

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1716

By: Cox

AS INTRODUCED

An Act relating to professions and occupations;
enacting certain compact and authorizing Governor to
enter into compact with certain jurisdictions;
setting forth form of certain compact; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 493.6 of Title 59, unless there
is created a duplication in numbering, reads as follows:

The Interstate Medical Licensure Compact is hereby enacted into
law and the Governor shall enter into a compact on behalf of the
State of Oklahoma with any jurisdiction legally joined therein, in
the form substantially as set forth in Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 493.7 of Title 59, unless there
is created a duplication in numbering, reads as follows:

INTERSTATE MEDICAL LICENSURE COMPACT

1 Section 1. PURPOSE

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

20 Section 2. DEFINITIONS

21 In this Compact:

22 (a) "Bylaws" means those bylaws established by the Interstate
23 Commission pursuant to Section 11 of the Compact for its governance,
24 or for directing and controlling its actions and conduct;

1 (b) "Commissioner" means the voting representative appointed by
2 each member board pursuant to Section 11 of the Compact;

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

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

12 (e) "Interstate Commission" means the interstate commission
13 created pursuant to Section 11 of the Compact;

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

17 (g) "Medical Practice Act" means laws and regulations governing
18 the practice of allopathic and osteopathic medicine within a member
19 state;

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

24 (i) "Member state" means a state that has enacted the Compact;

1 (j) "Practice of medicine" means the clinical prevention,
2 diagnosis, or treatment of human disease, injury, or condition
3 requiring a physician to obtain and maintain a license in compliance
4 with the Medical Practice Act of a member state;

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

6 (1) is a graduate of a medical school accredited by the
7 Liaison Committee on Medical Education, the Commission
8 on Osteopathic College Accreditation, or a medical
9 school listed in the International Medical Education
10 Directory or its equivalent,

11 (2) passed each component of the United States Medical
12 Licensing Examination (USMLE) or the Comprehensive
13 Osteopathic Medical Licensing Examination (COMLEX-USA)
14 within three attempts, or any of its predecessor
15 examinations accepted by a state medical board as an
16 equivalent examination for licensure purposes,

17 (3) successfully completed graduate medical education
18 approved by the Accreditation Council for Graduate
19 Medical Education or the American Osteopathic
20 Association,

21 (4) holds specialty certification or a time-unlimited
22 specialty certificate recognized by the American Board
23 of Medical Specialties or the American Osteopathic
24 Association's Bureau of Osteopathic Specialists,

- 1 (5) possesses a full and unrestricted license to engage in
2 the practice of medicine issued by a member board,
- 3 (6) has never been convicted, received adjudication,
4 deferred adjudication, community supervision, or
5 deferred disposition for any offense by a court of
6 appropriate jurisdiction,
- 7 (7) has never held a license authorizing the practice of
8 medicine subjected to discipline by a licensing agency
9 in any state, federal, or foreign jurisdiction,
10 excluding any action related to nonpayment of fees
11 related to a license,
- 12 (8) has never had a controlled substance license or permit
13 suspended or revoked by a state or the United States
14 Drug Enforcement Administration, and
- 15 (9) is not under active investigation by a licensing
16 agency or law enforcement authority in any state,
17 federal, or foreign jurisdiction;

18 (l) "Offense" means a felony, gross misdemeanor, or crime of
19 moral turpitude;

20 (m) "Rule" means a written statement by the Interstate
21 Commission promulgated pursuant to Section 12 of the Compact that is
22 of general applicability; implements, interprets, or prescribes a
23 policy or provision of the Compact, or an organizational,
24 procedural, or practice requirement of the Interstate Commission;

1 has the force and effect of statutory law in a member state; and
2 includes the amendment, repeal, or suspension of an existing rule;

3 (n) "State" means any state, commonwealth, district, or
4 territory of the United States; and

5 (o) "State of principal license" means a member state where a
6 physician holds a license to practice medicine and which has been
7 designated as such by the physician for purposes of registration and
8 participation in the Compact.

9 Section 3. ELIGIBILITY

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

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

18 Section 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

24 (1) the state of primary residence for the physician, or

- 1 (2) the state where at least 25% of the practice of
2 medicine occurs, or
3 (3) the location of the physician's employer, or
4 (4) if no state qualifies under paragraph (1), (2) or (3),
5 the state designated as state of residence for purpose
6 of federal income tax.

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

10 (c) The Interstate Commission is authorized to develop rules to
11 facilitate redesignation of another member state as the state of
12 principal license.

13 Section 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

14 (a) A physician seeking licensure through the Compact shall
15 file an application for an expedited license with the member board
16 of the state selected by the physician as the state of principal
17 license.

18 (b) Upon receipt of an application for an expedited license,
19 the member board within the state selected as the state of principal
20 license shall evaluate whether the physician is eligible for
21 expedited licensure and issue a letter of qualification, verifying
22 or denying the physician's eligibility, to the Interstate
23 Commission.
24

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

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

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

21 (c) Upon verification in subsection (b), physicians eligible
22 for an expedited license shall complete the registration process
23 established by the Interstate Commission to receive a license in a
24

1 member state selected pursuant to subsection (a), including the
2 payment of any applicable fees.

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

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

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

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

20 Section 6. FEES FOR EXPEDITED LICENSURE

21 (a) A member state issuing an expedited license authorizing the
22 practice of medicine in that state may impose a fee for a license
23 issued or renewed through the Compact.
24

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

3 Section 7. RENEWAL AND CONTINUED PARTICIPATION

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

7 (1) maintains a full and unrestricted license in a state
8 of principal license,

9 (2) has not been convicted of, or received adjudication,
10 deferred adjudication, community supervision, or
11 deferred disposition for any offense by a court of
12 appropriate jurisdiction,

13 (3) has not had a license authorizing the practice of
14 medicine subject to discipline by a licensing agency
15 in any state, federal, or foreign jurisdiction,
16 excluding any action related to nonpayment of fees
17 related to a license, and

18 (4) has not had a controlled substance license or permit
19 suspended or revoked by a state or the United States
20 Drug Enforcement Administration.

21 (b) Physicians shall comply with all continuing professional
22 development or continuing medical education requirements for renewal
23 of a license issued by a member state.
24

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

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

6 (e) Physician information collected by the Interstate
7 Commission during the renewal process will be distributed to all
8 member boards.

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

11 Section 8. COORDINATED INFORMATION SYSTEM

12 (a) The Interstate Commission shall establish a database of all
13 physicians licensed, or who have applied for licensure, under
14 Section 5 of the Compact.

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

19 (c) Member boards shall report disciplinary or investigatory
20 information determined as necessary and proper by rule of the
21 Interstate Commission.

22 (d) Member boards may report any nonpublic complaint,
23 disciplinary, or investigatory information not required by
24 subsection (c) to the Interstate Commission.

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

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

6 (g) The Interstate Commission is authorized to develop rules
7 for mandated or discretionary sharing of information by member
8 boards.

9 Section 9. JOINT INVESTIGATIONS

10 (a) Licensure and disciplinary records of physicians are deemed
11 investigative.

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

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

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

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

1 Section 10. DISCIPLINARY ACTIONS

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

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

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

- 22 (1) impose the same or lesser sanction(s) against the
23 physician so long as such sanction(s) are consistent
24 with the Medical Practice Act of that state, or

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

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

15 Section 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

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

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

21 (c) The Interstate Commission shall be a body corporate and
22 joint agency of the member states and shall have all the
23 responsibilities, powers, and duties set forth in the Compact, and
24 such additional powers as may be conferred upon it by a subsequent

1 concurrent action of the respective legislatures of the member
2 states in accordance with the terms of the Compact.

3 (d) The Interstate Commission shall consist of two voting
4 representatives appointed by each member state who shall serve as
5 Commissioners. In states where allopathic and osteopathic
6 physicians are regulated by separate member boards, or if the
7 licensing and disciplinary authority is split between multiple
8 member boards within a member state, the member state shall appoint
9 one representative from each member board. A Commissioner shall be
10 a(n) :

11 (1) allopathic or osteopathic physician appointed to a
12 member board,

13 (2) executive director, executive secretary, or similar
14 executive of a member board, or

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

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

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

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

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

- 15 (1) relate solely to the internal personnel practices and
16 procedures of the Interstate Commission,
- 17 (2) discuss matters specifically exempted from disclosure
18 by federal statute,
- 19 (3) discuss trade secrets, or commercial or financial
20 information that is privileged or confidential,
- 21 (4) involve accusing a person of a crime, or formally
22 censuring a person,
- 23
- 24

- 1 (5) discuss information of a personal nature where
2 disclosure would constitute a clearly unwarranted
3 invasion of personal privacy,
4 (6) discuss investigative records compiled for law
5 enforcement purposes, or
6 (7) specifically relate to the participation in a civil
7 action or other legal proceeding.

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

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

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

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

3 Section 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

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

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

1 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

18 (o) Establish a budget and make expenditures;

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

21 (q) Report annually to the legislatures and governors of the
22 member states concerning the activities of the Interstate Commission
23 during the preceding year. Such reports shall also include reports
24

1 of financial audits and any recommendations that may have been
2 adopted by the Interstate Commission;

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

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

6 (t) Seek and obtain trademarks, copyrights, and patents; and

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

9 Section 13. FINANCE POWERS

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

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

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

23 (d) The Interstate Commission shall be subject to a yearly
24 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 conduct
7 as may be necessary or appropriate to carry out the purposes of the
8 Compact within twelve (12) months of the first Interstate Commission
9 meeting.

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

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

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

1 employment, duties, or responsibilities; provided, that such person
2 shall not be protected from suit or liability for damage, loss,
3 injury, or liability caused by the intentional or willful and wanton
4 misconduct of such person.

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

19 (2) The Interstate Commission shall defend the executive
20 director, its employees, and subject to the approval
21 of the attorney general or other appropriate legal
22 counsel of the member state represented by an
23 Interstate Commission representative shall defend such
24 Interstate Commission representative in any civil

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

- 11 (3) To the extent not covered by the state involved,
12 member state, or the Interstate Commission, the
13 representatives or employees of the Interstate
14 Commission shall be held harmless in the amount of a
15 settlement or judgment, including attorney fees and
16 costs, obtained against such persons arising out of an
17 actual or alleged act, error, or omission that
18 occurred within the scope of Interstate Commission
19 employment, duties, or responsibilities, or that such
20 persons had a reasonable basis for believing occurred
21 within the scope of Interstate Commission employment,
22 duties, or responsibilities, provided that the actual
23 or alleged act, error, or omission did not result from
24

1 intentional or willful and wanton misconduct on the
2 part of such persons.

3 Section 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

1 reasonable exercise of the authority granted to the Interstate
2 Commission.

3 Section 16. OVERSIGHT OF INTERSTATE COMPACT

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

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

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

22 Section 17. ENFORCEMENT OF INTERSTATE COMPACT
23
24

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

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

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

18 Section 18. DEFAULT PROCEDURES

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

23 (b) If the Interstate Commission determines that a member state
24 has defaulted in the performance of its obligations or

1 responsibilities under the Compact, or the bylaws or promulgated
2 rules, the Interstate Commission shall:

3 (1) provide written notice to the defaulting state and
4 other member states of the nature of the default, the
5 means of curing the default, and any action taken by
6 the Interstate Commission. The Interstate Commission
7 shall specify the conditions by which the defaulting
8 state must cure its default, and

9 (2) provide remedial training and specific technical
10 assistance regarding the default.

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

18 (d) Termination of membership in the Compact shall be imposed
19 only after all other means of securing compliance have been
20 exhausted. Notice of intent to terminate shall be given by the
21 Interstate Commission to the governor, the majority and minority
22 leaders of the defaulting state's legislature, and each of the
23 member states.
24

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

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

9 (g) The Interstate Commission shall not bear any costs relating
10 to any state that has been found to be in default or which has been
11 terminated from the Compact, unless otherwise mutually agreed upon
12 in writing between the Interstate Commission and the defaulting
13 state.

14 (h) The defaulting state may appeal the action of the
15 Interstate Commission by petitioning the United States District
16 Court for the District of Columbia or the federal district where the
17 Interstate Commission has its principal offices. The prevailing
18 party shall be awarded all costs of such litigation including
19 reasonable attorney fees.

20 Section 19. DISPUTE RESOLUTION

21 (a) The Interstate Commission shall attempt, upon the request
22 of a member state, to resolve disputes which are subject to the
23 Compact and which may arise among member states or member boards.
24

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

3 Section 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

10 (c) The governors of nonmember states, or their designees,
11 shall be invited to participate in the activities of the Interstate
12 Commission on a nonvoting basis prior to adoption of the Compact by
13 all states.

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

19 Section 21. WITHDRAWAL

20 (a) Once effective, the Compact shall continue in force and
21 remain binding upon each and every member state; provided, that a
22 member state may withdraw from the Compact by specifically repealing
23 the statute which enacted the Compact into law.
24

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

6 (c) The withdrawing state shall immediately notify the
7 chairperson of the Interstate Commission in writing upon the
8 introduction of legislation repealing the Compact in the withdrawing
9 state.

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

13 (e) The withdrawing state is responsible for all dues,
14 obligations and liabilities incurred through the effective date of
15 withdrawal, including obligations the performance of which extends
16 beyond the effective date of withdrawal.

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

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

24 Section 22. DISSOLUTION

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

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

9 Section 23. SEVERABILITY AND CONSTRUCTION

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

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

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

18 Section 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

11 SECTION 3. This act shall become effective November 1, 2015.

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