

HOUSE BILL No. 2456

By Committee on Health and Human Services

1-13

1 AN ACT enacting the interstate medical licensure compact.

2
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. This act shall be known and may be cited as the interstate
5 medical licensure compact.

6 INTERSTATE MEDICAL LICENSURE COMPACT

7 SECTION 1

8 PURPOSE

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

26 SECTION 2

27 DEFINITIONS

28 In this compact:

29 (a) "Bylaws" means those bylaws established by the interstate
30 commission pursuant to section 11 for its governance, or for directing and
31 controlling its actions and conduct.

32 (b) "Commissioner" means the voting representative appointed by
33 each member board pursuant to section 11.

34 (c) "Conviction" means a finding by a court that an individual is
35 guilty of a criminal offense through adjudication, or entry of a plea of guilt
36 or no contest to the charge by the offender. Evidence of an entry of a

1 conviction of a criminal offense by the court shall be considered final for
2 purposes of disciplinary action by a member board.

3 (d) "Expedited license" means a full and unrestricted medical license
4 granted by a member state to an eligible physician through the process set
5 forth in the compact.

6 (e) "Interstate commission" means the interstate commission created
7 pursuant to section 11.

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

11 (g) "Medical practice act" means laws and regulations governing the
12 practice of allopathic and osteopathic medicine within a member state.

13 (h) "Member board" means a state agency in a member state that acts
14 in the sovereign interests of the state by protecting the public through
15 licensure, regulation and education of physicians as directed by the state
16 government.

17 (i) "Member state" means a state that has enacted the compact.

18 (j) "Practice of medicine" means the clinical prevention, diagnosis or
19 treatment of human disease, injury or condition requiring a physician to
20 obtain and maintain a license in compliance with the medical practice act
21 of a member state.

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

23 (1) Is a graduate of a medical school accredited by the liaison
24 committee on medical education, the commission on osteopathic college
25 accreditation or a medical school listed in the international medical
26 education directory or its equivalent;

27 (2) passed each component of the United States medical licensing
28 examination (USMLE) or the comprehensive osteopathic medical
29 licensing examination (COMLEX-USA) within three attempts, or any of
30 its predecessor examinations accepted by a state medical board as an
31 equivalent examination for licensure purposes;

32 (3) successfully completed graduate medical education approved by
33 the accreditation council for graduate medical education or the American
34 osteopathic association;

35 (4) holds specialty certification or a time-unlimited specialty
36 certificate recognized by the American board of medical specialties or the
37 American osteopathic association's bureau of osteopathic specialists;

38 (5) possesses a full and unrestricted license to engage in the practice
39 of medicine issued by a member board;

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

43 (7) has never held a license authorizing the practice of medicine

1 subjected to discipline by a licensing agency in any state, federal or
 2 foreign jurisdiction, excluding any action related to non-payment of fees
 3 related to a license;

4 (8) has never had a controlled substance license or permit suspended
 5 or revoked by a state or the United States drug enforcement
 6 administration; and

7 (9) is not under active investigation by a licensing agency or law
 8 enforcement authority in any state, federal or foreign jurisdiction.

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

11 (m) "Rule" means a written statement by the interstate commission
 12 promulgated pursuant to section 12 of the compact that is of general
 13 applicability, implements, interprets or prescribes a policy or provision of
 14 the compact, or an organizational, procedural or practice requirement of
 15 the interstate commission, and has the force and effect of statutory law in a
 16 member state, and includes the amendment, repeal or suspension of an
 17 existing rule.

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

20 (o) "State of principal license" means a member state where a
 21 physician holds a license to practice medicine and which has been
 22 designated as such by the physician for purposes of registration and
 23 participation in the compact.

24 SECTION 3
 25 ELIGIBILITY

26 (a) A physician must meet the eligibility requirements as defined in
 27 section 2(k) to receive an expedited license under the terms and provisions
 28 of the compact.

29 (b) A physician who does not meet the requirements of section 2(k)
 30 may obtain a license to practice medicine in a member state if the
 31 individual complies with all laws and requirements, other than the
 32 compact, relating to the issuance of a license to practice medicine in that
 33 state.

34 SECTION 4
 35 DESIGNATION OF STATE OF PRINCIPAL LICENSE

36 (a) A physician shall designate a member state as the state of principal
 37 license for purposes of registration for expedited licensure through the
 38 compact if the physician possesses a full and unrestricted license to
 39 practice medicine in that state, and the state is:

- 40 (1) The state of primary residence for the physician;
- 41 (2) the state where at least 25% of the practice of medicine occurs;
- 42 (3) the location of the physician's employer; or
- 43 (4) if no state qualifies under subsection (a)(1), subsection (a)(2) or

1 subsection (a)(3), the state designated as state of residence for purpose of
2 federal income tax.

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

6 (c) The interstate commission is authorized to develop rules to
7 facilitate redesignation of another member state as the state of principal
8 license.

9 SECTION 5

10 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

11 (a) A physician seeking licensure through the compact shall file an
12 application for an expedited license with the member board of the state
13 selected by the physician as the state of principal license.

14 (b) Upon receipt of an application for an expedited license, the
15 member board within the state selected as the state of principal license
16 shall evaluate whether the physician is eligible for expedited licensure and
17 issue a letter of qualification, verifying or denying the physician's
18 eligibility, to the interstate commission.

19 (1) Static qualifications, which include verification of medical
20 education, graduate medical education, results of any medical or licensing
21 examination and other qualifications as determined by the interstate
22 commission through rule, shall not be subject to additional primary source
23 verification where already primary source verified by the state of principal
24 license.

25 (2) The member board within the state selected as the state of
26 principal license shall, in the course of verifying eligibility, perform a
27 criminal background check of an applicant, including the use of the results
28 of fingerprint or other biometric data checks compliant with the
29 requirements of the federal bureau of investigation, with the exception of
30 federal employees who have suitability determination in accordance with
31 U.S. C.F.R. § 731.202.

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

35 (c) Upon verification in subsection (b), physicians eligible for an
36 expedited license shall complete the registration process established by the
37 interstate commission to receive a license in a member state selected
38 pursuant to subsection (a), including the payment of any applicable fees.

39 (d) After receiving verification of eligibility under subsection (b) and
40 any fees under subsection (c), a member board shall issue an expedited
41 license to the physician. This license shall authorize the physician to
42 practice medicine in the issuing state consistent with the medical practice
43 act and all applicable laws and regulations of the issuing member board

1 and member state.

2 (e) An expedited license shall be valid for a period consistent with the
3 licensure period in the member state and in the same manner as required
4 for other physicians holding a full and unrestricted license within the
5 member state.

6 (f) An expedited license obtained though the compact shall be
7 terminated if a physician fails to maintain a license in the state of principal
8 licensure for a non-disciplinary reason, without redesignation of a new
9 state of principal licensure.

10 (g) The interstate commission is authorized to develop rules
11 regarding the application process, including payment of any applicable
12 fees, and the issuance of an expedited license.

13 SECTION 6

14 FEES FOR EXPEDITED LICENSURE

15 (a) A member state issuing an expedited license authorizing the practice
16 of medicine in that state may impose a fee for a license issued or renewed
17 through the compact.

18 (b) The interstate commission is authorized to develop rules
19 regarding fees for expedited licenses.

20 SECTION 7

21 RENEWAL AND CONTINUED PARTICIPATION

22 (a) A physician seeking to renew an expedited license granted in a
23 member state shall complete a renewal process with the interstate
24 commission if the physician:

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

27 (2) has not been convicted, received adjudication, deferred
28 adjudication, community supervision or deferred disposition for any
29 offense by a court of appropriate jurisdiction;

30 (3) has not had a license authorizing the practice of medicine subject
31 to discipline by a licensing agency in any state, federal or foreign
32 jurisdiction, excluding any action related to non-payment of fees related to
33 a license; and

34 (4) has not had a controlled substance license or permit suspended or
35 revoked by a state or the United States drug enforcement administration.

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

39 (c) The interstate commission shall collect any renewal fees charged
40 for the renewal of a license and distribute the fees to the applicable
41 member board.

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

1 (e) Physician information collected by the interstate commission
2 during the renewal process will be distributed to all member boards.

3 (f) The interstate commission is authorized to develop rules to
4 address renewal of licenses obtained through the compact.

5 SECTION 8

6 COORDINATED INFORMATION SYSTEM

7 (a) The interstate commission shall establish a database of all
8 physicians licensed, or who have applied for licensure, under section 5.

9 (b) Notwithstanding any other provision of law, member boards shall
10 report to the interstate commission any public action or complaints against
11 a licensed physician who has applied or received an expedited license
12 through the compact.

13 (c) Member boards shall report disciplinary or investigatory
14 information determined as necessary and proper by rule of the interstate
15 commission.

16 (d) Member boards may report any non-public complaint,
17 disciplinary or investigatory information not required by subsection (c) to
18 the interstate commission.

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

21 (f) All information provided to the interstate commission or
22 distributed by member boards shall be confidential, filed under seal, and
23 used only for investigatory or disciplinary matters.

24 (g) The interstate commission is authorized to develop rules for
25 mandated or discretionary sharing of information by member boards.

26 SECTION 9

27 JOINT INVESTIGATIONS

28 (a) Licensure and disciplinary records of physicians are deemed
29 investigative.

30 (b) In addition to the authority granted to a member board by its
31 respective medical practice act or other applicable state law, a member
32 board may participate with other member boards in joint investigations of
33 physicians licensed by the member boards.

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

36 (d) Member boards may share any investigative, litigation or
37 compliance materials in furtherance of any joint or individual investigation
38 initiated under the compact.

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

42 SECTION 10

43 DISCIPLINARY ACTIONS

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

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

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

19 (1) Impose the same or lesser sanctions against the physician so long
20 as such sanctions are consistent with the medical practice act of that state;
21 or

22 (2) pursue separate disciplinary action against the physician under its
23 respective medical practice act, regardless of the action taken in other
24 member states.

25 (d) If a license granted to a physician by a member board is revoked,
26 surrendered or relinquished in lieu of discipline, or suspended, then any
27 license issued to the physician by any other member board shall be
28 suspended, automatically and immediately without further action
29 necessary by the other member boards, for 90 days upon entry of the order
30 by the disciplining board, to permit the member boards to investigate the
31 basis for the action under the medical practice act of that state. A member
32 board may terminate the automatic suspension of the license it issued prior
33 to the completion of the 90-day suspension period in a manner consistent
34 with the medical practice act of that state.

35 SECTION 11

36 INTERSTATE MEDICAL LICENSURE

37 COMPACT COMMISSION

38 (a) The member states hereby create the interstate medical licensure
39 compact commission.

40 (b) The purpose of the interstate commission is the administration of
41 the interstate medical licensure compact, which is a discretionary state
42 function.

43 (c) The interstate commission shall be a body corporate and joint

1 agency of the member states and shall have all the responsibilities, powers
2 and duties set forth in the compact, and such additional powers as may be
3 conferred upon it by a subsequent concurrent action of the respective
4 legislatures of the member states in accordance with the terms of the
5 compact.

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

13 (1) An allopathic or osteopathic physician appointed to a member
14 board;

15 (2) an executive director, executive secretary or similar executive of a
16 member board; or

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

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

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

25 (g) Each commissioner participating at a meeting of the interstate
26 commission is entitled to one vote. A majority of commissioners shall
27 constitute a quorum for the transaction of business, unless a larger quorum
28 is required by the bylaws of the interstate commission. A commissioner
29 shall not delegate a vote to another commissioner. In the absence of its
30 commissioner, a member state may delegate voting authority for a
31 specified meeting to another person from that state who shall meet the
32 requirements of subsection (d).

33 (h) The interstate commission shall provide public notice of all
34 meetings and all meetings shall be open to the public. The interstate
35 commission may close a meeting, in full or in portion, where it determines
36 by a two-thirds vote of the commissioners present that an open meeting
37 would be likely to:

38 (1) Relate solely to the internal personnel practices and procedures of
39 the interstate commission;

40 (2) discuss matters specifically exempted from disclosure by federal
41 statute;

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

- 1 (4) involve accusing a person of a crime, or formally censuring a
2 person;
- 3 (5) discuss information of a personal nature where disclosure would
4 constitute a clearly unwarranted invasion of personal privacy;
- 5 (6) discuss investigative records compiled for law enforcement
6 purposes; or
- 7 (7) specifically relate to the participation in a civil action or other
8 legal proceeding.
- 9 (i) The interstate commission shall keep minutes which shall fully
10 describe all matters discussed in a meeting and shall provide a full and
11 accurate summary of actions taken, including record of any roll call votes.
- 12 (j) The interstate commission shall make its information and official
13 records, to the extent not otherwise designated in the compact or by its
14 rules, available to the public for inspection.
- 15 (k) The interstate commission shall establish an executive committee,
16 which shall include officers, members, and others as determined by the
17 bylaws. The executive committee shall have the power to act on behalf of
18 the interstate commission, with the exception of rulemaking, during
19 periods when the interstate commission is not in session. When acting on
20 behalf of the interstate commission, the executive committee shall oversee
21 the administration of the compact including enforcement and compliance
22 with the provisions of the compact, its bylaws and rules, and other such
23 duties as necessary.
- 24 (l) The interstate commission may establish other committees for
25 governance and administration of the compact.

26 SECTION 12
27 POWERS AND DUTIES OF
28 THE INTERSTATE COMMISSION

- 29 The interstate commission shall have the duty and power to:
- 30 (a) Oversee and maintain the administration of the compact;
 - 31 (b) promulgate rules which shall be binding to the extent and in the
32 manner provided for in the compact;
 - 33 (c) issue, upon the request of a member state or member board,
34 advisory opinions concerning the meaning or interpretation of the
35 compact, its bylaws, rules and actions;
 - 36 (d) enforce compliance with compact provisions, the rules
37 promulgated by the interstate commission and the bylaws, using all
38 necessary and proper means, including, but not limited to, the use of
39 judicial process;
 - 40 (e) establish and appoint committees including, but not limited to, an
41 executive committee as required by section 11, which shall have the power
42 to act on behalf of the interstate commission in carrying out its powers and
43 duties;

- 1 (f) pay, or provide for the payment of the expenses related to the
2 establishment, organization and ongoing activities of the interstate
3 commission;
- 4 (g) establish and maintain one or more offices;
- 5 (h) borrow, accept, hire or contract for services of personnel;
- 6 (i) purchase and maintain insurance and bonds;
- 7 (j) employ an executive director who shall have such powers to
8 employ, select or appoint employees, agents or consultants, and to
9 determine their qualifications, define their duties and fix their
10 compensation;
- 11 (k) establish personnel policies and programs relating to conflicts of
12 interest, rates of compensation and qualifications of personnel;
- 13 (l) accept donations and grants of money, equipment, supplies,
14 materials and services, and to receive, utilize and dispose of it in a manner
15 consistent with the conflict of interest policies established by the interstate
16 commission;
- 17 (m) lease, purchase, accept contributions or donations of, or
18 otherwise to own, hold, improve or use, any property, real, personal or
19 mixed;
- 20 (n) sell, convey, mortgage, pledge, lease, exchange, abandon, or
21 otherwise dispose of any property, real, personal, or mixed;
- 22 (o) establish a budget and make expenditures;
- 23 (p) adopt a seal and bylaws governing the management and operation
24 of the interstate commission;
- 25 (q) report annually to the legislatures and governors of the member
26 states concerning the activities of the interstate commission during the
27 preceding year. Such reports shall also include reports of financial audits
28 and any recommendations that may have been adopted by the interstate
29 commission;
- 30 (r) coordinate education, training and public awareness regarding the
31 compact, its implementation and its operation;
- 32 (s) maintain records in accordance with the bylaws;
- 33 (t) seek and obtain trademarks, copyrights and patents; and
- 34 (u) perform such functions as may be necessary or appropriate to
35 achieve the purposes of the compact.

36 SECTION 13
37 FINANCE POWERS

38 (a) The interstate commission may levy on and collect an annual
39 assessment from each member state to cover the cost of the operations and
40 activities of the interstate commission and its staff. The total assessment
41 must be sufficient to cover the annual budget approved each year for
42 which revenue is not provided by other sources. The aggregate annual
43 assessment amount shall be allocated upon a formula to be determined by

1 the interstate commission, which shall promulgate a rule binding upon all
 2 member states.

3 (b) The interstate commission shall not incur obligations of any kind
 4 prior to securing the funds adequate to meet the same.

5 (c) The interstate commission shall not pledge the credit of any of the
 6 member states, except by, and with the authority of, the member state.

7 (d) The interstate commission shall be subject to a yearly financial
 8 audit conducted by a certified or licensed public accountant and the report
 9 of the audit shall be included in the annual report of the interstate
 10 commission.

11 SECTION 14
 12 ORGANIZATION AND OPERATION OF
 13 THE INTERSTATE COMMISSION

14 (a) The interstate commission shall, by a majority of commissioners
 15 present and voting, adopt bylaws to govern its conduct as may be
 16 necessary or appropriate to carry out the purposes of the compact within
 17 12 months of the first interstate commission meeting.

18 (b) The interstate commission shall elect or appoint annually from
 19 among its commissioners a chairperson, a vice-chairperson and a treasurer,
 20 each of whom shall have such authority and duties as may be specified in
 21 the bylaws. The chairperson, or in the chairperson's absence or disability,
 22 the vice-chairperson, shall preside at all meetings of the interstate
 23 commission.

24 (c) Officers selected in subsection (b) shall serve without
 25 remuneration from the interstate commission.

26 (d) The officers and employees of the interstate commission shall be
 27 immune from suit and liability, either personally or in their official
 28 capacity, for a claim for damage to or loss of property or personal injury or
 29 other civil liability caused or arising out of, or relating to, an actual or
 30 alleged act, error or omission that occurred, or that such person had a
 31 reasonable basis for believing occurred, within the scope of interstate
 32 commission employment, duties or responsibilities; provided that such
 33 person shall not be protected from suit or liability for damage, loss, injury
 34 or liability caused by the intentional or willful and wanton misconduct of
 35 such person.

36 (1) The liability of the executive director and employees of the
 37 interstate commission or representatives of the interstate commission,
 38 acting within the scope of such person's employment or duties for acts,
 39 errors or omissions occurring within such person's state, may not exceed
 40 the limits of liability set forth under the constitution and laws of that state
 41 for state officials, employees and agents. The interstate commission is
 42 considered to be an instrumentality of the states for the purposes of any
 43 such action. Nothing in this subsection shall be construed to protect such

1 person from suit or liability for damage, loss, injury or liability caused by
2 the intentional or willful and wanton misconduct of such person.

3 (2) The interstate commission shall defend the executive director, its
4 employees, and subject to the approval of the attorney general or other
5 appropriate legal counsel of the member state represented by an interstate
6 commission representative, shall defend such interstate commission
7 representative in any civil action seeking to impose liability arising out of
8 an actual or alleged act, error or omission that occurred within the scope of
9 interstate commission employment, duties or responsibilities, or that the
10 defendant had a reasonable basis for believing occurred within the scope
11 of interstate commission employment, duties or responsibilities, provided
12 that the actual or alleged act, error or omission did not result from
13 intentional or willful and wanton misconduct on the part of such person.

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

25 SECTION 15
26 RULEMAKING FUNCTIONS OF
27 THE INTERSTATE COMMISSION

28 (a) The interstate commission shall promulgate reasonable rules in
29 order to effectively and efficiently achieve the purposes of the compact.
30 Notwithstanding the foregoing, in the event the interstate commission
31 exercises its rulemaking authority in a manner that is beyond the scope of
32 the purposes of the compact, or the powers granted hereunder, then such
33 an action by the interstate commission shall be invalid and have no force
34 or effect.

35 (b) Rules deemed appropriate for the operations of the interstate
36 commission shall be made pursuant to a rulemaking process that
37 substantially conforms to the "model state administrative procedure act" of
38 2010, and subsequent amendments thereto.

39 (c) Not later than 30 days after a rule is promulgated, any person may
40 file a petition for judicial review of the rule in the United States district
41 court for the District of Columbia or the federal district where the
42 interstate commission has its principal offices, provided that the filing of
43 such a petition shall not stay or otherwise prevent the rule from becoming

1 effective unless the court finds that the petitioner has a substantial
 2 likelihood of success. The court shall give deference to the actions of the
 3 interstate commission consistent with applicable law and shall not find the
 4 rule to be unlawful if the rule represents a reasonable exercise of the
 5 authority granted to the interstate commission.

6 SECTION 16

7 OVERSIGHT OF INTERSTATE COMPACT

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

14 (b) All courts shall take judicial notice of the compact and the rules in
 15 any judicial or administrative proceeding in a member state pertaining to
 16 the subject matter of the compact, which may affect the powers,
 17 responsibilities or actions of the interstate commission.

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

23 SECTION 17

24 ENFORCEMENT OF INTERSTATE COMPACT

25 (a) The interstate commission, in the reasonable exercise of its
 26 discretion, shall enforce the provisions and rules of the compact.

27 (b) The interstate commission may, by majority vote of the
 28 commissioners, initiate legal action in the United States district court for
 29 the District of Columbia, or, at the discretion of the interstate commission,
 30 in the federal district where the interstate commission has its principal
 31 offices, to enforce compliance with the provisions of the compact, and its
 32 promulgated rules and bylaws, against a member state in default. The
 33 relief sought may include both injunctive relief and damages. In the event
 34 judicial enforcement is necessary, the prevailing party shall be awarded all
 35 costs of such litigation including reasonable attorney fees.

36 (c) The remedies herein shall not be the exclusive remedies of the
 37 interstate commission. The interstate commission may avail itself of any
 38 other remedies available under state law or the regulation of a profession.

39 SECTION 18

40 DEFAULT PROCEDURES

41 (a) The grounds for default include, but are not limited to, failure of a
 42 member state to perform such obligations or responsibilities imposed upon
 43 it by the compact, or the rules and bylaws of the interstate commission

1 promulgated under the compact.

2 (b) If the interstate commission determines that a member state has
3 defaulted in the performance of its obligations or responsibilities under the
4 compact, or the bylaws or promulgated rules, the interstate commission
5 shall:

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

11 (2) provide remedial training and specific technical assistance
12 regarding the default.

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

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

24 (e) The interstate commission shall establish rules and procedures to
25 address licenses and physicians that are materially impacted by the
26 termination of a member state, or the withdrawal of a member state.

27 (f) The member state, which has been terminated is responsible for all
28 dues, obligations, and liabilities incurred through the effective date of
29 termination including obligations, the performance of which extends
30 beyond the effective date of termination.

31 (g) The interstate commission shall not bear any costs relating to any
32 state that has been found to be in default or which has been terminated
33 from the compact, unless otherwise mutually agreed upon in writing
34 between the interstate commission and the defaulting state.

35 (h) The defaulting state may appeal the action of the interstate
36 commission by petitioning the United States district court for the District
37 of Columbia or the federal district where the interstate commission has its
38 principal offices. The prevailing party shall be awarded all costs of such
39 litigation including reasonable attorney fees.

40 SECTION 19

41 DISPUTE RESOLUTION

42 (a) The interstate commission shall attempt, upon the request of a
43 member state, to resolve disputes which are subject to the compact and

1 which may arise among member states or member boards.

2 (b) The interstate commission shall promulgate rules providing for
3 both mediation and binding dispute resolution as appropriate.

4 SECTION 20

5 MEMBER STATES, EFFECTIVE

6 DATE AND AMENDMENT

7 (a) Any state is eligible to become a member state of the compact.

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

12 (c) The governors of non-member states, or their designees, shall be
13 invited to participate in the activities of the interstate commission on a
14 non-voting basis prior to adoption of the compact by all states.

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

20 SECTION 21

21 WITHDRAWAL

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

26 (b) Withdrawal from the compact shall be by the enactment of a
27 statute repealing the same, but shall not take effect until one year after the
28 effective date of such statute and until written notice of the withdrawal has
29 been given by the withdrawing state to the governor of each other member
30 state.

31 (c) The withdrawing state shall immediately notify the chairperson of
32 the interstate commission in writing upon the introduction of legislation
33 repealing the compact in the withdrawing state.

34 (d) The interstate commission shall notify the other member states of
35 the withdrawing state's intent to withdraw within 60 days of its receipt of
36 notice provided under subsection (c).

37 (e) The withdrawing state is responsible for all dues, obligations and
38 liabilities incurred through the effective date of withdrawal, including
39 obligations, the performance of which extend beyond the effective date of
40 withdrawal.

41 (f) Reinstatement following withdrawal of a member state shall occur
42 upon the withdrawing state reenacting the compact or upon such later date
43 as determined by the interstate commission.

1 (g) The interstate commission is authorized to develop rules to
2 address the impact of the withdrawal of a member state on licenses granted
3 in other member states to physicians who designated the withdrawing
4 member state as the state of principal license.

5 SECTION 22
6 DISSOLUTION

7 (a) The compact shall dissolve effective upon the date of the
8 withdrawal or default of the member state, which reduces the membership
9 in the compact to one member state.

10 (b) Upon the dissolution of the compact, the compact becomes null
11 and void and shall be of no further force or effect, and the business and
12 affairs of the interstate commission shall be concluded and surplus funds
13 shall be distributed in accordance with the bylaws.

14 SECTION 23
15 SEVERABILITY AND CONSTRUCTION

16 (a) The provisions of the compact shall be severable, and if any phrase,
17 clause, sentence or provision is deemed unenforceable, the remaining
18 provisions of the compact shall be enforceable.

19 (b) The provisions of the compact shall be liberally construed to
20 effectuate its purposes.

21 (c) Nothing in the compact shall be construed to prohibit the
22 applicability of other interstate compacts to which the states are members.

23 SECTION 24
24 BINDING EFFECT OF COMPACT
25 AND OTHER LAWS

26 (a) Nothing herein prevents the enforcement of any other law of a
27 member state that is not inconsistent with the compact.

28 (b) All laws in a member state in conflict with the compact are
29 superseded to the extent of the conflict.

30 (c) All lawful actions of the interstate commission, including all rules
31 and bylaws promulgated by the commission, are binding upon the member
32 states.

33 (d) All agreements between the interstate commission and the
34 member states are binding in accordance with their terms.

35 (e) In the event any provision of the compact exceeds the
36 constitutional limits imposed on the legislature of any member state, such
37 provision shall be ineffective to the extent of the conflict with the
38 constitutional provision in question in that member state.

39 Sec. 2. This act shall take effect and be in force from and after its
40 publication in the statute book.