

By: Schwertner

S.B. No. 190

A BILL TO BE ENTITLED

AN ACT

relating to the Interstate Medical Licensure Compact; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 3, Occupations Code, is amended by adding Chapter 169 to read as follows:

CHAPTER 169. INTERSTATE MEDICAL LICENSURE COMPACT

Sec. 169.001. PURPOSE. In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against

1 a license to practice medicine in that state issued to a physician
2 through the procedures in the compact.

3 Sec. 169.002. DEFINITIONS. In this chapter:

4 (1) "Bylaws" means those bylaws established by the
5 interstate commission pursuant to Section 169.011 for its
6 governance, or for directing and controlling its actions and
7 conduct.

8 (2) "Commissioner" means the voting representative
9 appointed by each member board pursuant to Section 169.011.

10 (3) "Conviction" means a finding by a court that an
11 individual is guilty of a criminal offense through adjudication, or
12 entry of a plea of guilt or no contest to the charge by the offender.
13 Evidence of an entry of a conviction of a criminal offense by the
14 court shall be considered final for purposes of disciplinary action
15 by a member board.

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

19 (5) "Interstate commission" means the interstate
20 commission created pursuant to Section 169.011.

21 (6) "License" means authorization by a state for a
22 physician to engage in the practice of medicine, which would be
23 unlawful without the authorization.

24 (7) "Medical practice act" means laws and regulations
25 governing the practice of allopathic and osteopathic medicine
26 within a member state.

27 (8) "Member board" means a state agency in a member

1 state that acts in the sovereign interests of the state by
2 protecting the public through licensure, regulation, and education
3 of physicians as directed by the state government.

4 (9) "Member state" means a state that has enacted the
5 compact.

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

8 (11) "Physician" means any person who:

9 (A) is a graduate of a medical school accredited
10 by the Liaison Committee on Medical Education, the Commission on
11 Osteopathic College Accreditation, or a medical school listed in
12 the International Medical Education Directory or its equivalent;

13 (B) passed each component of the United States
14 Medical Licensing Examination (USMLE) or the Comprehensive
15 Osteopathic Medical Licensing Examination (COMLEX-USA) within
16 three attempts, or any of its predecessor examinations accepted by
17 a state medical board as an equivalent examination for licensure
18 purposes;

19 (C) successfully completed graduate medical
20 education approved by the Accreditation Council for Graduate
21 Medical Education or the American Osteopathic Association;

22 (D) holds specialty certification or a
23 time-unlimited specialty certificate recognized by the American
24 Board of Medical Specialties or the American Osteopathic
25 Association's Bureau of Osteopathic Specialists;

26 (E) possesses a full and unrestricted license to
27 engage in the practice of medicine issued by a member board;

1 (F) has never been convicted or received
2 adjudication, deferred adjudication, community supervision, or
3 deferred disposition for any offense by a court of appropriate
4 jurisdiction;

5 (G) has never held a license authorizing the
6 practice of medicine subjected to discipline by a licensing agency
7 in any state, federal, or foreign jurisdiction, excluding any
8 action related to nonpayment of fees related to a license;

9 (H) has never had a controlled substance license
10 or permit suspended or revoked by a state or the United States Drug
11 Enforcement Administration; and

12 (I) is not under active investigation by a
13 licensing agency or law enforcement authority in any state,
14 federal, or foreign jurisdiction.

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

19 (13) "Rule" means a written statement by the
20 interstate commission promulgated pursuant to Section 169.012 that
21 is of general applicability, implements, interprets, or prescribes
22 a policy or provision of the compact, or an organizational,
23 procedural, or practice requirement of the interstate commission,
24 and has the force and effect of statutory law in a member state, and
25 includes the amendment, repeal, or suspension of an existing rule.

26 (14) "State" means any state, commonwealth, district,
27 or territory of the United States.

1 (15) "State of principal license" means a member state
2 where a physician holds a license to practice medicine and that has
3 been designated as such by the physician for purposes of
4 registration and participation in the compact.

5 Sec. 169.003. ELIGIBILITY. (a) A physician must meet the
6 eligibility requirements as defined in Section 169.002(11) to
7 receive an expedited license under the terms and provisions of the
8 compact.

9 (b) A physician who does not meet the requirements of
10 Section 169.002(11) may obtain a license to practice medicine in a
11 member state if the individual complies with all laws and
12 requirements, other than the compact, relating to the issuance of a
13 license to practice medicine in that state.

14 Sec. 169.004. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

15 (a) A physician shall designate a member state as the state of
16 principal license for purposes of registration for expedited
17 licensure through the compact if the physician possesses a full and
18 unrestricted license to practice medicine in that state, and the
19 state is:

20 (1) the state of primary residence for the physician;

21 (2) the state where at least 25 percent of the practice
22 of medicine occurs;

23 (3) the location of the physician's employer; or

24 (4) if no state qualifies under Subdivision (1), (2),
25 or (3), the state designated as state of residence for purpose of
26 federal income tax.

27 (b) A physician may redesignate a member state as state of

1 principal license at any time, as long as the state meets the
2 requirements in Subsection (a).

3 (c) The interstate commission is authorized to develop
4 rules to facilitate redesignation of another member state as the
5 state of principal license.

6 Sec. 169.005. APPLICATION AND ISSUANCE OF EXPEDITED
7 LICENSURE. (a) A physician seeking licensure through the compact
8 shall file an application for an expedited license with the member
9 board of the state selected by the physician as the state of
10 principal license.

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

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

23 (2) The member board within the state selected as the
24 state of principal license shall, in the course of verifying
25 eligibility, perform a criminal background check of an applicant,
26 including the use of the results of fingerprint or other biometric
27 data checks compliant with the requirements of the Federal Bureau

1 of Investigation, with the exception of federal employees who have
2 suitability determination in accordance with 5 C.F.R. Section
3 731.202.

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

7 (c) Upon verification in Subsection (b), physicians
8 eligible for an expedited license shall complete the registration
9 process established by the interstate commission to receive a
10 license in a member state selected pursuant to Subsection (a),
11 including the payment of any applicable fees.

12 (d) After receiving verification of eligibility under
13 Subsection (b) and any fees under Subsection (c), a member board
14 shall issue an expedited license to the physician. This license
15 shall authorize the physician to practice medicine in the issuing
16 state consistent with the medical practice act and all applicable
17 laws and regulations of the issuing member board and member state.

18 (e) An expedited license shall be valid for a period
19 consistent with the licensure period in the member state and in the
20 same manner as required for other physicians holding a full and
21 unrestricted license within the member state.

22 (f) An expedited license obtained through the compact shall
23 be terminated if a physician fails to maintain a license in the
24 state of principal licensure for a nondisciplinary reason, without
25 redesignation of a new state of principal licensure.

26 (g) The interstate commission is authorized to develop
27 rules regarding the application process, including payment of any

1 applicable fees, and the issuance of an expedited license.

2 Sec. 169.006. FEES FOR EXPEDITED LICENSURE. (a) A member
3 state issuing an expedited license authorizing the practice of
4 medicine in that state may impose a fee for a license issued or
5 renewed through the compact.

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

8 Sec. 169.007. RENEWAL AND CONTINUED PARTICIPATION. (a) A
9 physician seeking to renew an expedited license granted in a member
10 state shall complete a renewal process with the interstate
11 commission if the physician:

12 (1) maintains a full and unrestricted license in a
13 state of principal license;

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

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

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

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

27 (c) The interstate commission shall collect any renewal

1 fees charged for the renewal of a license and distribute the fees to
2 the applicable member board.

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

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

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

10 Sec. 169.008. COORDINATED INFORMATION SYSTEM. (a) The
11 interstate commission shall establish a database of all physicians
12 licensed, or who have applied for licensure, under Section 169.005.

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

17 (c) Member boards shall report disciplinary or
18 investigatory information determined as necessary and proper by
19 rule of the interstate commission.

20 (d) Member boards may report any nonpublic complaint,
21 disciplinary, or investigatory information not required by
22 Subsection (c) to the interstate commission.

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

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

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

4 Sec. 169.009. JOINT INVESTIGATIONS. (a) Licensure and
5 disciplinary records of physicians are considered investigative.

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

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

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

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

19 Sec. 169.010. DISCIPLINARY ACTIONS. (a) Any disciplinary
20 action taken by any member board against a physician licensed
21 through the compact shall be considered unprofessional conduct
22 which may be subject to discipline by other member boards, in
23 addition to any violation of the medical practice act or
24 regulations in that state.

25 (b) If a license granted to a physician by the member board
26 in the state of principal license is revoked, surrendered or
27 relinquished in lieu of discipline, or suspended, then all licenses

1 issued to the physician by member boards shall automatically be
2 placed, without further action necessary by any member board, on
3 the same status. If the member board in the state of principal
4 license subsequently reinstates the physician's license, a license
5 issued to the physician by any other member board shall remain
6 encumbered until that respective member board takes action to
7 reinstate the license in a manner consistent with the medical
8 practice act of that state.

9 (c) If disciplinary action is taken against a physician by a
10 member board not in the state of principal license, any other member
11 board may consider the action conclusive as to matter of law and
12 fact decided, and:

13 (1) impose the same or lesser sanction against the
14 physician so long as such sanction is consistent with the medical
15 practice act of that state; or

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

19 (d) If a license granted to a physician by a member board is
20 revoked, surrendered or relinquished in lieu of discipline, or
21 suspended, then any license issued to the physician by any other
22 member board shall be suspended, automatically and immediately
23 without further action necessary by the other member board, for 90
24 days upon entry of the order by the disciplining board, to permit
25 the member board to investigate the basis for the action under the
26 medical practice act of that state. A member board may terminate
27 the automatic suspension of the license it issued before the

1 completion of the 90-day suspension period in a manner consistent
2 with the medical practice act of that state.

3 Sec. 169.011. INTERSTATE MEDICAL LICENSURE COMPACT
4 COMMISSION. (a) The member states hereby create the Interstate
5 Medical Licensure Compact Commission.

6 (b) The purpose of the interstate commission is the
7 administration of the Interstate Medical Licensure Compact, which
8 is a discretionary state function.

9 (c) The interstate commission shall be a body corporate and
10 joint agency of the member states and shall have all the
11 responsibilities, powers, and duties set forth in the compact, and
12 such additional powers as may be conferred upon it by a subsequent
13 concurrent action of the respective legislatures of the member
14 states in accordance with the terms of the compact.

15 (d) The interstate commission shall consist of two voting
16 representatives appointed by each member state who shall serve as
17 commissioners. In states where allopathic and osteopathic
18 physicians are regulated by separate member boards, or if the
19 licensing and disciplinary authority is split between multiple
20 member boards within a member state, the member state shall appoint
21 one representative from each member board. A commissioner shall
22 be:

23 (1) an allopathic or osteopathic physician appointed
24 to a member board;

25 (2) an executive director, executive secretary, or
26 similar executive of a member board; or

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

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

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

10 (g) Each commissioner participating at a meeting of the
11 interstate commission is entitled to one vote. A majority of
12 commissioners shall constitute a quorum for the transaction of
13 business, unless a larger quorum is required by the bylaws of the
14 interstate commission. A commissioner shall not delegate a vote to
15 another commissioner. In the absence of its commissioner, a member
16 state may delegate voting authority for a specified meeting to
17 another person from that state who shall meet the requirements of
18 Subsection (d).

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

24 (1) relate solely to the internal personnel practices
25 and procedures of the interstate commission;

26 (2) discuss matters specifically exempted from
27 disclosure by federal statute;

1 (3) discuss trade secrets or commercial or financial
2 information that is privileged or confidential;

3 (4) involve accusing a person of a crime, or formally
4 censuring a person;

5 (5) discuss information of a personal nature where
6 disclosure would constitute a clearly unwarranted invasion of
7 personal privacy;

8 (6) discuss investigative records compiled for law
9 enforcement purposes; or

10 (7) specifically relate to the participation in a
11 civil action or other legal proceeding.

12 (i) The interstate commission shall keep minutes that shall
13 fully describe all matters discussed in a meeting and shall provide
14 a full and accurate summary of actions taken, including record of
15 any roll call votes.

16 (j) The interstate commission shall make its information
17 and official records, to the extent not otherwise designated in the
18 compact or by its rules, available to the public for inspection.

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

1 rules, and other such duties as necessary.

2 (1) The interstate commission may establish other
3 committees for governance and administration of the compact.

4 Sec. 169.012. POWERS AND DUTIES OF INTERSTATE COMMISSION.

5 The interstate commission shall have the duty and power to:

6 (1) oversee and maintain the administration of the
7 compact;

8 (2) promulgate rules that shall be binding to the
9 extent and in the manner provided for in the compact;

10 (3) issue, upon the request of a member state or member
11 board, advisory opinions concerning the meaning or interpretation
12 of the compact, its bylaws, rules, and actions;

13 (4) enforce compliance with compact provisions, the
14 rules promulgated by the interstate commission, and the bylaws,
15 using all necessary and proper means, including, but not limited
16 to, the use of judicial process;

17 (5) establish and appoint committees, including, but
18 not limited to, an executive committee as required by Section
19 169.011, which shall have the power to act on behalf of the
20 interstate commission in carrying out its powers and duties;

21 (6) pay or provide for the payment of the expenses
22 related to the establishment, organization, and ongoing activities
23 of the interstate commission;

24 (7) establish and maintain one or more offices;

25 (8) borrow, accept, hire, or contract for services of
26 personnel;

27 (9) purchase and maintain insurance and bonds;

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

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

8 (12) accept donations and grants of money, equipment,
9 supplies, materials and services, and receive, utilize, and dispose
10 of them in a manner consistent with the conflict-of-interest
11 policies established by the interstate commission;

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

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

18 (15) establish a budget and make expenditures;

19 (16) adopt a seal and bylaws governing the management
20 and operation of the interstate commission;

21 (17) report annually to the legislatures and governors
22 of the member states concerning the activities of the interstate
23 commission during the preceding year, including reports of
24 financial audits and any recommendations that may have been adopted
25 by the interstate commission;

26 (18) coordinate education, training, and public
27 awareness regarding the compact, its implementation, and its

1 operation;

2 (19) maintain records in accordance with the bylaws;

3 (20) seek and obtain trademarks, copyrights, and
4 patents; and

5 (21) perform such functions as may be necessary or
6 appropriate to achieve the purposes of the compact.

7 Sec. 169.013. FINANCE POWERS. (a) The interstate
8 commission may levy on and collect an annual assessment from each
9 member state to cover the cost of the operations and activities of
10 the interstate commission and its staff. The total assessment must
11 be sufficient to cover the annual budget approved each year for
12 which revenue is not provided by other sources. The aggregate
13 annual assessment amount shall be allocated based on a formula to be
14 determined by the interstate commission, which shall promulgate a
15 rule binding upon all member states.

16 (b) The interstate commission shall not incur obligations
17 of any kind before securing the funds adequate to meet the same.

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

21 (d) The interstate commission shall be subject to a yearly
22 financial audit conducted by a certified or licensed public
23 accountant and the report of the audit shall be included in the
24 annual report of the interstate commission.

25 Sec. 169.014. ORGANIZATION AND OPERATION OF INTERSTATE
26 COMMISSION. (a) The interstate commission shall, by a majority of
27 commissioners present and voting, adopt bylaws to govern its

1 conduct as may be necessary or appropriate to carry out the purposes
2 of the compact within 12 months of the first interstate commission
3 meeting.

4 (b) The interstate commission shall elect or appoint
5 annually from among its commissioners a chairperson, a vice
6 chairperson, and a treasurer, each of whom shall have such
7 authority and duties as may be specified in the bylaws. The
8 chairperson, or in the chairperson's absence or disability, the
9 vice chairperson, shall preside at all meetings of the interstate
10 commission.

11 (c) Officers selected in Subsection (b) shall serve without
12 remuneration from the interstate commission.

13 (d) The officers and employees of the interstate commission
14 shall be immune from suit and liability, either personally or in
15 their official capacity, for a claim for damage to or loss of
16 property or personal injury or other civil liability caused or
17 arising out of, or relating to, an actual or alleged act, error, or
18 omission that occurred, or that such person had a reasonable basis
19 for believing occurred, within the scope of interstate commission
20 employment, duties, or responsibilities. However, such person
21 shall not be protected from suit or liability for damage, loss,
22 injury, or liability caused by the intentional or wilful and wanton
23 misconduct of such person.

24 (e) The liability of the executive director and employees of
25 the interstate commission or representatives of the interstate
26 commission, acting within the scope of such persons' employment or
27 duties for acts, errors, or omissions occurring within such

1 persons' state, may not exceed the limits of liability set forth
2 under the constitution and laws of that state for state officials,
3 employees, and agents. The interstate commission is considered to
4 be an instrumentality of the states for the purposes of any such
5 action. Nothing in this subsection shall be construed to protect
6 such persons from suit or liability for damage, loss, injury, or
7 liability caused by the intentional or wilful and wanton misconduct
8 of such persons.

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

22 (g) To the extent not covered by the state involved, the
23 member state, or the interstate commission, the representatives or
24 employees of the interstate commission shall be held harmless in
25 the amount of a settlement or judgment, including attorney's fees
26 and costs, obtained against such persons arising out of an actual or
27 alleged act, error, or omission that occurred within the scope of

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

7 Sec. 169.015. RULEMAKING FUNCTIONS OF INTERSTATE
8 COMMISSION. (a) The interstate commission shall promulgate
9 reasonable rules in order to effectively and efficiently achieve
10 the purposes of the compact. Notwithstanding the foregoing, in the
11 event the interstate commission exercises its rulemaking authority
12 in a manner that is beyond the scope of the purposes of the compact,
13 or the powers granted hereunder, then such an action by the
14 interstate commission shall be invalid and have no force or effect.

15 (b) Rules considered appropriate for the operations of the
16 interstate commission shall be made pursuant to a rulemaking
17 process that substantially conforms to the Revised Model State
18 Administrative Procedure Act of 2010, and subsequent amendments
19 thereto.

20 (c) Not later than 30 days after a rule is promulgated, any
21 person may file a petition for judicial review of the rule in the
22 United States District Court for the District of Columbia or the
23 federal district where the interstate commission has its principal
24 offices, provided that the filing of such a petition shall not stay
25 or otherwise prevent the rule from becoming effective unless the
26 court finds that the petitioner has a substantial likelihood of
27 success. The court shall give deference to the actions of the

1 interstate commission consistent with applicable law and shall not
2 find the rule to be unlawful if the rule represents a reasonable
3 exercise of the authority granted to the interstate commission.

4 Sec. 169.016. OVERSIGHT OF INTERSTATE COMPACT. (a) The
5 executive, legislative, and judicial branches of state government
6 in each member state shall enforce the compact and shall take all
7 actions necessary and appropriate to effectuate the compact's
8 purposes and intent. The provisions of the compact and the rules
9 promulgated hereunder shall have standing as statutory law but
10 shall not override existing state authority to regulate the
11 practice of medicine.

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

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

23 Sec. 169.017. ENFORCEMENT OF INTERSTATE COMPACT. (a) The
24 interstate commission, in the reasonable exercise of its
25 discretion, shall enforce the provisions and rules of the compact.

26 (b) The interstate commission may, by majority vote of the
27 commissioners, initiate legal action in the United States District

1 Court for the District of Columbia, or, at the discretion of the
2 interstate commission, in the federal district where the interstate
3 commission has its principal offices, to enforce compliance with
4 the provisions of the compact, and its promulgated rules and
5 bylaws, against a member state in default. The relief sought may
6 include both injunctive relief and damages. In the event judicial
7 enforcement is necessary, the prevailing party shall be awarded all
8 costs of such litigation including reasonable attorney's fees.

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

13 Sec. 169.018. DEFAULT PROCEDURES. (a) The grounds for
14 default include, but are not limited to, failure of a member state
15 to perform such obligations or responsibilities imposed upon it by
16 the compact, or the rules and bylaws of the interstate commission
17 promulgated under the compact.

18 (b) If the interstate commission determines that a member
19 state has defaulted in the performance of its obligations or
20 responsibilities under the compact, or the bylaws or promulgated
21 rules, the interstate commission shall provide:

22 (1) written notice to the defaulting state and other
23 member states of the nature of the default, the means of curing the
24 default, and any action taken by the interstate commission and in
25 which the interstate commission specifies the conditions by which
26 the defaulting state must cure its default; and

27 (2) remedial training and specific technical

1 assistance regarding the default.

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

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

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

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

24 (g) The interstate commission shall not bear any costs
25 relating to any state has been found to be in default or that has
26 been terminated from the compact, unless otherwise mutually agreed
27 upon in writing between the interstate commission and the

1 defaulting state.

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

8 Sec. 169.019. DISPUTE RESOLUTION. (a) The interstate
9 commission shall attempt, upon the request of a member state, to
10 resolve disputes which are subject to the compact and that may arise
11 among member states or member boards.

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

15 Sec. 169.020. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.

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

17 (b) The compact shall become effective and binding upon
18 legislative enactment of the compact into law by no less than seven
19 states. Thereafter, it shall become effective and binding on a
20 state upon enactment of the compact into law by that state.

21 (c) The governors of nonmember states, or their designees,
22 shall be invited to participate in the activities of the interstate
23 commission on a nonvoting basis before adoption of the compact by
24 all states.

25 (d) The interstate commission may propose amendments to the
26 compact for enactment by the member states. No amendment shall
27 become effective and binding upon the interstate commission and the

1 member states unless and until it is enacted into law by unanimous
2 consent of the member states.

3 Sec. 169.021. WITHDRAWAL. (a) Once effective, the compact
4 shall continue in force and remain binding upon each and every
5 member state. A member state may withdraw from the compact by
6 specifically repealing the statute that enacted the compact into
7 law.

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

13 (c) The withdrawing state shall immediately notify the
14 chairperson of the interstate commission in writing upon the
15 introduction of legislation repealing the compact in the
16 withdrawing state.

17 (d) The interstate commission shall notify the other member
18 states of the withdrawing state's intent to withdraw within 60 days
19 of its receipt of notice provided under Subsection (c).

20 (e) The withdrawing state is responsible for all dues,
21 obligations, and liabilities incurred through the effective date of
22 withdrawal, including obligations, the performance of which extend
23 beyond the effective date of withdrawal.

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

27 (g) The interstate commission is authorized to develop

1 rules to address the impact of the withdrawal of a member state on
2 licenses granted in other member states to physicians who
3 designated the withdrawing member state as the state of principal
4 license.

5 Sec. 169.022. DISSOLUTION. (a) The compact shall dissolve
6 effective upon the date of the withdrawal or default of the member
7 state that reduces the membership in the compact to one member
8 state.

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

14 Sec. 169.023. SEVERABILITY AND CONSTRUCTION. (a) The
15 provisions of the compact shall be severable, and if any phrase,
16 clause, sentence, or provision is considered unenforceable, the
17 remaining provisions of the compact shall be enforceable.

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

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

23 Sec. 169.024. BINDING EFFECT OF COMPACT AND OTHER LAWS. (a)
24 Nothing herein prevents the enforcement of any other law of a member
25 state that is not inconsistent with the compact.

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

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

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

6 (e) In the event any provision of the compact exceeds the
7 constitutional limits imposed on the legislature of any member
8 state, such provision shall be ineffective to the extent of the
9 conflict with the constitutional provision in question in that
10 member state.

11 SECTION 2. This Act takes effect September 1, 2015.