as required by Section 11,  
18 which shall have the power to act on behalf of the Interstate  
19 Commission in carrying out its powers and duties;

20 (f) Pay, or provide for the payment of the expenses related  
21 to the establishment, organization, and ongoing activities of  
22 the Interstate Commission;

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

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

1 (i) Purchase and maintain insurance and bonds;

2 (j) Employ an executive director who shall have such powers  
3 to employ, select or appoint employees, agents, or consultants,  
4 and to determine their qualifications, define their duties, and  
5 fix their compensation;

6 (k) Establish personnel policies and programs relating to  
7 conflicts of interest, rates of compensation, and  
8 qualifications of personnel;

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

13 (m) Lease, purchase, accept contributions or donations of,  
14 or otherwise to own, hold, improve or use, any property, real,  
15 personal, or mixed;

16 (n) Sell, convey, mortgage, pledge, lease, exchange,  
17 abandon, or otherwise dispose of any property, real, personal,  
18 or mixed;

19 (o) Establish a budget and make expenditures;

20 (p) Adopt a seal and bylaws governing the management and  
21 operation of the Interstate Commission;

22 (q) Report annually to the legislatures and governors of  
23 the member states concerning the activities of the Interstate  
24 Commission during the preceding year. Such reports shall also  
25 include reports of financial audits and any recommendations  
26 that may have been adopted by the Interstate Commission;

1 (r) Coordinate education, training, and public awareness  
2 regarding the Compact, its implementation, and its operation;

3 (s) Maintain records in accordance with the bylaws;

4 (t) Seek and obtain trademarks, copyrights, and patents;  
5 and

6 (u) Perform such functions as may be necessary or  
7 appropriate to achieve the purposes of the Compact.

8 SECTION 13. FINANCE POWERS

9 (a) The Interstate Commission may levy on and collect an  
10 annual assessment from each member state to cover the cost of  
11 the operations and activities of the Interstate Commission and  
12 its staff. The total assessment must be sufficient to cover the  
13 annual budget approved each year for which revenue is not  
14 provided by other sources. The aggregate annual assessment  
15 amount shall be allocated upon a formula to be determined by  
16 the Interstate Commission, which shall promulgate a rule  
17 binding upon all member states.

18 (b) The Interstate Commission shall not incur obligations  
19 of any kind prior to securing the funds adequate to meet the  
20 same.

21 (c) The Interstate Commission shall not pledge the credit  
22 of any of the member states, except by, and with the authority  
23 of, the member state.

24 (d) The Interstate Commission shall be subject to a yearly  
25 financial audit conducted by a certified or licensed public

1 accountant and the report of the audit shall be included in the  
2 annual report of the Interstate Commission.

3 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE  
4 COMMISSION

5 (a) The Interstate Commission shall, by a majority of  
6 Commissioners present and voting, adopt bylaws to govern its  
7 conduct as may be necessary or appropriate to carry out the  
8 purposes

9 of the Compact within twelve (12) months of the first  
10 Interstate Commission meeting.

11 (b) The Interstate Commission shall elect or appoint  
12 annually from among its Commissioners a chairperson, a  
13 vice-chairperson, and a treasurer, each of whom shall have such  
14 authority and duties as may be specified in the bylaws. The  
15 chairperson, or in the chairperson's absence or disability, the  
16 vice-chairperson, shall preside at all meetings of the  
17 Interstate Commission.

18 (c) Officers selected in subsection (b) shall serve without  
19 remuneration from the Interstate Commission.

20 (d) The officers and employees of the Interstate Commission  
21 shall be immune from suit and liability, either personally or  
22 in their official capacity, for a claim for damage to or loss  
23 of property or personal injury or other civil liability caused  
24 or arising out of, or relating to, an actual or alleged act,  
25 error, or omission that occurred, or that such person had a

1 reasonable basis for believing occurred, within the scope of  
2 Interstate Commission employment, duties, or responsibilities;  
3 provided that such person shall not be protected from suit or  
4 liability for damage, loss, injury, or liability caused by the  
5 intentional or willful and wanton misconduct of such person.

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

20 (2) The Interstate Commission shall defend the  
21 executive director, its employees, and subject to the  
22 approval of the attorney general or other appropriate legal  
23 counsel of the member state represented by an Interstate  
24 Commission representative, shall defend such Interstate  
25 Commission representative in any civil action seeking to  
26 impose liability arising out of an actual or alleged act,

1 error or omission that occurred within the scope of  
2 Interstate Commission employment, duties or  
3 responsibilities, or that the defendant had a reasonable  
4 basis for believing occurred within the scope of Interstate  
5 Commission employment, duties, or responsibilities,  
6 provided that the actual or alleged act, error, or omission  
7 did not result from intentional or willful and wanton  
8 misconduct on the part of such person.

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

23 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE  
24 COMMISSION

25 (a) The Interstate Commission shall promulgate reasonable

1 rules in order to effectively and efficiently achieve the  
2 purposes of the Compact. Notwithstanding the foregoing, in the  
3 event

4 the Interstate Commission exercises its rulemaking  
5 authority in a manner that is beyond the scope of the purposes  
6 of the Compact, or the powers granted hereunder, then such an  
7 action by the Interstate Commission shall be invalid and have  
8 no force or effect.

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

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



1 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

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

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

20 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

24 (b) The Interstate Commission may, by majority vote of the  
25 Commissioners, initiate legal action in the United States

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

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

14 SECTION 18. DEFAULT PROCEDURES

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

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

24 (1) Provide written notice to the defaulting state and  
25 other member states, of the nature of the default, the

1 means of curing the default, and any action taken by the  
2 Interstate Commission. The Interstate Commission shall  
3 specify the conditions by which the defaulting state must  
4 cure its default; and

5 (2) Provide remedial training and specific technical  
6 assistance regarding the default.

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

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

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

24 (f) The member state which has been terminated is  
25 responsible for all dues, obligations, and liabilities  
26 incurred through the effective date of termination including

1 obligations, the  
2 performance of which extends beyond the effective date of  
3 termination.

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

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

#### 15 SECTION 19. DISPUTE RESOLUTION

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

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

#### 23 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

24 (a) Any state is eligible to become a member state of the

1 Compact.

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

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

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

16 SECTION 21. WITHDRAWAL

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

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

1           (c) The withdrawing state shall immediately notify the  
2 chairperson of the Interstate Commission in writing upon the  
3 introduction of legislation repealing the Compact in the  
4 withdrawing state.

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

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

13           (f) Reinstatement following withdrawal of a member state  
14 shall occur upon the withdrawing state reenacting the Compact  
15 or upon such later date as determined by the Interstate  
16 Commission.

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

## 22           SECTION 22. DISSOLUTION

23           (a) The Compact shall dissolve effective upon the date of  
24 the withdrawal or default of the member state which reduces the  
25 membership in the Compact to one (1) member state.

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

6           SECTION 23. SEVERABILITY AND CONSTRUCTION

7           (a) The provisions of the Compact shall be severable, and  
8 if any phrase, clause, sentence, or provision is deemed  
9 unenforceable, the remaining provisions of the Compact shall be  
10 enforceable.

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

13           (c) Nothing in the Compact shall be construed to prohibit  
14 the applicability of other interstate compacts to which the  
15 states are members.

16           SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

3           (e) In the event any provision of the Compact exceeds the  
4 constitutional limits imposed on the legislature of any member  
5 state, such provision shall be ineffective to the extent of the  
6 conflict with the constitutional provision in question in that  
7 member state.