

HOUSE BILL NO. 5964

September 26, 2024, Introduced by Reps. Conlin, Hood, O'Neal, Brenda Carter, Brixie, Steckloff, Hope, Breen, Brabec, Tsernoglou, Fitzgerald, MacDonell, Grant, Koleszar, Price, Skaggs, Glanville, Morgan and Wozniak and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16189 (MCL 333.16189), as amended by 2022 PA
38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16189. (1) Beginning September 24, 2019, the interstate
2 medical licensure compact is enacted into law and entered into by
3 this state as a party with all jurisdictions that legally join in
4 the compact, in the form substantially as follows:

1 INTERSTATE MEDICAL LICENSURE COMPACT

2 SECTION 1. PURPOSE

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

22 SECTION 2. DEFINITIONS

23 In this compact:

24 (a) "Bylaws" means those bylaws established by the Interstate
25 Commission pursuant to Section 11 for its governance, or for
26 directing and controlling its actions and conduct.

27 (b) "Commissioner" means the voting representative appointed
28 by each member board pursuant to Section 11.

29 (c) "Conviction" means a finding by a court that an individual

1 is guilty of a criminal offense through adjudication, or entry of a
2 plea of guilt or no contest to the charge by the offender. Evidence
3 of an entry of a conviction of a criminal offense by the court
4 shall be considered final for purposes of disciplinary action by a
5 member board.

6 (d) "Expedited License" means a full and unrestricted medical
7 license granted by a member state to an eligible physician through
8 the process set forth in the Compact.

9 (e) "Interstate Commission" means the interstate commission
10 created pursuant to Section 11.

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

14 (g) "Medical Practice Act" means laws and regulations
15 governing the practice of allopathic and osteopathic medicine
16 within a member state.

17 (h) "Member Board" means a state agency in a member state that
18 acts in the sovereign interests of the state by protecting the
19 public through licensure, regulation, and education of physicians
20 as directed by the state government.

21 (i) "Member State" means a state that has enacted the Compact.

22 (j) "Practice of medicine" means the diagnosis, treatment,
23 prevention, cure, or relieving of a human disease, ailment, defect,
24 complaint, or other physical or mental condition, by attendance,
25 advice, device, diagnostic test, or other means, or offering,
26 undertaking, attempting to do, or holding oneself out as able to
27 do, any of these acts.

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

29 (1) Is a graduate of a medical school accredited by the

1 Liaison Committee on Medical Education, the Commission on
2 Osteopathic College Accreditation, or a medical school listed in
3 the International Medical Education Directory or its equivalent;

4 (2) Passed each component of the United States Medical
5 Licensing Examination (USMLE) or the Comprehensive Osteopathic
6 Medical Licensing Examination (COMLEX-USA) within three attempts,
7 or any of its predecessor examinations accepted by a state medical
8 board as an equivalent examination for licensure purposes;

9 (3) Successfully completed graduate medical education approved
10 by the Accreditation Council for Graduate Medical Education or the
11 American Osteopathic Association;

12 (4) Holds specialty certification or a time-unlimited
13 specialty certificate recognized by the American Board of Medical
14 Specialties or the American Osteopathic Association's Bureau of
15 Osteopathic Specialists; however, the specialty certification or a
16 time-unlimited specialty certificate does not have to be maintained
17 once a physician is initially determined to be eligible for
18 expedited licensure through the Compact;

19 (5) Possesses a full and unrestricted license to engage in the
20 practice of medicine issued by a member board;

21 (6) Has never been convicted, received adjudication, deferred
22 adjudication, community supervision, or deferred disposition for
23 any offense by a court of appropriate jurisdiction;

24 (7) Has never held a license authorizing the practice of
25 medicine subjected to discipline by a licensing agency in any
26 state, federal, or foreign jurisdiction, excluding any action
27 related to non-payment of fees related to a license;

28 (8) Has never had a controlled substance license or permit
29 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 (l) "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
28 the individual complies with all laws and requirements, other than
29 the Compact, relating to the issuance of a license to practice

1 medicine in that state.

2 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

3 (a) A physician shall designate a member state as the state of
4 principal license for purposes of registration for expedited
5 licensure through the Compact if the physician possesses a full and
6 unrestricted license to practice medicine in that state, and the
7 state is:

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

9 (2) the state where at least 25% of the practice of medicine
10 occurs, or

11 (3) the location of the physician's employer, or

12 (4) if no state qualifies under subsection (1), subsection
13 (2), or subsection (3), the state designated as state of residence
14 for purpose of federal income tax.

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

18 (c) The Interstate Commission is authorized to develop rules
19 to facilitate redesignation of another member state as the state of
20 principal license.

21 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

22 (a) A physician seeking licensure through the Compact shall
23 file an application for an expedited license with the member board
24 of the state selected by the physician as the state of principal
25 license.

26 (b) Upon receipt of an application for an expedited license,
27 the member board within the state selected as the state of
28 principal license shall evaluate whether the physician is eligible
29 for expedited licensure and issue a letter of qualification,

1 verifying or denying the physician's eligibility, to the Interstate
2 Commission.

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

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

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

19 (c) Upon verification in subsection (b), physicians eligible
20 for an expedited license shall complete the registration process
21 established by the Interstate Commission to receive a license in a
22 member state selected pursuant to subsection (a), including the
23 payment of any applicable fees.

24 (d) After receiving verification of eligibility under
25 subsection (b) and any fees under subsection (c), a member board
26 shall issue an expedited license to the physician. This license
27 shall authorize the physician to practice medicine in the issuing
28 state consistent with the Medical Practice Act and all applicable
29 laws and regulations of the issuing member board and member state.

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

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

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

12 SECTION 6. FEES FOR EXPEDITED LICENSURE

13 (a) A member state issuing an expedited license authorizing
14 the practice of medicine in that state, or the regulating authority
15 of the member state, may impose a fee for a license issued or
16 renewed through the Compact.

17 (b) The Interstate Commission is authorized to develop rules
18 regarding fees for expedited licenses. However, those rules shall
19 not limit the authority of a member state, or the regulating
20 authority of the member state, to impose and determine the amount
21 of a fee under subsection (a).

22 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

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

28 (2) Has not been convicted, received adjudication, deferred
29 adjudication, community supervision, or deferred disposition for

1 any offense by a court of appropriate jurisdiction;

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

6 (4) Has not had a controlled substance license or permit
7 suspended or revoked by a state or the United States Drug
8 Enforcement Administration.

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

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

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

17 (e) Physician information collected by the Interstate
18 Commission during the renewal process will be distributed to all
19 member boards.

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

22 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

1 (c) Member boards shall report disciplinary or investigatory
2 information determined as necessary and proper by rule of the
3 Interstate Commission.

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

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

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

12 (g) The Interstate Commission is authorized to develop rules
13 for mandated or discretionary sharing of information by member
14 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 by
19 its respective Medical Practice Act or other applicable state law,
20 a member board may participate with other member boards in joint
21 investigations of physicians licensed by the member boards.

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

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

27 (e) Any member state may investigate actual or alleged
28 violations of the statutes authorizing the practice of medicine in
29 any other member state in which a physician holds a license to

1 practice medicine.

2 SECTION 10. DISCIPLINARY ACTIONS

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

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

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

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

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

29 (d) If a license granted to a physician by a member board is

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

11 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

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

14 (b) The purpose of the Interstate Commission is the
15 administration of the Interstate Medical Licensure Compact, which
16 is a discretionary state function.

17 (c) The Interstate Commission shall be a body corporate and
18 joint agency of the member states and shall have all the
19 responsibilities, powers, and duties set forth in the Compact, and
20 such additional powers as may be conferred upon it by a subsequent
21 concurrent action of the respective legislatures of the member
22 states in accordance with the terms of the Compact.

23 (d) The Interstate Commission shall consist of two voting
24 representatives appointed by each member state who shall serve as
25 Commissioners. In states where allopathic and osteopathic
26 physicians are regulated by separate member boards, or if the
27 licensing and disciplinary authority is split between multiple
28 member boards within a member state, the member state shall appoint
29 one representative from each member board. A Commissioner shall be

1 a(n) :

2 (1) Allopathic or osteopathic physician appointed to a member
3 board;

4 (2) Executive director, executive secretary, or similar
5 executive of a member board; or

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

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

13 (f) The bylaws may provide for meetings of the Interstate
14 Commission to be conducted by telecommunication or electronic
15 communication.

16 (g) Each Commissioner participating at a meeting of the
17 Interstate Commission is entitled to one vote. A majority of
18 Commissioners shall constitute a quorum for the transaction of
19 business, unless a larger quorum is required by the bylaws of the
20 Interstate Commission. A Commissioner shall not delegate a vote to
21 another Commissioner. In the absence of its Commissioner, a member
22 state may delegate voting authority for a specified meeting to
23 another person from that state who shall meet the requirements of
24 subsection (d).

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

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

3 (2) Discuss matters specifically exempted from disclosure by
4 federal statute;

5 (3) Discuss trade secrets, commercial, or financial
6 information that is privileged or confidential;

7 (4) Involve accusing a person of a crime, or formally
8 censuring a person;

9 (5) Discuss information of a personal nature where disclosure
10 would constitute a clearly unwarranted invasion of personal
11 privacy;

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

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

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

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

23 (k) The Interstate Commission shall establish an executive
24 committee, which shall include officers, members, and others as
25 determined by the bylaws. The executive committee shall have the
26 power to act on behalf of the Interstate Commission, with the
27 exception of rulemaking, during periods when the Interstate
28 Commission is not in session. When acting on behalf of the
29 Interstate Commission, the executive committee shall oversee the

1 administration of the Compact including enforcement and compliance
2 with the provisions of the Compact, its bylaws and rules, and other
3 such duties as necessary.

4 (l) The Interstate Commission may establish other committees
5 for governance and administration of the Compact.

6 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

22 (f) Pay, or provide for the payment of the expenses related to
23 the establishment, organization, and ongoing activities of the
24 Interstate Commission;

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

26 (h) Borrow, accept, hire, or contract for services of
27 personnel;

28 (i) Purchase and maintain insurance and bonds;

29 (j) Employ an executive director who shall have such powers to

1 employ, select or appoint employees, agents, or consultants, and to
2 determine their qualifications, define their duties, and fix their
3 compensation;

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

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

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

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

16 (o) Establish a budget and make expenditures;

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

19 (q) Report annually to the legislatures and governors of the
20 member states concerning the activities of the Interstate
21 Commission during the preceding year. Such reports shall also
22 include reports of financial audits and any recommendations that
23 may have been adopted by the Interstate Commission;

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

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

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

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

1 SECTION 13. FINANCE POWERS

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

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

13 (c) The Interstate Commission shall not pledge the credit of
14 any of the member states, except by, and with the authority of, the
15 member state.

16 (d) The Interstate Commission shall be subject to a yearly
17 financial audit conducted by a certified or licensed public
18 accountant and the report of the audit shall be included in the
19 annual report of the Interstate Commission.

20 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
21 COMMISSION

22 (a) The Interstate Commission shall, by a majority of
23 Commissioners present and voting, adopt bylaws to govern its
24 conduct as may be necessary or appropriate to carry out the
25 purposes of the Compact within twelve (12) months of the first
26 Interstate Commission meeting.

27 (b) The Interstate Commission shall elect or appoint annually
28 from among its Commissioners a chairperson, a vice-chairperson, and
29 a treasurer, each of whom shall have such authority and duties as

1 may be specified in the bylaws. The chairperson, or in the
2 chairperson's absence or disability, the vice-chairperson, shall
3 preside at all meetings of the Interstate Commission.

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

6 (d) The officers and employees of the Interstate Commission
7 shall be immune from suit and liability, either personally or in
8 their official capacity, for a claim for damage to or loss of
9 property or personal injury or other civil liability caused or
10 arising out of, or relating to, an actual or alleged act, error, or
11 omission that occurred, or that such person had a reasonable basis
12 for believing occurred, within the scope of Interstate Commission
13 employment, duties, or responsibilities; provided that such person
14 shall not be protected from suit or liability for damage, loss,
15 injury, or liability caused by the intentional or willful and
16 wanton misconduct of such person.

17 (1) The liability of the executive director and employees of
18 the Interstate Commission or representatives of the Interstate
19 Commission, acting within the scope of such person's employment or
20 duties for acts, errors, or omissions occurring within such
21 person's state, may not exceed the limits of liability set forth
22 under the constitution and laws of that state for state officials,
23 employees, and agents. The Interstate Commission is considered to
24 be an instrumentality of the states for the purposes of any such
25 action. Nothing in this subsection shall be construed to protect
26 such person from suit or liability for damage, loss, injury, or
27 liability caused by the intentional or willful and wanton
28 misconduct of such person.

29 (2) The Interstate Commission shall defend the executive

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

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

25 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

26 (a) The Interstate Commission shall promulgate reasonable
27 rules in order to effectively and efficiently achieve the purposes
28 of the Compact. Notwithstanding the foregoing, in the event the
29 Interstate Commission exercises its rulemaking authority in a

1 manner that is beyond the scope of the purposes of the Compact, or
2 the powers granted hereunder, then such an action by the Interstate
3 Commission shall be invalid and have no force or effect.

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

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

21 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

22 (a) The executive, legislative, and judicial branches of state
23 government in each member state shall enforce the Compact and shall
24 take all actions necessary and appropriate to effectuate the
25 Compact's purposes and intent. The provisions of the Compact and
26 the rules promulgated hereunder shall have standing as statutory
27 law but shall not override existing state authority to regulate the
28 practice of medicine.

29 (b) All courts shall take judicial notice of the Compact and

1 the rules in any judicial or administrative proceeding in a member
2 state pertaining to the subject matter of the Compact which may
3 affect the powers, responsibilities or actions of the Interstate
4 Commission.

5 (c) The Interstate Commission shall be entitled to receive all
6 service of process in any such proceeding, and shall have standing
7 to intervene in the proceeding for all purposes. Failure to provide
8 service of process to the Interstate Commission shall render a
9 judgment or order void as to the Interstate Commission, the
10 Compact, or promulgated rules.

11 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

12 (a) The Interstate Commission, in the reasonable exercise of
13 its discretion, shall enforce the provisions and rules of the
14 Compact.

15 (b) The Interstate Commission may, by majority vote of the
16 Commissioners, initiate legal action in the United States District
17 Court for the District of Columbia, or, at the discretion of the
18 Interstate Commission, in the federal district where the Interstate
19 Commission has its principal offices, to enforce compliance with
20 the provisions of the Compact, and its promulgated rules and
21 bylaws, against a member state in default. The relief sought may
22 include both injunctive relief and damages. In the event judicial
23 enforcement is necessary, the prevailing party shall be awarded all
24 costs of such litigation including reasonable attorney's fees.

25 (c) The remedies herein shall not be the exclusive remedies of
26 the Interstate Commission. The Interstate Commission may avail
27 itself of any other remedies available under state law or the
28 regulation of a profession.

29 SECTION 18. DEFAULT PROCEDURES

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

5 (b) If the Interstate Commission determines that a member
6 state has defaulted in the performance of its obligations or
7 responsibilities under the Compact, or the bylaws or promulgated
8 rules, the Interstate Commission shall:

9 (1) Provide written notice to the defaulting state and other
10 member states, of the nature of the default, the means of curing
11 the default, and any action taken by the Interstate Commission. The
12 Interstate Commission shall specify the conditions by which the
13 defaulting state must cure its default; and

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

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

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

29 (e) The Interstate Commission shall establish rules and

1 procedures to address licenses and physicians that are materially
2 impacted by the termination of a member state, or the withdrawal of
3 a member state.

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

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

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

20 SECTION 19. DISPUTE RESOLUTION

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

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

26 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

27 (a) Any state is eligible to become a member state of the
28 Compact.

29 (b) The Compact shall become effective and binding upon

1 legislative enactment of the Compact into law by no less than seven
2 (7) states. Thereafter, it shall become effective and binding on a
3 state upon enactment of the Compact into law by that state.

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

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

13 SECTION 21. WITHDRAWAL

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

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

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

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

1 (e) The withdrawing state is responsible for all dues,
2 obligations and liabilities incurred through the effective date of
3 withdrawal, including obligations, the performance of which extend
4 beyond the effective date of withdrawal.

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

8 (g) The Interstate Commission is authorized to develop rules
9 to address the impact of the withdrawal of a member state on
10 licenses granted in other member states to physicians who
11 designated the withdrawing member state as the state of principal
12 license.

13 SECTION 22. DISSOLUTION

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

17 (b) Upon the dissolution of the Compact, the Compact becomes
18 null and void and shall be of no further force or effect, and the
19 business and affairs of the Interstate Commission shall be
20 concluded and surplus funds shall be distributed in accordance with
21 the bylaws.

22 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

28 (c) Nothing in the Compact shall be construed to prohibit the
29 applicability of other interstate compacts to which the states are

1 members.

2 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

12 (e) In the event any provision of the Compact exceeds the
13 constitutional limits imposed on the legislature of any member
14 state, such provision shall be ineffective to the extent of the
15 conflict with the constitutional provision in question in that
16 member state.

17 (2) Subsection (1) ~~shall~~**may** be known as the "interstate
18 medical licensure compact".

19 ~~(3) This section is repealed effective March 28, 2025.~~