

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

6 Section 5. Interstate Medical Licensure Compact. The State
7 of 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 licenses.

7 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

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

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

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

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

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

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

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

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

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

16 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

24 (c) Member boards shall report disciplinary or
25 investigatory information determined as necessary and proper

1 by rule of the Interstate Commission.

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

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

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

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

15 SECTION 9. JOINT INVESTIGATIONS

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

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

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

25 (d) Member boards may share any investigative, litigation,

1 or compliance materials in furtherance of any joint or
2 individual investigation initiated under the Compact.

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

7 SECTION 10. DISCIPLINARY ACTIONS

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

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

25 (c) If disciplinary action is taken against a physician by

1 a member board not in the state of principal license, any other
2 member board may deem the action conclusive as to matter of law
3 and fact decided, and:

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

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

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

22 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT
23 COMMISSION

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

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

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

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

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

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

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

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

1 chairperson may call additional meetings and shall call for a
2 meeting upon the 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
10 the Interstate Commission. A Commissioner shall not delegate a
11 vote to another Commissioner. In the absence of its
12 Commissioner, a member state may delegate voting authority for
13 a specified meeting to another person from that state who shall
14 meet the requirements of subsection (d).

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

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

22 (2) Discuss matters specifically exempted from
23 disclosure by 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

1 censuring a person;

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

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

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

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

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

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

1 (1) The Interstate Commission may establish other
2 committees 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
7 and in the manner provided for in the Compact;

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

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

15 (e) Establish and appoint committees including, but not
16 limited to, an executive committee as required by Section 11,
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
20 to the establishment, organization, and ongoing activities of
21 the Interstate Commission;

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

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

25 (i) Purchase and maintain insurance and bonds;

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

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

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

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

15 (n) Sell, convey, mortgage, pledge, lease, exchange,
16 abandon, or otherwise dispose of any property, real, personal,
17 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
22 the member states concerning the activities of the Interstate
23 Commission during the preceding year. Such reports shall also
24 include reports of financial audits and any recommendations
25 that may have been adopted by the Interstate Commission;

26 (r) Coordinate education, training, and public awareness

1 regarding the Compact, its implementation, and its operation;

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

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

4 and

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

7 SECTION 13. FINANCE POWERS

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

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

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

23 (d) The Interstate Commission shall be subject to a yearly
24 financial audit conducted by a certified or licensed public
25 accountant and the report of the audit shall be included in the

1 annual report of the Interstate Commission.

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

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

9 (b) The Interstate Commission shall elect or appoint
10 annually from among its Commissioners a chairperson, a
11 vice-chairperson, and a treasurer, each of whom shall have such
12 authority and duties as may be specified in the bylaws. The
13 chairperson, or in the chairperson's absence or disability, the
14 vice-chairperson, shall preside at all meetings of the
15 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
20 in their official capacity, for a claim for damage to or loss
21 of property or personal injury or other civil liability caused
22 or arising out of, or relating to, an actual or alleged act,
23 error, or omission that occurred, or that such person had a
24 reasonable basis for believing occurred, within the scope of
25 Interstate Commission employment, duties, or responsibilities;

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

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

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

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

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

21 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
22 COMMISSION

23 (a) The Interstate Commission shall promulgate reasonable
24 rules in order to effectively and efficiently achieve the
25 purposes of the Compact. Notwithstanding the foregoing, in the

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

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

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

23 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

24 (a) The executive, legislative, and judicial branches of
25 state government in each member state shall enforce the Compact

1 and shall take all actions necessary and appropriate to
2 effectuate the Compact's purposes and intent. The provisions of
3 the Compact and the rules promulgated hereunder shall have
4 standing as statutory law but shall not override existing state
5 authority to regulate the practice of medicine.

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

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

17 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

21 (b) The Interstate Commission may, by majority vote of the
22 Commissioners, initiate legal action in the United States
23 District Court for the District of Columbia, or, at the
24 discretion of the Interstate Commission, in the federal
25 district where the Interstate Commission has its principal

1 offices, to enforce compliance with the provisions of the
2 Compact, and its promulgated rules and bylaws, against a member
3 state in default. The relief sought may include both injunctive
4 relief and damages. In the event judicial enforcement is
5 necessary, the prevailing party shall be awarded all costs of
6 such litigation including reasonable attorney's fees.

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

11 SECTION 18. DEFAULT PROCEDURES

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

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

21 (1) Provide written notice to the defaulting state and
22 other member states, of the nature of the default, the
23 means of curing the default, and any action taken by the
24 Interstate Commission. The Interstate Commission shall
25 specify the conditions by which the defaulting state must

1 cure its default; and

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

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

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

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

21 (f) The member state which has been terminated is
22 responsible for all dues, obligations, and liabilities
23 incurred through the effective date of termination including
24 obligations, the performance of which extends beyond the
25 effective date of termination.

26 (g) The Interstate Commission shall not bear any costs

1 relating to any state that has been found to be in default or
2 which has been terminated from the Compact, unless otherwise
3 mutually agreed upon in writing between the Interstate
4 Commission and the defaulting state.

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

11 SECTION 19. DISPUTE RESOLUTION

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

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

19 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

22 (b) The Compact shall become effective and binding upon
23 legislative enactment of the Compact into law by no less than
24 seven (7) states. Thereafter, it shall become effective and

1 binding on a state upon enactment of the Compact into law by
2 that state.

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

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

12 SECTION 21. WITHDRAWAL

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

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

22 (c) The withdrawing state shall immediately notify the
23 chairperson of the Interstate Commission in writing upon the
24 introduction of legislation repealing the Compact in the
25 withdrawing state.

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

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

9 (f) Reinstatement following withdrawal of a member state
10 shall occur upon the withdrawing state reenacting the Compact
11 or upon such later date as determined by the Interstate
12 Commission.

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

18 SECTION 22. DISSOLUTION

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

22 (b) Upon the dissolution of the Compact, the Compact
23 becomes null and void and shall be of no further force or
24 effect, and the business and affairs of the Interstate
25 Commission shall be concluded and surplus funds shall be

1 distributed in accordance with the bylaws.

2 SECTION 23. SEVERABILITY AND CONSTRUCTION

3 (a) The provisions of the Compact shall be severable, and
4 if any phrase, clause, sentence, or provision is deemed
5 unenforceable, the remaining provisions of the Compact shall be
6 enforceable.

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

9 (c) Nothing in the Compact shall be construed to prohibit
10 the applicability of other interstate compacts to which the
11 states are members.

12 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

23 (e) In the event any provision of the Compact exceeds the
24 constitutional limits imposed on the legislature of any member

1 state, such provision shall be ineffective to the extent of the
2 conflict with the constitutional provision in question in that
3 member state.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.