

SUBSTITUTE FOR
HOUSE BILL NO. 4583
(as amended January 28, 2016)

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) [THE
2] 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

1 THE ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER STATES OF
2 THE INTERSTATE MEDICAL LICENSURE COMPACT HAVE ALLIED IN COMMON
3 PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT COMPLEMENTS THE
4 EXISTING LICENSING AND REGULATORY AUTHORITY OF STATE MEDICAL
5 BOARDS, PROVIDES A STREAMLINED PROCESS THAT ALLOWS PHYSICIANS TO
6 BECOME LICENSED IN MULTIPLE STATES, THEREBY ENHANCING THE
7 PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE SAFETY OF
8 PATIENTS. THE COMPACT CREATES ANOTHER PATHWAY FOR LICENSURE AND
9 DOES NOT OTHERWISE CHANGE A STATE'S EXISTING MEDICAL PRACTICE ACT.
10 THE COMPACT ALSO ADOPTS THE PREVAILING STANDARD FOR LICENSURE AND
11 AFFIRMS THAT THE PRACTICE OF MEDICINE OCCURS WHERE THE PATIENT IS
12 LOCATED AT THE TIME OF THE PHYSICIAN-PATIENT ENCOUNTER, AND
13 THEREFORE, REQUIRES THE PHYSICIAN TO BE UNDER THE JURISDICTION OF
14 THE STATE MEDICAL BOARD WHERE THE PATIENT IS LOCATED. STATE MEDICAL
15 BOARDS THAT PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO
16 IMPOSE AN ADVERSE ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN
17 THAT STATE ISSUED TO A PHYSICIAN THROUGH THE PROCEDURES IN THE
18 COMPACT.

19 SECTION 2. DEFINITIONS

20 IN THIS COMPACT:

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

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

26 (C) "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL
27 IS GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION, OR ENTRY OF A

1 PLEA OF GUILT OR NO CONTEST TO THE CHARGE BY THE OFFENDER. EVIDENCE
2 OF AN ENTRY OF A CONVICTION OF A CRIMINAL OFFENSE BY THE COURT
3 SHALL BE CONSIDERED FINAL FOR PURPOSES OF DISCIPLINARY ACTION BY A
4 MEMBER BOARD.

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

8 (E) "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION
9 CREATED PURSUANT TO SECTION 11.

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

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

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

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

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

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

1 (1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE
2 LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON
3 OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED IN
4 THE INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS EQUIVALENT;

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

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

13 (4) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED
14 SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF MEDICAL
15 SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S BUREAU OF
16 OSTEOPATHIC SPECIALISTS;

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

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

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

26 (8) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT
27 SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG

1 ENFORCEMENT ADMINISTRATION; AND

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

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

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

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

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

22 SECTION 3. ELIGIBILITY

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

26 (B) A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION
27 2(K) MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A MEMBER STATE IF

1 THE INDIVIDUAL COMPLIES WITH ALL LAWS AND REQUIREMENTS, OTHER THAN
2 THE COMPACT, RELATING TO THE ISSUANCE OF A LICENSE TO PRACTICE
3 MEDICINE IN THAT STATE.

4 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

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

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

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

14 (4) IF NO STATE QUALIFIES UNDER SUBSECTION (1), SUBSECTION
15 (2), OR SUBSECTION (3), THE STATE DESIGNATED AS STATE OF RESIDENCE
16 FOR PURPOSE OF FEDERAL INCOME TAX.

17 (B) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS STATE OF
18 PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE
19 REQUIREMENTS IN SUBSECTION (A).

20 (C) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES
21 TO FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF
22 PRINCIPAL LICENSE.

23 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

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

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

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

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

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

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

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

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

18 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

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

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

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

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

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

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

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

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

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

(E) PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE COMMISSION DURING THE RENEWAL PROCESS WILL BE DISTRIBUTED TO ALL MEMBER BOARDS.

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

3 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

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

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

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

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

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

25 SECTION 9. JOINT INVESTIGATIONS

26 (A) LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE
27 DEEMED INVESTIGATIVE.

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

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

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

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

14 SECTION 10. DISCIPLINARY ACTIONS

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

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

1 ENCUMBERED UNTIL THAT RESPECTIVE MEMBER BOARD TAKES ACTION TO
2 REINSTATE THE LICENSE IN A MANNER CONSISTENT WITH THE MEDICAL
3 PRACTICE ACT OF THAT STATE.

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

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

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

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

25 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

26 (A) THE MEMBER STATES HEREBY CREATE THE "INTERSTATE MEDICAL
27 LICENSURE COMPACT COMMISSION".

1 (B) THE PURPOSE OF THE INTERSTATE COMMISSION IS THE
2 ADMINISTRATION OF THE INTERSTATE MEDICAL LICENSURE COMPACT, WHICH
3 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, AND
7 SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY A SUBSEQUENT
8 CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE MEMBER
9 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 AS
12 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 APPOINT
16 ONE REPRESENTATIVE FROM EACH MEMBER BOARD. A COMMISSIONER SHALL BE
17 A(N) :

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

20 (2) EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY, OR SIMILAR
21 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 CHAIRPERSON MAY
27 CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A MEETING UPON THE

1 REQUEST OF A MAJORITY OF THE MEMBER STATES.

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

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

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

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

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

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

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

27 (5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE

1 WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
2 PRIVACY;

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

5 (7) SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION
6 OR OTHER LEGAL PROCEEDING.

7 (I) THE INTERSTATE COMMISSION SHALL KEEP MINUTES WHICH SHALL
8 FULLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE
9 A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING RECORD OF
10 ANY ROLL CALL VOTES.

11 (J) THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION AND
12 OFFICIAL RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THE
13 COMPACT OR BY ITS RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.

14 (K) THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE
15 COMMITTEE, WHICH SHALL INCLUDE OFFICERS, MEMBERS, AND OTHERS AS
16 DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE SHALL HAVE THE
17 POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH THE
18 EXCEPTION OF RULEMAKING, DURING PERIODS WHEN THE INTERSTATE
19 COMMISSION IS NOT IN SESSION. WHEN ACTING ON BEHALF OF THE
20 INTERSTATE COMMISSION, THE EXECUTIVE COMMITTEE SHALL OVERSEE THE
21 ADMINISTRATION OF THE COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE
22 WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS AND RULES, AND OTHER
23 SUCH DUTIES AS NECESSARY.

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

26 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION
27 THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

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

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

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

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

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

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

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

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

21 (I) PURCHASE AND MAINTAIN INSURANCE AND BONDS;

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

26 (K) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO
27 CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS OF

1 PERSONNEL;

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

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

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

11 (O) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

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

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

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

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

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

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

25 SECTION 13. FINANCE POWERS

26 (A) THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN
27 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE

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

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

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

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

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

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

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

1 CHAIRPERSON'S ABSENCE OR DISABILITY, THE VICE-CHAIRPERSON, SHALL
2 PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.

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

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

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

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

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

26 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

27 (A) THE INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE

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

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

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

24 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

25 (A) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF STATE
26 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL
27 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE

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

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

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

16 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

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

1 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL
2 COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

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

7 SECTION 18. DEFAULT PROCEDURES

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

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

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

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

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

1 NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES
2 INCURRED DURING THE PERIOD OF THE DEFAULT.

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

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

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

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

23 (H) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
24 INTERSTATE COMMISSION BY PETITIONING THE UNITED STATES DISTRICT
25 COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE
26 THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING
27 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING

1 REASONABLE ATTORNEY'S FEES.

2 SECTION 19. DISPUTE RESOLUTION

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

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

8 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

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

24 SECTION 21. WITHDRAWAL

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

1 REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO LAW.

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

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

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

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

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

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

26 SECTION 22. DISSOLUTION

27 (A) THE COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF THE

1 WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES THE
2 MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.

3 (B) UPON THE DISSOLUTION OF THE COMPACT, THE COMPACT BECOMES
4 NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE
5 BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE
6 CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH
7 THE BYLAWS.

8 SECTION 23. SEVERABILITY AND CONSTRUCTION

9 (A) THE PROVISIONS OF THE COMPACT SHALL BE SEVERABLE, AND IF
10 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE,
11 THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

12 (B) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY CONSTRUED
13 TO EFFECTUATE ITS PURPOSES.

14 (C) NOTHING IN THE COMPACT SHALL BE CONSTRUED TO PROHIBIT THE
15 APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE
16 MEMBERS.

17 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

18 (A) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW
19 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

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

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

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

27 (E) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE

House Bill No. 4583 as amended January 28, 2016

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

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

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

9 Enacting section 1. This amendatory act takes effect [180] days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless House Bill No. 4582 of the 98th Legislature is enacted into
13 law.