

By: Gonzales of Williamson

H.B. No. 3958

A BILL TO BE ENTITLED

AN ACT

relating to the Interstate Medical Licensure Compact; authorizing a fee.

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

SECTION 1. Subtitle B, Title 3, Occupations Code, is amended by adding Chapter 170 to read as follows:

CHAPTER 170. INTERSTATE MEDICAL LICENSURE COMPACT

Sec. 170.001. INTERSTATE MEDICAL LICENSURE COMPACT. The Interstate Medical Licensure Compact is enacted and entered into with all other jurisdictions that legally join in the compact, which reads as follows:

INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1. 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

1 licensure and affirms that the practice of medicine occurs where
2 the patient is located at the time of the physician-patient
3 encounter, and therefore, requires the physician to be under the
4 jurisdiction of the state medical board where the patient is
5 located. State medical boards that participate in the Compact
6 retain the jurisdiction to impose an adverse action against a
7 license to practice medicine in that state issued to a physician
8 through the procedures in the Compact.

9 SECTION 2. DEFINITIONS

10 In this compact:

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

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

16 (c) "Conviction" means a finding by a court that an
17 individual is guilty of a criminal offense through adjudication, or
18 entry of a plea of guilt or no contest to the charge by the offender.
19 Evidence of an entry of a conviction of a criminal offense by the
20 court shall be considered final for purposes of disciplinary action
21 by a member board.

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

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

27 (f) "License" means authorization by a state for a physician

1 to engage in the practice of medicine, which would be unlawful
2 without the authorization.

3 (g) "Medical Practice Act" means laws and regulations
4 governing the practice of allopathic and osteopathic medicine
5 within a member state.

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

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

12 (j) "Practice of Medicine" means the clinical prevention,
13 diagnosis, or treatment of human disease, injury, or condition
14 requiring a physician to obtain and maintain a license in
15 compliance with the Medical Practice Act of a member state.

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

17 (1) Is a graduate of a medical school accredited by the
18 Liaison Committee on Medical Education, the Commission on
19 Osteopathic College Accreditation, or a medical school listed in
20 the International Medical Education Directory or its equivalent;

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

26 (3) Successfully completed graduate medical education
27 approved by the Accreditation Council for Graduate Medical

1 Education or the American Osteopathic Association;

2 (4) Holds specialty certification or a time-unlimited
3 specialty certificate recognized by the American Board of Medical
4 Specialties or the American Osteopathic Association's Bureau of
5 Osteopathic Specialists;

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

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

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

15 (8) Has never had a controlled substance license or
16 permit suspended or revoked by a state or the United States Drug
17 Enforcement Administration; and

18 (9) Is not under active investigation by a licensing
19 agency or law enforcement authority in any state, federal, or
20 foreign jurisdiction.

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

23 (m) "Rule" means a written statement by the Interstate
24 Commission promulgated pursuant to Section 12 of the Compact that
25 is of general applicability, implements, interprets, or prescribes
26 a policy or provision of the Compact, or an organizational,
27 procedural, or practice requirement of the Interstate Commission,

1 and has the force and effect of statutory law in a member state, and
2 includes the amendment, repeal, or suspension of an existing rule.

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

5 (o) "State of Principal License" means a member state where
6 a physician holds a license to practice medicine and which has been
7 designated as such by the physician for purposes of registration
8 and participation in the Compact.

9 SECTION 3. ELIGIBILITY

10 (a) A physician must meet the eligibility requirements as
11 defined in Section 2(k) to receive an expedited license under the
12 terms and provisions of the Compact.

13 (b) A physician who does not meet the requirements of
14 Section 2(k) may obtain a license to practice medicine in a member
15 state if the individual complies with all laws and requirements,
16 other than the Compact, relating to the issuance of a license to
17 practice medicine in that state.

18 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

19 (a) A physician shall designate a member state as the state
20 of principal license for purposes of registration for expedited
21 licensure through the Compact if the physician possesses a full and
22 unrestricted license to practice medicine in that state, and the
23 state is:

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

26 (2) the state where at least 25 percent of the practice
27 of medicine occurs, or

1 (3) the location of the physician's employer, or
2 (4) if no state qualifies under subsection (1),
3 subsection (2), or subsection (3), the state designated as state of
4 residence for purpose of federal income tax.

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

8 (c) The Interstate Commission is authorized to develop
9 rules to facilitate redesignation of another member state as the
10 state of principal license.

11 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

22 (i) Static qualifications, which include verification
23 of medical education, graduate medical education, results of any
24 medical or licensing examination, and other qualifications as
25 determined by the Interstate Commission through rule, shall not be
26 subject to additional primary source verification where already
27 primary source verified by the state of principal license.

1 (ii) The member board within the state selected as the
2 state of principal license shall, in the course of verifying
3 eligibility, perform a criminal background check of an applicant,
4 including the use of the results of fingerprint or other biometric
5 data checks compliant with the requirements of the Federal Bureau
6 of Investigation, with the exception of federal employees who have
7 suitability determination in accordance with U.S. C.F.R. Section
8 731.202.

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

12 (c) Upon verification in subsection (b), physicians
13 eligible for an expedited license shall complete the registration
14 process established by the Interstate Commission to receive a
15 license in a member state selected pursuant to subsection (a),
16 including the payment of any applicable fees.

17 (d) After receiving verification of eligibility under
18 subsection (b) and any fees under subsection (c), a member board
19 shall issue an expedited license to the physician. This license
20 shall authorize the physician to practice medicine in the issuing
21 state consistent with the Medical Practice Act and all applicable
22 laws and regulations of the issuing member board and member state.

23 (e) An expedited license shall be valid for a period
24 consistent with the licensure period in the member state and in the
25 same manner as required for other physicians holding a full and
26 unrestricted license within the member state.

27 (f) An expedited license obtained through the Compact shall

1 be terminated if a physician fails to maintain a license in the
2 state of principal licensure for a non-disciplinary reason, without
3 redesignation of a new state of principal licensure.

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

7 SECTION 6. FEES FOR EXPEDITED LICENSURE

8 (a) A member state issuing an expedited license authorizing
9 the practice of medicine in that state may impose a fee for a
10 license issued or renewed through the Compact.

11 (b) The Interstate Commission is authorized to develop
12 rules regarding fees for expedited licenses.

13 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

17 (1) Maintains a full and unrestricted license in a
18 state of principal license;

19 (2) Has not been convicted, received adjudication,
20 deferred adjudication, community supervision, or deferred
21 disposition for any offense by a court of appropriate jurisdiction;

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

26 (4) Has not had a controlled substance license or
27 permit suspended or revoked by a state or the United States Drug

1 Enforcement Administration.

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

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

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

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

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

15 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

23 (c) Member boards shall report disciplinary or
24 investigatory information determined as necessary and proper by
25 rule of the Interstate Commission.

26 (d) Member boards may report any non-public complaint,
27 disciplinary, or investigatory information not required by

1 subsection (c) to the Interstate Commission.

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

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

7 (g) The Interstate Commission is authorized to develop
8 rules for mandated or discretionary sharing of information by
9 member boards.

10 SECTION 9. JOINT INVESTIGATIONS

11 (a) Licensure and disciplinary records of physicians are
12 deemed investigative.

13 (b) In addition to the authority granted to a member board
14 by its respective Medical Practice Act or other applicable state
15 law, a member board may participate with other member boards in
16 joint investigations of physicians licensed by the member boards.

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

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

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

26 SECTION 10. DISCIPLINARY ACTIONS

27 (a) Any disciplinary action taken by any member board

1 against a physician licensed through the Compact shall be deemed
2 unprofessional conduct which may be subject to discipline by other
3 member boards, in addition to any violation of the Medical Practice
4 Act or regulations in that state.

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

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

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

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

26 (d) If a license granted to a physician by a member board is
27 revoked, surrendered or relinquished in lieu of discipline, or

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

10 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT
11 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

1 member boards within a member state, the member state shall appoint
2 one representative from each member board. A Commissioner shall be
3 a(n):

4 (1) Allopathic or osteopathic physician appointed to a
5 member board;

6 (2) Executive director, executive secretary, or
7 similar executive of a member board; or

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

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

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

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

27 (h) The Interstate Commission shall provide public notice

1 of all meetings and all meetings shall be open to the public. The
2 Interstate Commission may close a meeting, in full or in portion,
3 where it determines by a two-thirds vote of the Commissioners
4 present that an open meeting would be likely to:

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

7 (2) Discuss matters specifically exempted from
8 disclosure by federal statute;

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

11 (4) Involve accusing a person of a crime, or formally
12 censuring a person;

13 (5) Discuss information of a personal nature where
14 disclosure would constitute a clearly unwarranted invasion of
15 personal privacy;

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

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

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

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

27 (k) The Interstate Commission shall establish an executive

1 committee, which shall include officers, members, and others as
2 determined by the bylaws. The executive committee shall have the
3 power to act on behalf of the Interstate Commission, with the
4 exception of rulemaking, during periods when the Interstate
5 Commission is not in session. When acting on behalf of the
6 Interstate Commission, the executive committee shall oversee the
7 administration of the Compact including enforcement and compliance
8 with the provisions of the Compact, its bylaws and rules, and other
9 such duties as necessary.

10 (1) The Interstate Commission may establish other
11 committees for governance and administration of the Compact.

12 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

1 (f) Pay, or provide for the payment of the expenses related
2 to the establishment, organization, and ongoing activities of the
3 Interstate Commission;

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

5 (h) Borrow, accept, hire, or contract for services of
6 personnel;

7 (i) Purchase and maintain insurance and bonds;

8 (j) Employ an executive director who shall have such powers
9 to employ, select or appoint employees, agents, or consultants, and
10 to determine their qualifications, define their duties, and fix
11 their compensation;

12 (k) Establish personnel policies and programs relating to
13 conflicts of interest, rates of compensation, and qualifications of
14 personnel;

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

19 (m) Lease, purchase, accept contributions or donations of,
20 or otherwise to own, hold, improve or use, any property, real,
21 personal, or mixed;

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

25 (o) Establish a budget and make expenditures;

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

1 (q) Report annually to the legislatures and governors of the
2 member states concerning the activities of the Interstate
3 Commission during the preceding year. Such reports shall also
4 include reports of financial audits and any recommendations that
5 may have been adopted by the Interstate Commission;

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

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

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

10 and

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

13 SECTION 13. FINANCE POWERS

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

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

24 (c) The Interstate Commission shall not pledge the credit of
25 any of the member states, except by, and with the authority of, the
26 member state.

27 (d) The Interstate Commission shall be subject to a yearly

1 financial audit conducted by a certified or licensed public
2 accountant and the report of the audit shall be included in the
3 annual report of the Interstate Commission.

4 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
5 COMMISSION

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

11 (b) The Interstate Commission shall elect or appoint
12 annually from among its Commissioners a chairperson, a
13 vice-chairperson, and a treasurer, each of whom shall have such
14 authority and duties as may be specified in the bylaws. The
15 chairperson, or in the chairperson's absence or disability, the
16 vice-chairperson, shall preside at all meetings of the Interstate
17 Commission.

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

20 (d) The officers and employees of the Interstate Commission
21 shall be immune from suit and liability, either personally or in
22 their official capacity, for a claim for damage to or loss of
23 property or personal injury or other civil liability caused or
24 arising out of, or relating to, an actual or alleged act, error, or
25 omission that occurred, or that such person had a reasonable basis
26 for believing occurred, within the scope of Interstate Commission
27 employment, duties, or responsibilities; provided that such person

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

4 (1) The liability of the executive director and
5 employees of the Interstate Commission or representatives of the
6 Interstate Commission, acting within the scope of such person's
7 employment or duties for acts, errors, or omissions occurring
8 within such person's state, may not exceed the limits of liability
9 set forth under the constitution and laws of that state for state
10 officials, employees, and agents. The Interstate Commission is
11 considered to be an instrumentality of the states for the purposes
12 of any such action. Nothing in this subsection shall be construed
13 to protect such person 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 (2) The Interstate Commission shall defend the
17 executive director, its employees, and subject to the approval of
18 the attorney general or other appropriate legal counsel of the
19 member state represented by an Interstate Commission
20 representative, shall defend such Interstate Commission
21 representative in any civil action seeking to impose liability
22 arising out of an actual or alleged act, error or omission that
23 occurred within the scope of Interstate Commission employment,
24 duties or responsibilities, or that the defendant had a reasonable
25 basis for believing occurred within the scope of Interstate
26 Commission employment, duties, or responsibilities, provided that
27 the actual or alleged act, error, or omission did not result from

1 intentional or willful and wanton misconduct on the part of such
2 person.

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

15 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
16 COMMISSION

17 (a) The Interstate Commission shall promulgate reasonable
18 rules in order to effectively and efficiently achieve the purposes
19 of the Compact. Notwithstanding the foregoing, in the event the
20 Interstate Commission exercises its rulemaking authority in a
21 manner that is beyond the scope of the purposes of the Compact, or
22 the powers granted hereunder, then such an action by the Interstate
23 Commission shall be invalid and have no force or effect.

24 (b) Rules deemed appropriate for the operations of the
25 Interstate Commission shall be made pursuant to a rulemaking
26 process that substantially conforms to the "Model State
27 Administrative Procedure Act" of 2010, and subsequent amendments

1 thereto.

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

14 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

15 (a) The executive, legislative, and judicial branches of
16 state government in each member state shall enforce the Compact and
17 shall take all actions necessary and appropriate to effectuate the
18 Compact's purposes and intent. The provisions of the Compact and
19 the rules promulgated hereunder shall have standing as statutory
20 law but shall not override existing state authority to regulate the
21 practice of medicine.

22 (b) All courts shall take judicial notice of the Compact and
23 the rules in any judicial or administrative proceeding in a member
24 state pertaining to the subject matter of the Compact which may
25 affect the powers, responsibilities or actions of the Interstate
26 Commission.

27 (c) The Interstate Commission shall be entitled to receive

1 all service of process in any such proceeding, and shall have
2 standing to intervene in the proceeding for all purposes. Failure
3 to provide service of process to the Interstate Commission shall
4 render a judgment or order void as to the Interstate Commission, the
5 Compact, or promulgated rules.

6 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

7 (a) The Interstate Commission, in the reasonable exercise
8 of its discretion, shall enforce the provisions and rules of the
9 Compact.

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

20 (c) The remedies herein shall not be the exclusive remedies
21 of the Interstate Commission. The Interstate Commission may avail
22 itself of any other remedies available under state law or the
23 regulation of a profession.

24 SECTION 18. DEFAULT PROCEDURES

25 (a) The grounds for default include, but are not limited to,
26 failure of a member state to perform such obligations or
27 responsibilities imposed upon it by the Compact, or the rules and

1 bylaws of the Interstate Commission promulgated under the Compact.

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

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

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

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

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

26 (e) The Interstate Commission shall establish rules and
27 procedures to address licenses and physicians that are materially

1 impacted by the termination of a member state, or the withdrawal of
2 a member state.

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

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

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

19 SECTION 19. DISPUTE RESOLUTION

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

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

27 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

1 (a) Any state is eligible to become a member state of the
2 Compact.

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

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

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

16 SECTION 21. WITHDRAWAL

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

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

26 (c) The withdrawing state shall immediately notify the
27 chairperson of the Interstate Commission in writing upon the

1 introduction of legislation repealing the Compact in the
2 withdrawing state.

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

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

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

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

18 SECTION 22. DISSOLUTION

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

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

27 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

6 (c) Nothing in the Compact shall be construed to prohibit
7 the applicability of other interstate compacts to which the states
8 are members.

9 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

19 (e) In the event any provision of the Compact exceeds the
20 constitutional limits imposed on the legislature of any member
21 state, such provision shall be ineffective to the extent of the
22 conflict with the constitutional provision in question in that
23 member state.

24 Sec. 170.002. RULES. The board may adopt rules necessary to
25 implement this chapter.

26 SECTION 2. This Act takes effect September 1, 2017.