

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4066

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16189; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16189. (1) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF
2 THIS SECTION, THE INTERSTATE MEDICAL LICENSURE COMPACT IS ENACTED
3 INTO LAW AND ENTERED INTO BY THIS STATE AS A PARTY WITH ALL
4 JURISDICTIONS THAT LEGALLY JOIN IN THE COMPACT, IN THE FORM
5 SUBSTANTIALLY AS FOLLOWS:

6 INTERSTATE MEDICAL LICENSURE COMPACT

7 SECTION 1. PURPOSE
8 IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION OF
9 THE ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER STATES OF
10 THE INTERSTATE MEDICAL LICENSURE COMPACT HAVE ALLIED IN COMMON

PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT COMPLEMENTS THE EXISTING LICENSING AND REGULATORY AUTHORITY OF STATE MEDICAL BOARDS, PROVIDES A STREAMLINED PROCESS THAT ALLOWS PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES, THEREBY ENHANCING THE PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE SAFETY OF PATIENTS. THE COMPACT CREATES ANOTHER PATHWAY FOR LICENSURE AND DOES NOT OTHERWISE CHANGE A STATE'S EXISTING MEDICAL PRACTICE ACT. THE COMPACT ALSO ADOPTS THE PREVAILING STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF MEDICINE OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE PHYSICIAN-PATIENT ENCOUNTER, AND THEREFORE, REQUIRES THE PHYSICIAN TO BE UNDER THE JURISDICTION OF THE STATE MEDICAL BOARD WHERE THE PATIENT IS LOCATED. STATE MEDICAL BOARDS THAT PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO IMPOSE AN ADVERSE ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN THAT STATE ISSUED TO A PHYSICIAN THROUGH THE PROCEDURES IN THE COMPACT.

SECTION 2. DEFINITIONS

IN THIS COMPACT:

(A) "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE INTERSTATE COMMISSION PURSUANT TO SECTION 11 FOR ITS GOVERNANCE, OR FOR DIRECTING AND CONTROLLING ITS ACTIONS AND CONDUCT.

(B) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE APPOINTED BY EACH MEMBER BOARD PURSUANT TO SECTION 11.

(C) "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL IS GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION, OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO THE CHARGE BY THE OFFENDER. EVIDENCE OF AN ENTRY OF A CONVICTION OF A CRIMINAL OFFENSE BY THE COURT

1 SHALL BE CONSIDERED FINAL FOR PURPOSES OF DISCIPLINARY ACTION BY A
2 MEMBER BOARD.

3 (D) "EXPEDITED LICENSE" MEANS A FULL AND UNRESTRICTED MEDICAL
4 LICENSE GRANTED BY A MEMBER STATE TO AN ELIGIBLE PHYSICIAN THROUGH
5 THE PROCESS SET FORTH IN THE COMPACT.

6 (E) "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION
7 CREATED PURSUANT TO SECTION 11.

8 (F) "LICENSE" MEANS AUTHORIZATION BY A STATE FOR A PHYSICIAN
9 TO ENGAGE IN THE PRACTICE OF MEDICINE, WHICH WOULD BE UNLAWFUL
10 WITHOUT THE AUTHORIZATION.

11 (G) "MEDICAL PRACTICE ACT" MEANS LAWS AND REGULATIONS
12 GOVERNING THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE
13 WITHIN A MEMBER STATE.

14 (H) "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER STATE THAT
15 ACTS IN THE SOVEREIGN INTERESTS OF THE STATE BY PROTECTING THE
16 PUBLIC THROUGH LICENSURE, REGULATION, AND EDUCATION OF PHYSICIANS
17 AS DIRECTED BY THE STATE GOVERNMENT.

18 (I) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

19 (J) "PRACTICE OF MEDICINE" MEANS THE DIAGNOSIS, TREATMENT,
20 PREVENTION, CURE, OR RELIEVING OF A HUMAN DISEASE, AILMENT, DEFECT,
21 COMPLAINT, OR OTHER PHYSICAL OR MENTAL CONDITION, BY ATTENDANCE,
22 ADVICE, DEVICE, DIAGNOSTIC TEST, OR OTHER MEANS, OR OFFERING,
23 UNDERTAKING, ATTEMPTING TO DO, OR HOLDING ONESELF OUT AS ABLE TO
24 DO, ANY OF THESE ACTS.

25 (K) "PHYSICIAN" MEANS ANY PERSON WHO:

26 (1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE
27 LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON

1 OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED IN
2 THE INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS EQUIVALENT;

3 (2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL
4 LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE OSTEOPATHIC
5 MEDICAL LICENSING EXAMINATION (COMLEX-USA) WITHIN THREE ATTEMPTS,
6 OR ANY OF ITS PREDECESSOR EXAMINATIONS ACCEPTED BY A STATE MEDICAL
7 BOARD AS AN EQUIVALENT EXAMINATION FOR LICENSURE PURPOSES;

8 (3) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION APPROVED
9 BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE
10 AMERICAN OSTEOPATHIC ASSOCIATION;

11 (4) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED
12 SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF MEDICAL
13 SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S BUREAU OF
14 OSTEOPATHIC SPECIALISTS; HOWEVER, THE SPECIALTY CERTIFICATION OR A
15 TIME-UNLIMITED SPECIALTY CERTIFICATE DOES NOT HAVE TO BE MAINTAINED
16 ONCE A PHYSICIAN IS INITIALLY DETERMINED TO BE ELIGIBLE FOR
17 EXPEDITED LICENSURE THROUGH THE COMPACT;

18 (5) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN THE
19 PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

20 (6) HAS NEVER BEEN CONVICTED, RECEIVED ADJUDICATION, DEFERRED
21 ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION FOR
22 ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

23 (7) HAS NEVER HELD A LICENSE AUTHORIZING THE PRACTICE OF
24 MEDICINE SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY
25 STATE, FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION
26 RELATED TO NON-PAYMENT OF FEES RELATED TO A LICENSE;

27 (8) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT

1 SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG
2 ENFORCEMENT ADMINISTRATION; AND

3 (9) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY OR
4 LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN
5 JURISDICTION.

6 (I) "OFFENSE" MEANS A FELONY, HIGH COURT MISDEMEANOR, OR CRIME
7 OF MORAL TURPITUDE.

8 (M) "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE
9 COMMISSION PROMULGATED PURSUANT TO SECTION 12 OF THE COMPACT THAT
10 IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS, OR PRESCRIBES
11 A POLICY OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL,
12 PROCEDURAL, OR PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION,
13 AND HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A MEMBER STATE, IF
14 THE RULE IS NOT INCONSISTENT WITH THE LAWS OF THE MEMBER STATE. THE
15 TERM INCLUDES THE AMENDMENT, REPEAL, OR SUSPENSION OF AN EXISTING
16 RULE.

17 (N) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
18 TERRITORY OF THE UNITED STATES.

19 (O) "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE WHERE A
20 PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND WHICH HAS BEEN
21 DESIGNATED AS SUCH BY THE PHYSICIAN FOR PURPOSES OF REGISTRATION
22 AND PARTICIPATION IN THE COMPACT.

23 SECTION 3. ELIGIBILITY

24 (A) A PHYSICIAN MUST MEET THE ELIGIBILITY REQUIREMENTS AS
25 DEFINED IN SECTION 2(K) TO RECEIVE AN EXPEDITED LICENSE UNDER THE
26 TERMS AND PROVISIONS OF THE COMPACT.

27 (B) A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION

1 2(K) MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A MEMBER STATE IF
2 THE INDIVIDUAL COMPLIES WITH ALL LAWS AND REQUIREMENTS, OTHER THAN
3 THE COMPACT, RELATING TO THE ISSUANCE OF A LICENSE TO PRACTICE
4 MEDICINE IN THAT STATE.

5 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

6 (A) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF
7 PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR EXPEDITED
8 LICENSURE THROUGH THE COMPACT IF THE PHYSICIAN POSSESSES A FULL AND
9 UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN THAT STATE, AND THE
10 STATE IS:

11 (1) THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN, OR

12 (2) THE STATE WHERE AT LEAST 25% OF THE PRACTICE OF MEDICINE
13 OCCURS, OR

14 (3) THE LOCATION OF THE PHYSICIAN'S EMPLOYER, OR

15 (4) IF NO STATE QUALIFIES UNDER SUBSECTION (1), SUBSECTION
16 (2), OR SUBSECTION (3), THE STATE DESIGNATED AS STATE OF RESIDENCE
17 FOR PURPOSE OF 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 RULES
22 TO FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF
23 PRINCIPAL LICENSE.

24 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

25 (A) A PHYSICIAN SEEKING LICENSURE THROUGH THE COMPACT SHALL
26 FILE AN APPLICATION FOR AN EXPEDITED LICENSE WITH THE MEMBER BOARD
27 OF THE STATE SELECTED BY THE PHYSICIAN AS THE STATE OF PRINCIPAL

1 LICENSE.

2 (B) UPON RECEIPT OF AN APPLICATION FOR AN EXPEDITED LICENSE,
3 THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF
4 PRINCIPAL LICENSE SHALL EVALUATE WHETHER THE PHYSICIAN IS ELIGIBLE
5 FOR EXPEDITED LICENSURE AND ISSUE A LETTER OF QUALIFICATION,
6 VERIFYING OR DENYING THE PHYSICIAN'S ELIGIBILITY, TO THE INTERSTATE
7 COMMISSION.

8 (i) STATIC QUALIFICATIONS, WHICH INCLUDE VERIFICATION OF
9 MEDICAL EDUCATION, GRADUATE MEDICAL EDUCATION, RESULTS OF ANY
10 MEDICAL OR LICENSING EXAMINATION, AND OTHER QUALIFICATIONS AS
11 DETERMINED BY THE INTERSTATE COMMISSION THROUGH RULE, SHALL NOT BE
12 SUBJECT TO ADDITIONAL PRIMARY SOURCE VERIFICATION WHERE ALREADY
13 PRIMARY SOURCE VERIFIED BY THE STATE OF PRINCIPAL LICENSE.

14 (ii) THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE
15 OF PRINCIPAL LICENSE SHALL, IN THE COURSE OF VERIFYING ELIGIBILITY,
16 PERFORM A CRIMINAL BACKGROUND CHECK OF AN APPLICANT, INCLUDING THE
17 USE OF THE RESULTS OF FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS
18 COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL BUREAU OF
19 INVESTIGATION, WITH THE EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE
20 SUITABILITY DETERMINATION IN ACCORDANCE WITH U.S. CFR §731.202.

21 (iii) APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL BE MADE
22 TO THE MEMBER STATE WHERE THE APPLICATION WAS FILED AND SHALL BE
23 SUBJECT TO THE LAW OF THAT STATE.

24 (C) UPON VERIFICATION IN SUBSECTION (B), PHYSICIANS ELIGIBLE
25 FOR AN EXPEDITED LICENSE SHALL COMPLETE THE REGISTRATION PROCESS
26 ESTABLISHED BY THE INTERSTATE COMMISSION TO RECEIVE A LICENSE IN A
27 MEMBER STATE SELECTED PURSUANT TO SUBSECTION (A), INCLUDING THE

1 PAYMENT OF ANY APPLICABLE FEES.

2 (D) AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER
3 SUBSECTION (B) AND ANY FEES UNDER SUBSECTION (C), A MEMBER BOARD
4 SHALL ISSUE AN EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE
5 SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING
6 STATE CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL APPLICABLE
7 LAWS AND REGULATIONS OF THE ISSUING MEMBER BOARD AND MEMBER STATE.

8 (E) AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD
9 CONSISTENT WITH THE LICENSURE PERIOD IN THE MEMBER STATE AND IN THE
10 SAME MANNER AS REQUIRED FOR OTHER PHYSICIANS HOLDING A FULL AND
11 UNRESTRICTED LICENSE WITHIN THE MEMBER STATE.

12 (F) AN EXPEDITED LICENSE OBTAINED THROUGH THE COMPACT SHALL BE
13 TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN THE STATE
14 OF PRINCIPAL LICENSURE FOR A NON-DISCIPLINARY REASON, WITHOUT
15 REDESIGNATION OF A NEW STATE OF PRINCIPAL LICENSURE.

16 (G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
17 REGARDING THE APPLICATION PROCESS, INCLUDING PAYMENT OF ANY
18 APPLICABLE FEES, AND THE ISSUANCE OF AN EXPEDITED LICENSE.

19 SECTION 6. FEES FOR EXPEDITED LICENSURE

20 (A) A MEMBER STATE ISSUING AN EXPEDITED LICENSE AUTHORIZING
21 THE PRACTICE OF MEDICINE IN THAT STATE, OR THE REGULATING AUTHORITY
22 OF THE MEMBER STATE, MAY IMPOSE A FEE FOR A LICENSE ISSUED OR
23 RENEWED THROUGH THE COMPACT.

24 (B) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
25 REGARDING FEES FOR EXPEDITED LICENSES. HOWEVER, THOSE RULES SHALL
26 NOT LIMIT THE AUTHORITY OF A MEMBER STATE, OR THE REGULATING
27 AUTHORITY OF THE MEMBER STATE, TO IMPOSE AND DETERMINE THE AMOUNT

1 OF A FEE UNDER SUBSECTION (A).

2 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

3 (A) A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE GRANTED
4 IN A MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS WITH THE
5 INTERSTATE COMMISSION IF THE PHYSICIAN:

6 (1) MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A STATE OF
7 PRINCIPAL LICENSE;

8 (2) HAS NOT BEEN CONVICTED, RECEIVED ADJUDICATION, DEFERRED
9 ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION FOR
10 ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

11 (3) HAS NOT HAD A LICENSE AUTHORIZING THE PRACTICE OF MEDICINE
12 SUBJECT TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE, FEDERAL,
13 OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO NON-
14 PAYMENT OF FEES RELATED TO A LICENSE; AND

15 (4) HAS NOT HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT
16 SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG
17 ENFORCEMENT ADMINISTRATION.

18 (B) PHYSICIANS SHALL COMPLY WITH ALL CONTINUING PROFESSIONAL
19 DEVELOPMENT OR CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR
20 RENEWAL OF A LICENSE ISSUED BY A MEMBER STATE.

21 (C) THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL FEES
22 CHARGED FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES TO THE
23 APPLICABLE MEMBER BOARD.

24 (D) UPON RECEIPT OF ANY RENEWAL FEES COLLECTED IN SUBSECTION
25 (C), A MEMBER BOARD SHALL RENEW THE PHYSICIAN'S LICENSE.

26 (E) PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE
27 COMMISSION DURING THE RENEWAL PROCESS WILL BE DISTRIBUTED TO ALL

1 MEMBER BOARDS.

2 (F) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
3 TO ADDRESS RENEWAL OF LICENSES OBTAINED THROUGH THE COMPACT.

4 SECTION 8. COORDINATED INFORMATION SYSTEM

5 (A) THE INTERSTATE COMMISSION SHALL ESTABLISH A DATABASE OF
6 ALL PHYSICIANS LICENSED, OR WHO HAVE APPLIED FOR LICENSURE, UNDER
7 SECTION 5.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MEMBER BOARDS
9 SHALL REPORT TO THE INTERSTATE COMMISSION ANY PUBLIC ACTION OR
10 COMPLAINTS AGAINST A LICENSED PHYSICIAN WHO HAS APPLIED OR RECEIVED
11 AN EXPEDITED LICENSE THROUGH THE COMPACT.

12 (C) MEMBER BOARDS SHALL REPORT DISCIPLINARY OR INVESTIGATORY
13 INFORMATION DETERMINED AS NECESSARY AND PROPER BY RULE OF THE
14 INTERSTATE COMMISSION.

15 (D) MEMBER BOARDS MAY REPORT ANY NON-PUBLIC COMPLAINT,
16 DISCIPLINARY, OR INVESTIGATORY INFORMATION NOT REQUIRED BY
17 SUBSECTION (C) TO THE INTERSTATE COMMISSION.

18 (E) MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY
19 INFORMATION ABOUT A PHYSICIAN UPON REQUEST OF ANOTHER MEMBER BOARD.

20 (F) ALL INFORMATION PROVIDED TO THE INTERSTATE COMMISSION OR
21 DISTRIBUTED BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED UNDER
22 SEAL, AND USED ONLY FOR INVESTIGATORY OR DISCIPLINARY MATTERS.

23 (G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
24 FOR MANDATED OR DISCRETIONARY SHARING OF INFORMATION BY MEMBER
25 BOARDS.

26 SECTION 9. JOINT INVESTIGATIONS

27 (A) LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE

1 DEEMED INVESTIGATIVE.

2 (B) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER BOARD BY
3 ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE STATE LAW,
4 A MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER BOARDS IN JOINT
5 INVESTIGATIONS OF PHYSICIANS LICENSED BY THE MEMBER BOARDS.

6 (C) A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE ENFORCEABLE
7 IN OTHER MEMBER STATES.

8 (D) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE, LITIGATION, OR
9 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
10 INVESTIGATION INITIATED UNDER THE COMPACT.

11 (E) ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED
12 VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE IN
13 ANY OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO
14 PRACTICE MEDICINE.

15 SECTION 10. DISCIPLINARY ACTIONS

16 (A) ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD AGAINST
17 A PHYSICIAN LICENSED THROUGH THE COMPACT SHALL BE DEEMED
18 UNPROFESSIONAL CONDUCT WHICH MAY BE SUBJECT TO DISCIPLINE BY OTHER
19 MEMBER BOARDS, IN ADDITION TO ANY VIOLATION OF THE MEDICAL PRACTICE
20 ACT OR REGULATIONS IN THAT STATE.

21 (B) IF A LICENSE GRANTED TO A PHYSICIAN BY THE MEMBER BOARD IN
22 THE STATE OF PRINCIPAL LICENSE IS REVOKED, SURRENDERED OR
23 RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, THEN ALL LICENSES
24 ISSUED TO THE PHYSICIAN BY MEMBER BOARDS SHALL AUTOMATICALLY BE
25 PLACED, WITHOUT FURTHER ACTION NECESSARY BY ANY MEMBER BOARD, ON
26 THE SAME STATUS. IF THE MEMBER BOARD IN THE STATE OF PRINCIPAL
27 LICENSE SUBSEQUENTLY REINSTATES THE PHYSICIAN'S LICENSE, A LICENSE

1 ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD SHALL REMAIN
2 ENCUMBERED UNTIL THAT RESPECTIVE MEMBER BOARD TAKES ACTION TO
3 REINSTATE THE LICENSE IN A MANNER CONSISTENT WITH THE MEDICAL
4 PRACTICE ACT OF THAT STATE.

5 (C) IF DISCIPLINARY ACTION IS TAKEN AGAINST A PHYSICIAN BY A
6 MEMBER BOARD NOT IN THE STATE OF PRINCIPAL LICENSE, ANY OTHER
7 MEMBER BOARD MAY DEEM THE ACTION CONCLUSIVE AS TO MATTER OF LAW AND
8 FACT DECIDED, AND:

9 (i) IMPOSE THE SAME OR LESSER SANCTION(S) AGAINST THE
10 PHYSICIAN SO LONG AS SUCH SANCTIONS ARE CONSISTENT WITH THE MEDICAL
11 PRACTICE ACT OF THAT STATE;

12 (ii) OR PURSUE SEPARATE DISCIPLINARY ACTION AGAINST THE
13 PHYSICIAN UNDER ITS RESPECTIVE MEDICAL PRACTICE ACT, REGARDLESS OF
14 THE ACTION TAKEN IN OTHER MEMBER STATES.

15 (D) IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD IS
16 REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR
17 SUSPENDED, THEN ANY LICENSE(S) ISSUED TO THE PHYSICIAN BY ANY OTHER
18 MEMBER BOARD(S) SHALL BE SUSPENDED, AUTOMATICALLY AND IMMEDIATELY
19 WITHOUT FURTHER ACTION NECESSARY BY THE OTHER MEMBER BOARD(S), FOR
20 NINETY (90) DAYS UPON ENTRY OF THE ORDER BY THE DISCIPLINING BOARD,
21 TO PERMIT THE MEMBER BOARD(S) TO INVESTIGATE THE BASIS FOR THE
22 ACTION UNDER THE MEDICAL PRACTICE ACT OF THAT STATE. A MEMBER BOARD
23 MAY TERMINATE THE AUTOMATIC SUSPENSION OF THE LICENSE IT ISSUED
24 PRIOR TO THE COMPLETION OF THE NINETY (90) DAY SUSPENSION PERIOD IN
25 A MANNER CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.

26 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

27 (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, WHICH
4 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, AND
8 SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY A SUBSEQUENT
9 CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE MEMBER
10 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 AS
13 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 APPOINT
17 ONE REPRESENTATIVE FROM EACH MEMBER BOARD. A COMMISSIONER SHALL BE
18 A(N) :

19 (1) ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO A MEMBER
20 BOARD;

21 (2) EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY, OR SIMILAR
22 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
27 COMMISSION, INCLUDING THE ELECTION OF OFFICERS. THE CHAIRPERSON MAY

1 CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A MEETING UPON THE
2 REQUEST OF A MAJORITY OF THE MEMBER STATES.

3 (F) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE
4 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC
5 COMMUNICATION.

6 (G) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE
7 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF
8 COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF
9 BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE
10 INTERSTATE COMMISSION. A COMMISSIONER SHALL NOT DELEGATE A VOTE TO
11 ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS COMMISSIONER, A MEMBER
12 STATE MAY DELEGATE VOTING AUTHORITY FOR A SPECIFIED MEETING TO
13 ANOTHER PERSON FROM THAT STATE WHO SHALL MEET THE REQUIREMENTS OF
14 SUBSECTION (D).

15 (H) THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF
16 ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE
17 INTERSTATE COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PORTION,
18 WHERE IT DETERMINES BY A TWO-THIRDS VOTE OF THE COMMISSIONERS
19 PRESENT THAT AN OPEN MEETING WOULD BE LIKELY TO:

20 (1) RELATE SOLELY TO THE INTERNAL PERSONNEL PRACTICES AND
21 PROCEDURES OF THE INTERSTATE COMMISSION;

22 (2) DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
23 FEDERAL STATUTE;

24 (3) DISCUSS TRADE SECRETS, COMMERCIAL, OR FINANCIAL
25 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

26 (4) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY
27 CENSURING A PERSON;

1 (5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE
2 WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
3 PRIVACY;

4 (6) DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
5 PURPOSES; OR

6 (7) SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION
7 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.

25 (L) THE INTERSTATE COMMISSION MAY ESTABLISH OTHER COMMITTEES
26 FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

27 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

1 THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

2 (A) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT;

3 (B) PROMULGATE RULES WHICH SHALL BE BINDING TO THE EXTENT AND
4 IN THE MANNER PROVIDED FOR IN THE COMPACT;

5 (C) ISSUE, UPON THE REQUEST OF A MEMBER STATE OR MEMBER BOARD,
6 ADVISORY OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE
7 COMPACT, ITS BYLAWS, RULES, AND ACTIONS;

8 (D) ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES
9 PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS, USING ALL
10 NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF
11 JUDICIAL PROCESS;

12 (E) ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT
13 LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY SECTION 11, WHICH
14 SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION
15 IN CARRYING OUT ITS POWERS AND DUTIES;

16 (F) PAY, OR PROVIDE FOR THE PAYMENT OF THE EXPENSES RELATED TO
17 THE ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES OF THE
18 INTERSTATE COMMISSION;

19 (G) ESTABLISH AND MAINTAIN ONE OR MORE OFFICES;

20 (H) BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF
21 PERSONNEL;

22 (I) PURCHASE AND MAINTAIN INSURANCE AND BONDS;

23 (J) EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH POWERS TO
24 EMPLOY, SELECT OR APPOINT EMPLOYEES, AGENTS, OR CONSULTANTS, AND TO
25 DETERMINE THEIR QUALIFICATIONS, DEFINE THEIR DUTIES, AND FIX THEIR
26 COMPENSATION;

27 (K) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO

1 CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS OF
2 PERSONNEL;

3 (I) ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,
4 MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE OF IT
5 IN A MANNER CONSISTENT WITH THE CONFLICT OF INTEREST POLICIES
6 ESTABLISHED BY THE INTERSTATE COMMISSION;

7 (M) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
8 OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL,
9 PERSONAL, OR MIXED;

10 (N) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON,
11 OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;

12 (O) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

13 (P) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND
14 OPERATION OF THE INTERSTATE COMMISSION;

15 (Q) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE
16 MEMBER STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE
17 COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
18 INCLUDE REPORTS OF FINANCIAL AUDITS AND ANY RECOMMENDATIONS THAT
19 MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;

20 (R) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS
21 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

22 (S) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;

23 (T) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS; AND

24 (U) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
25 TO ACHIEVE THE PURPOSES OF THE COMPACT.

26 SECTION 13. FINANCE POWERS

27 (A) THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN

1 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE
2 OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS
3 STAFF. THE TOTAL ASSESSMENT, SUBJECT TO APPROPRIATION, MUST BE
4 SUFFICIENT TO COVER THE ANNUAL BUDGET APPROVED EACH YEAR FOR WHICH
5 REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
6 ASSESSMENT AMOUNT SHALL BE ALLOCATED UPON A FORMULA TO BE
7 DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL PROMULGATE A
8 RULE BINDING UPON ALL MEMBER STATES.

9 (B) THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF
10 ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME.

11 (C) THE INTERSTATE COMMISSION SHALL NOT PLEDGE THE CREDIT OF
12 ANY OF THE MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE
13 MEMBER STATE.

14 (D) THE INTERSTATE COMMISSION SHALL BE SUBJECT TO A YEARLY
15 FINANCIAL AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC
16 ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE
17 ANNUAL REPORT OF THE INTERSTATE COMMISSION.

18 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
19 COMMISSION

20 (A) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF
21 COMMISSIONERS PRESENT AND VOTING, ADOPT BYLAWS TO GOVERN ITS
22 CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE
23 PURPOSES OF THE COMPACT WITHIN TWELVE (12) MONTHS OF THE FIRST
24 INTERSTATE COMMISSION MEETING.

25 (B) THE INTERSTATE COMMISSION SHALL ELECT OR APPOINT ANNUALLY
26 FROM AMONG ITS COMMISSIONERS A CHAIRPERSON, A VICE-CHAIRPERSON, AND
27 A TREASURER, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS

1 MAY BE SPECIFIED IN THE BYLAWS. THE CHAIRPERSON, OR IN THE
2 CHAIRPERSON'S ABSENCE OR DISABILITY, THE VICE-CHAIRPERSON, SHALL
3 PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.

4 (C) OFFICERS SELECTED IN SUBSECTION (B) SHALL SERVE WITHOUT
5 REMUNERATION FROM THE INTERSTATE COMMISSION.

6 (D) THE OFFICERS AND EMPLOYEES OF THE INTERSTATE COMMISSION
7 SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN
8 THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF
9 PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR
10 ARISING OUT OF, OR RELATING TO, AN ACTUAL OR ALLEGED ACT, ERROR, OR
11 OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A REASONABLE BASIS
12 FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE COMMISSION
13 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT SUCH PERSON
14 SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS,
15 INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND
16 WANTON MISCONDUCT OF SUCH PERSON.

17 (1) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND EMPLOYEES OF
18 THE INTERSTATE COMMISSION OR REPRESENTATIVES OF THE INTERSTATE
19 COMMISSION, ACTING WITHIN THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR
20 DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING WITHIN SUCH
21 PERSON'S STATE, MAY NOT EXCEED THE LIMITS OF LIABILITY SET FORTH
22 UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE OFFICIALS,
23 EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS CONSIDERED TO
24 BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF ANY SUCH
25 ACTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROTECT
26 SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR
27 LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON

1 MISCONDUCT OF SUCH PERSON.

2 (2) THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE
3 DIRECTOR, ITS EMPLOYEES, AND SUBJECT TO THE APPROVAL OF THE
4 ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER
5 STATE REPRESENTED BY AN INTERSTATE COMMISSION REPRESENTATIVE, SHALL
6 DEFEND SUCH INTERSTATE COMMISSION REPRESENTATIVE IN ANY CIVIL
7 ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF AN ACTUAL OR
8 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
9 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR
10 THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED
11 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
12 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR,
13 OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
14 MISCONDUCT ON THE PART OF SUCH PERSON.

15 (3) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER
16 STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR
17 EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN
18 THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES
19 AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL
20 OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE
21 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
22 OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED
23 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
24 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR,
25 OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
26 MISCONDUCT ON THE PART OF SUCH PERSONS.

27 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1 (A) THE INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE
2 RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES
3 OF THE COMPACT. NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE
4 INTERSTATE COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A
5 MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT, OR
6 THE POWERS GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE INTERSTATE
7 COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

8 (B) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE
9 INTERSTATE COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING
10 PROCESS THAT SUBSTANTIALLY CONFORMS TO THE "MODEL STATE
11 ADMINISTRATIVE PROCEDURE ACT" OF 2010, AND SUBSEQUENT AMENDMENTS
12 THERETO.

13 (C) NOT LATER THAN THIRTY (30) DAYS AFTER A RULE IS
14 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF
15 THE RULE IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
16 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION
17 HAS ITS PRINCIPAL OFFICES, PROVIDED THAT THE FILING OF SUCH A
18 PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING
19 EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A
20 SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE
21 TO THE ACTIONS OF THE INTERSTATE COMMISSION CONSISTENT WITH
22 APPLICABLE LAW AND SHALL NOT FIND THE RULE TO BE UNLAWFUL IF THE
23 RULE REPRESENTS A REASONABLE EXERCISE OF THE AUTHORITY GRANTED TO
24 THE INTERSTATE COMMISSION.

25 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

26 (A) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF STATE
27 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL

1 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE
2 COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THE COMPACT AND
3 THE RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY
4 LAW BUT SHALL NOT OVERRIDE EXISTING STATE AUTHORITY TO REGULATE THE
5 PRACTICE OF MEDICINE.

6 (B) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND
7 THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER
8 STATE PERTAINING TO THE SUBJECT MATTER OF THE COMPACT WHICH MAY
9 AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE INTERSTATE
10 COMMISSION.

11 (C) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL
12 SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING
13 TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE
14 SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL RENDER A
15 JUDGMENT OR ORDER VOID AS TO THE INTERSTATE COMMISSION, THE
16 COMPACT, OR PROMULGATED RULES.

17 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

18 (A) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF
19 ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE
20 COMPACT.

21 (B) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF THE
22 COMMISSIONERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT
23 COURT FOR THE DISTRICT OF COLUMBIA, OR, AT THE DISCRETION OF THE
24 INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE INTERSTATE
25 COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE COMPLIANCE WITH
26 THE PROVISIONS OF THE COMPACT, AND ITS PROMULGATED RULES AND
27 BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF SOUGHT MAY

1 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
2 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL
3 COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

4 (C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF
5 THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL
6 ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE
7 REGULATION OF A PROFESSION.

8 SECTION 18. DEFAULT PROCEDURES

9 (A) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO,
10 FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR
11 RESPONSIBILITIES IMPOSED UPON IT BY THE COMPACT, OR THE RULES AND
12 BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THE COMPACT.

13 (B) IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER
14 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
15 RESPONSIBILITIES UNDER THE COMPACT, OR THE BYLAWS OR PROMULGATED
16 RULES, THE INTERSTATE COMMISSION SHALL:

17 (1) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER
18 MEMBER STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING
19 THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE COMMISSION. THE
20 INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE
21 DEFAULTING STATE MUST CURE ITS DEFAULT; AND

22 (2) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
23 ASSISTANCE REGARDING THE DEFAULT.

24 (C) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE
25 DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN
26 AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS,
27 PRIVILEGES, AND BENEFITS CONFERRED BY THE COMPACT SHALL TERMINATE

1 ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES
2 NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES
3 INCURRED DURING THE PERIOD OF THE DEFAULT.

4 (D) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED
5 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
6 EXHAUSTED. NOTICE OF INTENT TO TERMINATE SHALL BE GIVEN BY THE
7 INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY
8 LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE
9 MEMBER STATES.

10 (E) THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND
11 PROCEDURES TO ADDRESS LICENSES AND PHYSICIANS THAT ARE MATERIALLY
12 IMPACTED BY THE TERMINATION OF A MEMBER STATE, OR THE WITHDRAWAL OF
13 A MEMBER STATE.

14 (F) THE MEMBER STATE WHICH HAS BEEN TERMINATED IS RESPONSIBLE
15 FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
16 EFFECTIVE DATE OF TERMINATION INCLUDING OBLIGATIONS, THE
17 PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF
18 TERMINATION.

19 (G) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
20 RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR WHICH
21 HAS BEEN TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY
22 AGREED UPON IN WRITING BETWEEN THE INTERSTATE COMMISSION AND THE
23 DEFAULTING STATE.

24 (H) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
25 INTERSTATE COMMISSION BY PETITIONING THE UNITED STATES DISTRICT
26 COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE
27 THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING

1 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING
2 REASONABLE ATTORNEY'S FEES.

3 SECTION 19. DISPUTE RESOLUTION

4 (A) THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE REQUEST
5 OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT TO THE
6 COMPACT AND WHICH MAY ARISE AMONG MEMBER STATES OR MEMBER BOARDS.

7 (B) THE INTERSTATE COMMISSION SHALL PROMULGATE RULES PROVIDING
8 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION AS APPROPRIATE.

9 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

10 (A) ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THE
11 COMPACT.

12 (B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
13 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN SEVEN
14 (7) STATES. THEREAFTER, IT SHALL BECOME EFFECTIVE AND BINDING ON A
15 STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE.

16 (C) THE GOVERNORS OF NON-MEMBER STATES, OR THEIR DESIGNEES,
17 SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE
18 COMMISSION ON A NON-VOTING BASIS PRIOR TO ADOPTION OF THE COMPACT
19 BY ALL STATES.

20 (D) THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE
21 COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL
22 BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION AND THE
23 MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS
24 CONSENT OF THE MEMBER STATES.

25 SECTION 21. WITHDRAWAL

26 (A) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND
27 REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED THAT A

1 MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY
2 REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO LAW.

3 (B) WITHDRAWAL FROM THE COMPACT SHALL BE BY THE ENACTMENT OF A
4 STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL ONE (1)
5 YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN
6 NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO
7 THE GOVERNOR OF EACH OTHER MEMBER STATE.

8 (C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
9 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
10 INTRODUCTION OF LEGISLATION REPEALING THE COMPACT IN THE
11 WITHDRAWING STATE.

12 (D) THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER MEMBER
13 STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN SIXTY
14 (60) DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER SUBSECTION (C).

15 (E) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES,
16 OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
17 WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND
18 BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

19 (F) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL
20 OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT OR UPON
21 SUCH LATER DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

22 (G) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
23 TO ADDRESS THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE ON
24 LICENSES GRANTED IN OTHER MEMBER STATES TO PHYSICIANS WHO
25 DESIGNATED THE WITHDRAWING MEMBER STATE AS THE STATE OF PRINCIPAL
26 LICENSE.

27 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
7 CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH
8 THE 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
20 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

21 (B) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT
22 ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

23 (C) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING
24 ALL RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING
25 UPON THE MEMBER STATES.

26 (D) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE
27 MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

1 (E) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE
2 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
3 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
4 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT
5 MEMBER STATE.

6 (2) SUBSECTION (1) SHALL BE KNOWN AS THE "INTERSTATE MEDICAL
7 LICENSURE COMPACT".

8 (3) THIS SECTION IS REPEALED EFFECTIVE 3 YEARS AFTER THE
9 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect
13 unless House Bill No. 4067 of the 99th Legislature is enacted into
14 law.