

# Interstate Medical Licensure Compact

This Act enacts the Interstate Medical Licensure Compact. The compact:

- Becomes effective when adopted by seven states;
- Creates an interstate commission comprised of two representatives from each member state to oversee operation of the compact;
- Provides for physicians licensed in one compact state to obtain an expedited license in another compact state;
- Directs the commission to maintain a database of licensed physicians, and disciplinary records involving licensed physicians, from compact states;
- Provides for joint investigations and disciplinary actions;
- Authorizes the commission to levy and collect an assessment on member states to cover the cost of commission operations, and provides civil immunity for commission representatives and employees;
- Reserves member states' rights to determine eligibility for physician licensure, license fees, grounds for discipline and continuing education requirements.

Submitted as:

Wyoming

[HB 107](#)

Status: Signed into law on February 27, 2015.

## Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Compact provisions generally.*]  
2 The Interstate Medical Licensure Compact is enacted into law and entered into on behalf of this  
3 state with all other states legally joining in the compact in a form substantially as follows.  
4  
5 Article I. [*Purpose.*]  
6 In order to strengthen access to health care and in recognition of the advances in the delivery of  
7 health care, the member states of the Interstate Medical Licensure Compact have allied in  
8 common purpose to develop a comprehensive process that complements the existing licensing  
9 and regulatory authority of state medical boards, provides a streamlined process that allows  
10 physicians to become licensed in multiple states, thereby enhancing the portability of a medical  
11 license and ensuring the safety of patients. The compact creates another pathway for licensure  
12 and does not otherwise change a state's existing medical practice act. The compact also adopts  
13 the prevailing standard for licensure and affirms that the practice of medicine occurs where the  
14 patient is located at the time of the physician-patient encounter and therefore requires the  
15 physician to be under the jurisdiction of the state medical board where the patient is located.  
16 State medical boards that participate in the compact retain the jurisdiction to impose an adverse  
17 action against a license to practice medicine in that state issued to a physician through the  
18 procedures in the compact.

1 Article II. [Definitions.]

2 (a) In this compact:

- 3 i. "Bylaws" means those bylaws established by the interstate commission pursuant to  
4 article XI for its governance or for directing and controlling its actions and conduct;
- 5 ii. "Commissioner" means the voting representative appointed by each member board  
6 pursuant to article XI;
- 7 iii. "Conviction" means a finding by a court that an individual is guilty of a criminal offense  
8 through adjudication or entry of a plea of guilt or no contest to the charge by the offender.  
9 Evidence of an entry of a conviction of a criminal offense by the court shall be  
10 considered final for purposes of disciplinary action by a member board;
- 11 iv. "Expedited license" means a full and unrestricted medical license granted by a member  
12 state to an eligible physician through the process set forth in the compact;
- 13 v. "Interstate commission" means the interstate commission created pursuant to article XI;
- 14 vi. "License" means authorization by a state for a physician to engage in the practice of  
15 medicine, which would be unlawful without the authorization;
- 16 vii. "Medical practice act" means laws and regulations governing the practice of allopathic  
17 and osteopathic medicine within a member state;
- 18 viii. "Member board" means a state agency in a member state that acts in the sovereign  
19 interests of the state by protecting the public through licensure, regulation and education  
20 of physicians as directed by the state government;
- 21 ix. "Member state" means a state that has enacted the compact;
- 22 x. "Practice of medicine" means the clinical prevention, diagnosis or treatment of human  
23 disease, injury or condition requiring a physician to obtain and maintain a license in  
24 compliance with the medical practice act of a member state;
- 25 xi. "Physician" means any person who:
- 26 (A) Is a graduate of a medical school accredited by the liaison committee on medical  
27 education, the commission on osteopathic college accreditation or a medical school  
28 listed in the international medical education directory or its equivalent;
- 29 (B) Passed each component of the United States medical licensing examination (USMLE)  
30 or the comprehensive osteopathic medical licensing examination (COMLEX-USA)  
31 within three (3) attempts or any of its predecessor examinations accepted by a state  
32 medical board as an equivalent examination for licensure purposes;
- 33 (C) Successfully completed graduate medical education approved by the accreditation  
34 council for graduate medical education or the American osteopathic association;
- 35 (D) Holds specialty certification or a time unlimited specialty certificate recognized by  
36 the American board of medical specialties or the American osteopathic association's  
37 bureau of osteopathic specialists;
- 38 (E) Possesses a full and unrestricted license to engage in the practice of medicine issued  
39 by a member board;
- 40 (F) Has never been convicted, received adjudication, deferred adjudication, community  
41 supervision or deferred disposition for any offense by a court of appropriate  
42 jurisdiction;
- 43 (G) Has never held a license authorizing the practice of medicine subjected to discipline  
44 by a licensing agency in any state, federal or foreign jurisdiction, excluding any  
45 action related to nonpayment of fees related to a license;

1 (H) Has never had a controlled substance license or permit suspended or revoked by a  
2 state or the United States drug enforcement administration; and

3 (I) Is not under active investigation by a licensing agency or law enforcement authority  
4 in any state, federal or foreign jurisdiction.

5 (xii) “Offense” means a felony, gross misdemeanor or crime of moral turpitude;

6 (xiii) “Rule” means a written statement by the interstate commission promulgated pursuant to  
7 article XII of the compact that is of general applicability, implements, interprets or  
8 prescribes a policy or provision of the compact or an organizational, procedural or  
9 practice requirement of the interstate commission, and has the force and effect of  
10 statutory law in a member state and includes the amendment, repeal or suspension of an  
11 existing rule;

12 (xiv) “State” means any state, commonwealth, district or territory of the United States;

13 (xv) “State of principal license” means a member state where a physician holds a license to  
14 practice medicine and which has been designated as such by the physician for purposes of  
15 registration and participation in the compact.  
16

17 Article III. [*Eligibility.*]

18 (a) A physician must meet the eligibility requirements as defined in article II(a)(xi) to receive an  
19 expedited license under the terms and provisions of the compact.

20 (b) A physician who does not meet the requirements of article II(a)(xi) may obtain a license to  
21 practice medicine in a member state if the individual complies with all laws and  
22 requirements, other than the compact, relating to the issuance of a license to practice  
23 medicine in that state.  
24

25 Article IV. [*Designation of State of Principal License.*]

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

29 (i) The state of primary residence for the physician;

30 (ii) The state where at least twenty-five percent (25%) of the practice of medicine occurs;

31 (iii) The location of the physician's employer; or

32 (iv) If no state qualifies under paragraph (a)(i), (ii) or (iii) of this article, the state  
33 designated as state of residence for purpose of federal income tax.

34 (b) A physician may redesignate a member state as state of principal license at any time, as long  
35 as the state meets the requirements in subsection (a) of this article.

36 (c) The interstate commission is authorized to develop rules to facilitate redesignation of another  
37 member state as the state of principal license.  
38

39 Article V. [*Application and issuance of expedited licensure.*]

40 i. A physician seeking licensure through the compact shall file an application for an expedited  
41 license with the member board of the state selected by the physician as the state of principal  
42 license.

43 ii. Upon receipt of an application for an expedited license, the member board within the state  
44 selected as the state of principal license shall evaluate whether the physician is eligible for  
45 expedited licensure and issue a letter of qualification, verifying or denying the physician's  
46 eligibility, to the interstate commission, subject to the following:

- 1 (i) Static qualifications, which include verification of medical education, graduate  
2 medical education, results of any medical or licensing examination and other  
3 qualifications as determined by the interstate commission through rule, shall not be  
4 subject to additional primary source verification where primary sources have already  
5 been verified by the state of principal license;
- 6 (ii) The member board within the state selected as the state of principal license shall, in  
7 the course of verifying eligibility, perform a criminal background check of an  
8 applicant, including the use of the results of fingerprint or other biometric data checks  
9 compliant with the requirements of the federal bureau of investigation, with the  
10 exception of federal employees who have suitability determination in accordance with  
11 5 C.F.R. § 731.202;
- 12 (iii) Appeal on the determination of eligibility shall be made to the member state where  
13 the application was filed and shall be subject to the law of that state.
- 14 iii. Upon verification under subsection (b) of this article, physicians eligible for an expedited  
15 license shall complete the registration process established by the interstate commission to  
16 receive a license in a member state selected pursuant to subsection (a) of this article,  
17 including the payment of any applicable fees.
- 18 iv. After receiving verification of eligibility under subsection (b) of this article and any fees  
19 under subsection (c) of this article, a member board shall issue an expedited license to the  
20 physician. This license shall authorize the physician to practice medicine in the issuing state  
21 consistent with the medical practice act and all applicable laws and regulations of the issuing  
22 member board and member state.
- 23 v. An expedited license shall be valid for a period consistent with the licensure period in the  
24 member state and in the same manner as required for other physicians holding a full and  
25 unrestricted license within the member state.
- 26 vi. An expedited license obtained through the compact shall be terminated if a physician fails to  
27 maintain a license in the state of principal licensure for a nondisciplinary reason, without  
28 redesignation of a new state of principal licensure.
- 29 vii. The interstate commission is authorized to develop rules regarding the application process,  
30 including payment of any applicable fees and the issuance of an expedited license.

31  
32 Article VI. [*Fees for Expedited Licensure.*]

- 33 (a) A member state issuing an expedited license authorizing the practice of medicine in that state  
34 may impose a fee for a license issued or renewed through the compact.
- 35 (b) The interstate commission is authorized to develop rules regarding fees for expedited  
36 licenses.

37  
38 Article VII. [*Renewal and Continued Participation.*]

- 39 (a) A physician seeking to renew an expedited license granted in a member state shall complete  
40 a renewal process with the interstate commission if the physician:
- 41 (i) Maintains a full and unrestricted license in a state of principal license;
- 42 (ii) Has not been convicted, received adjudication, deferred adjudication, community  
43 supervision or deferred disposition for any offense by a court of appropriate  
44 jurisdiction;

- 1 (iii) Has not had a license authorizing the practice of medicine subject to discipline by a  
2 licensing agency in any state, federal or foreign jurisdiction, excluding any action  
3 related to nonpayment of fees related to a license; and  
4 (iv) Has not had a controlled substance license or permit suspended or revoked by a state  
5 or the United States drug enforcement administration.  
6 (b) Physicians shall comply with all continuing professional development or continuing medical  
7 education requirements for renewal of a license issued by a member state.  
8 (c) The interstate commission shall collect any renewal fees charged for the renewal of a license  
9 and distribute the fees to the applicable member board.  
10 (d) Upon receipt of any renewal fees collected under subsection (c) of this article, a member  
11 board shall renew the physician's license.  
12 (e) Physician information collected by the interstate commission during the renewal process will  
13 be distributed to all member boards.  
14 (f) The interstate commission is authorized to develop rules to address renewal of licenses  
15 obtained through the compact.  
16

17 Article VIII. [*Coordinated Information System.*]

- 18 (xii) The interstate commission shall establish a database of all physicians licensed, or who  
19 have applied for licensure, under article V.  
20 (xiii) Notwithstanding any other provision of law, member boards shall report to the interstate  
21 commission any public action or complaints against a licensed physician who has applied or  
22 received an expedited license through the compact.  
23 (xiv) Member boards shall report disciplinary or investigatory information determined as  
24 necessary and proper by rule of the interstate commission.  
25 (xv) Member boards may report any nonpublic complaint, disciplinary or investigatory  
26 information not required by subsection (c) of this article, to the interstate commission.  
27 (xvi) Member boards shall share complaint or disciplinary information about a physician upon  
28 request of another member board.  
29 (xvii) All information provided to the interstate commission or distributed by member boards  
30 shall be confidential, filed under seal and used only for investigatory or disciplinary matters.  
31 (xviii) The interstate commission is authorized to develop rules for mandated or discretionary  
32 sharing of information by member boards.  
33

34 Article IX. [*Joint Investigations.*]

- 35 (a) Licensure and disciplinary records of physicians are deemed investigative.  
36 (b) In addition to the authority granted to a member board by its respective medical practice act  
37 or other applicable state law, a member board may participate with other member boards in  
38 joint investigations of physicians licensed by the member boards.  
39 (c) A subpoena issued by a member state shall be enforceable in other member states.  
40 (d) Member boards may share any investigative, litigation or compliance materials in furtherance  
41 of any joint or individual investigation initiated under the compact.  
42 (e) Any member state may investigate actual or alleged violations of the statutes authorizing the  
43 practice of medicine in any other member state in which a physician holds a license to  
44 practice medicine.

1 Article X. [*Disciplinary Actions.*]

- 2 (a) Any disciplinary action taken by any member board against a physician licensed through the  
3 compact shall be deemed unprofessional conduct which may be subject to discipline by other  
4 member boards, in addition to any violation of the medical practice act or regulations in that  
5 state.
- 6 (b) If a license granted to a physician by the member board in the state of principal license is  
7 revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses  
8 issued to the physician by member boards shall automatically be placed, without further  
9 action necessary by any member board, on the same status. If the member board in the state  
10 of principal license subsequently reinstates the physician's license, a license issued to the  
11 physician by any other member board shall remain encumbered until that respective member  
12 board takes action to reinstate the license in a manner consistent with the medical practice act  
13 of that state.
- 14 (c) If disciplinary action is taken against a physician by a member board not in the state of  
15 principal license, any other member board may deem the action conclusive as to matter of  
16 law and fact decided and:
- 17 (i) Impose the same or lesser sanction against the physician so long as such sanctions are  
18 consistent with the medical practice act of that state; or
- 19 (ii) Pursue separate disciplinary action against the physician under its respective medical  
20 practice act, regardless of the action taken in other member states.
- 21 (d) If a license granted to a physician by a member board is revoked, surrendered or relinquished  
22 in lieu of discipline or suspended, then any license issued to the physician by any other  
23 member board shall be suspended, automatically and immediately without further action  
24 necessary by the other member board, for ninety (90) days upon entry of the order by the  
25 disciplining board, to permit the member board to investigate the basis for the action under  
26 the medical practice act of that state. A member board may terminate the automatic  
27 suspension of the license it issued prior to the completion of the ninety (90) day suspension  
28 period in a manner consistent with the medical practice act of that state.

29  
30 Article XI. [*Interstate Medical Licensure Compact Commission.*]

- 31 (a) The member states hereby create the "Interstate Medical Licensure Compact Commission."
- 32 (b) The purpose of the interstate commission is the administration of the Interstate Medical  
33 Licensure Compact, which is a discretionary state function.
- 34 (c) The interstate commission shall be a body corporate and shall have all the responsibilities,  
35 powers and duties set forth in the compact and such additional powers as may be conferred  
36 upon it by a subsequent concurrent action of the respective legislatures of the member states  
37 in accordance with the terms of the compact.
- 38 (d) The interstate commission shall consist of two (2) voting representatives appointed by each  
39 member state who shall serve as commissioners. In states where allopathic and osteopathic  
40 physicians are regulated by separate member boards, or if the licensing and disciplinary  
41 authority is split between multiple member boards within a member state, the member state  
42 shall appoint one (1) representative from each member board. A commissioner shall be:
- 43 (i) An allopathic or osteopathic physician appointed to a member board;
- 44 (ii) An executive director, executive secretary or similar executive of a member board; or
- 45 (iii) A member of the public appointed to a member board.

- 1 (e) The interstate commission shall meet at least once each calendar year. A portion of this  
2 meeting shall be a business meeting to address such matters as may properly come before the  
3 commission, including the election of officers. The chairperson may call additional meetings  
4 and shall call for a meeting upon the request of a majority of the member states.
- 5 (f) The bylaws may provide for meetings of the interstate commission to be conducted by  
6 telecommunication or electronic communication.
- 7 (g) Each commissioner participating at a meeting of the interstate commission is entitled to one  
8 (1) vote. A majority of commissioners shall constitute a quorum for the transaction of  
9 business, unless a larger quorum is required by the bylaws of the interstate commission. A  
10 commissioner shall not delegate a vote to another commissioner. In the absence of its  
11 commissioner, a member state may delegate voting authority for a specified meeting to  
12 another person from that state who shall meet the requirements of subsection (d) of this  
13 article.
- 14 (h) The interstate commission shall provide public notice of all meetings and all meetings shall  
15 be open to the public. The interstate commission may close a meeting, in full or in portion,  
16 where it determines by a two-thirds (2/3) vote of the commissioners present that an open  
17 meeting would be likely to:
- 18 i. Relate solely to the internal personnel practices and procedures of the interstate  
19 commission;
  - 20 ii. Discuss matters specifically exempted from disclosure by federal statute;
  - 21 iii. Discuss trade secrets, commercial or financial information that is privileged or  
22 confidential;
  - 23 iv. Involve accusing a person of a crime or formally censuring a person;
  - 24 v. Discuss information of a personal nature where disclosure would constitute a clearly  
25 unwarranted invasion of personal privacy;
  - 26 vi. Discuss investigative records compiled for law enforcement purposes; or
  - 27 vii. Specifically relate to the participation in a civil action or other legal proceeding.
- 28 (j) The interstate commission shall keep minutes which shall fully describe all matters  
29 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
30 including record of any roll call votes.
- 31 (k) The interstate commission shall make its information and official records, to the extent not  
32 otherwise designated in the compact or by its rules, available to the public for inspection.
- 33 (m) The interstate commission shall establish an executive committee, which shall include  
34 officers, members and others as determined by the bylaws. The executive committee shall  
35 have the power to act on behalf of the interstate commission, with the exception of  
36 rulemaking, during periods when the interstate commission is not in session. When acting on  
37 behalf of the interstate commission, the executive committee shall oversee the administration  
38 of the compact including enforcement and compliance with the provisions of the compact, its  
39 bylaws and rules and other such duties as necessary.
- 40 (n) The interstate commission may establish other committees for governance and administration  
41 of the compact.

1 Article XII. [*Powers and Duties of the Interstate Commission.*]

2 (a) The interstate commission shall have the duty and power to:

- 3 (i) Oversee and maintain the administration of the compact;
- 4 (ii) Promulgate rules which shall be binding to the extent and in the manner provided for in  
5 the compact;
- 6 (iii) Issue, upon the request of a member state or member board, advisory opinions  
7 concerning the meaning or interpretation of the compact, its bylaws, rules and actions;
- 8 (iv) Enforce compliance with compact provisions, the rules promulgated by the interstate  
9 commission and the bylaws, using all necessary and proper means, including but not  
10 limited to the use of judicial process;
- 11 (v) Establish and appoint committees including, but not limited to, an executive committee as  
12 required by article XI, which shall have the power to act on behalf of the interstate  
13 commission in carrying out its powers and duties;
- 14 (vi) Pay or provide for the payment of the expenses related to the establishment, organization  
15 and ongoing activities of the interstate commission;
- 16 (vii) Establish and maintain one (1) or more offices;
- 17 (viii) Borrow, accept, hire or contract for services of personnel;
- 18 (ix) Purchase and maintain insurance and bonds;
- 19 (x) Employ an executive director who shall have such powers to employ, select or appoint  
20 employees, agents or consultants and to determine their qualifications, define their duties  
21 and fix their compensation;
- 22 (xi) Establish personnel policies and programs relating to conflicts of interest, rates of  
23 compensation and qualifications of personnel;
- 24 (xii) Accept donations and grants of money, equipment, supplies, materials and  
25 services and to receive, utilize and dispose of it in a manner consistent with the conflict  
26 of interest policies established by the interstate commission;
- 27 (xiii) Lease, purchase, accept contributions or donations of or otherwise to own, hold,  
28 improve or use, any property, real, personal or mixed;
- 29 (xiv) Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
30 any property, real, personal or mixed;
- 31 (xv) Establish a budget and make expenditures;
- 32 (xvi) Adopt a seal and bylaws governing the management and operation of the  
33 interstate commission;
- 34 (xvii) Report annually to the legislatures and governors of the member states concerning  
35 the activities of the interstate commission during the preceding year. Such reports shall  
36 also include reports of financial audits and any recommendations that may have been  
37 adopted by the interstate commission;
- 38 (xviii) Coordinate education, training and public awareness regarding the compact, its  
39 implementation and its operation;
- 40 (xix) Maintain records in accordance with the bylaws; (xx) Seek and obtain trademarks,  
41 copyrights and patents; and
- 42 (xx) Perform such functions as may be necessary or appropriate to achieve the  
43 purposes of the compact.



1 Article XIII. [*Finance Powers.*]

- 2 (a) The interstate commission may levy on and collect an annual assessment from each member  
3 state to cover the cost of the operations and activities of the interstate commission and its  
4 staff. The total assessment must be sufficient to cover the annual budget approved each year  
5 for which revenue is not provided by other sources. The aggregate annual assessment amount  
6 shall be allocated upon a formula to be determined by the interstate commission, which shall  
7 promulgate a rule binding upon all member states.
- 8 (b) The interstate commission shall not incur obligations of any kind prior to securing the funds  
9 adequate to meet the same.
- 10 (c) The interstate commission shall not pledge the credit of any of the member states, except by,  
11 and with the authority of, the member state.
- 12 (d) The interstate commission shall be subject to a yearly financial audit conducted by a certified  
13 or licensed public accountant and the report of the audit shall be included in the annual report  
14 of the interstate commission.

15  
16 Article XIV. [*Organization and operation of the Interstate Commission.*]

- 17 (a) The interstate commission shall, by a majority of commissioners present and voting, adopt  
18 bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of  
19 the compact within twelve (12) months of the first interstate commission meeting.
- 20 (b) The interstate commission shall elect or appoint annually from among its commissioners a  
21 chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and  
22 duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or  
23 disability, the vice-chairperson, shall preside at all meetings of the interstate commission.
- 24 (c) Officers selected in subsection (b) of this article shall serve without remuneration from the  
25 interstate commission.
- 26 (d) The officers and employees of the interstate commission shall be immune from suit and  
27 liability, either personally or in their official capacity, for a claim for damage to or loss of  
28 property or personal injury or other civil liability caused or arising out of, or relating to, an  
29 actual or alleged act, error or omission that occurred, or that the officer or employee had a  
30 reasonable basis for believing occurred, within the scope of interstate commission  
31 employment, duties or responsibilities provided that an officer or employee shall not be  
32 protected from suit or liability for damage, loss, injury or liability caused by the intentional  
33 or willful and wanton misconduct of the officer or employee. The immunity provided by this  
34 article shall be subject to the following:
- 35 (i) The liability of the executive director and employees of the interstate commission or  
36 representatives of the interstate commission, acting within the scope of the officer's or  
37 employee's employment or duties for acts, errors or omissions occurring within the  
38 officer's or employee's state, may not exceed the limits of liability set forth under the  
39 constitution and laws of that state for state officials, employees and agents. The  
40 interstate commission is considered to be an instrumentality of the states for the  
41 purposes of any such action. Nothing in this subsection shall be construed to protect  
42 the officer or employee from suit or liability for damage, loss, injury or liability  
43 caused by the intentional or willful and wanton misconduct of the officer or  
44 employee;
- 45 (ii) The interstate commission shall defend the executive director, its employees and,  
46 subject to the approval of the attorney general or other appropriate legal counsel of

1 the member state represented by an interstate commission representative, shall defend  
2 an interstate commission representative in any civil action seeking to impose liability  
3 arising out of an actual or alleged act, error or omission that occurred within the scope  
4 of interstate commission employment, duties or responsibilities, or that the defendant  
5 had a reasonable basis for believing occurred within the scope of interstate  
6 commission employment, duties or responsibilities, provided that the actual or alleged  
7 act, error or omission did not result from intentional or willful and wanton  
8 misconduct on the part of the officer or employee;

- 9 (iii) To the extent not covered by the state involved, member state or the interstate  
10 commission, the representatives or employees of the interstate commission shall be  
11 held harmless in the amount of a settlement or judgment, including attorney's fees and  
12 costs, obtained against the officers and employees arising out of an actual or alleged  
13 act, error or omission that occurred within the scope of interstate commission  
14 employment, duties or responsibilities or that the officers and employees had a  
15 reasonable basis for believing occurred within the scope of interstate commission  
16 employment, duties or responsibilities, provided that the actual or alleged act, error or  
17 omission did not result from intentional or willful and wanton misconduct on the part  
18 of the officers or employees.  
19

20 Article XV. [*Rulemaking functions of the Interstate Commission.*]

- 21 (a) The interstate commission shall promulgate reasonable rules in order to effectively and  
22 efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event  
23 the interstate commission exercises its rulemaking authority in a manner that is beyond the  
24 scope of the purposes of the compact, or the powers granted hereunder, then such an action  
25 by the interstate commission shall be invalid and have no force or effect.  
26 (b) Rules deemed appropriate for the operations of the interstate commission shall be made  
27 pursuant to a rulemaking process that substantially conforms to the "Model State  
28 Administrative Procedure Act" of 2010 and subsequent amendments thereto.  
29 (c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for  
30 judicial review of the rule in the United States District Court for the District of Columbia or  
31 the federal district where the interstate commission has its principal offices, provided that the  
32 filing of such a petition shall not stay or otherwise prevent the rule from becoming effective  
33 unless the court finds that the petitioner has a substantial likelihood of success. The court  
34 shall give deference to the actions of the interstate commission consistent with applicable law  
35 and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the  
36 authority granted to the interstate commission.  
37

38 Article XVI. [*Oversight of Interstate Compact.*]

- 39 (a) The executive, legislative and judicial branches of state government in each member state  
40 shall enforce the compact and shall take all actions necessary and appropriate to effectuate  
41 the compact's purposes and intent. The provisions of the compact and the rules promulgated  
42 hereunder shall have standing as statutory law but shall not override existing state authority  
43 to regulate the practice of medicine.  
44 (b) All courts shall take judicial notice of the compact and the rules in any judicial or  
45 administrative proceeding in a member state pertaining to the subject matter of the compact  
46 which may affect the powers, responsibilities or actions of the interstate commission.

- 1 (c) The interstate commission shall be entitled to receive all service of process in any such  
2 proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to  
3 provide service of process to the interstate commission shall render a judgment or order void  
4 as to the interstate commission, the compact or promulgated rules.  
5

6 Article XVII. [*Enforcement of Interstate Compact.*]

- 7 (a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the  
8 provisions and rules of the compact.  
9 (b) The interstate commission may, by majority vote of the commissioners, initiate legal action  
10 in the United States District Court for the District of Columbia or, at the discretion of the  
11 interstate commission, in the federal district where the interstate commission has its principal  
12 offices, to enforce compliance with the provisions of the compact and its promulgated rules  
13 and bylaws, against a member state in default. The relief sought may include both injunctive  
14 relief and damages. In the event judicial enforcement is necessary, the prevailing party shall  
15 be awarded all costs of such litigation including reasonable attorney's fees.  
16 (c) The remedies herein shall not be the exclusive remedies of the interstate commission. The  
17 interstate commission may avail itself of any other remedies available under state law or the  
18 regulation of a profession.  
19

20 Article XVIII. [*Default Procedures.*]

- 21 (a) The grounds for default include, but are not limited to, failure of a member state to perform  
22 such obligations or responsibilities imposed upon it by the compact or the rules and bylaws  
23 of the interstate commission promulgated under the compact.  
24 (b) If the interstate commission determines that a member state has defaulted in the performance  
25 of its obligations or responsibilities under the compact or the bylaws or promulgated rules,  
26 the interstate commission shall: (  
27 (i) Provide written notice to the defaulting state and other member states, of the nature of  
28 the default, the means of curing the default and any action taken by the interstate  
29 commission. The interstate commission shall specify the conditions by which the  
30 defaulting state must cure its default; and  
31 (ii) Provide remedial training and specific technical assistance regarding the default.  
32 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from  
33 the compact upon an affirmative vote of a majority of the commissioners and all rights,  
34 privileges and benefits conferred by the compact shall terminate on the effective date of  
35 termination. A cure of the default does not relieve the offending state of obligations or  
36 liabilities incurred during the period of the default.  
37 (d) Termination of membership in the compact shall be imposed only after all other means of  
38 securing compliance have been exhausted. Notice of intent to terminate shall be given by the  
39 interstate commission to the governor, the majority and minority leaders of the defaulting  
40 state's legislature and each of the member states.  
41 (e) The interstate commission shall establish rules and procedures to address licenses and  
42 physicians that are materially impacted by the termination of a member state or the  
43 withdrawal of a member state.  
44 (f) The member state which has been terminated is responsible for all dues, obligations and  
45 liabilities incurred through the effective date of termination including obligations, the  
46 performance of which extends beyond the effective date of termination.

- 1 (g) The interstate commission shall not bear any costs relating to any state that has been found to  
2 be in default or which has been terminated from the compact, unless otherwise mutually  
3 agreed upon in writing between the interstate commission and the defaulting state.
- 4 (h) The defaulting state may appeal the action of the interstate commission by petitioning the  
5 United States District Court for the District of Columbia or the federal district where the  
6 interstate commission has its principal offices. The prevailing party shall be awarded all costs  
7 of such litigation including reasonable attorney's fees.

8  
9 Article XIX. [*Dispute Resolution.*]

- 10 (a) The interstate commission shall attempt, upon the request of a member state, to resolve  
11 disputes which are subject to the compact and which may arise among member states or  
12 member boards.
- 13 (b) The interstate commission shall promulgate rules providing for both mediation and binding  
14 dispute resolution as appropriate.

15  
16 Article XX. [*Member States, Effective Date and Amendments.*]

- 17 (a) Any state is eligible to become a member state of the compact.
- 18 (b) The compact shall become effective and binding upon legislative enactment of the compact  
19 into law by no less than seven (7) states. Thereafter, it shall become effective and binding on  
20 a state upon enactment of the compact into law by that state.
- 21 (c) The governors of nonmember states or their designees, shall be invited to participate in the  
22 activities of the interstate commission on a nonvoting basis prior to adoption of the compact  
23 by all states.
- 24 (d) The interstate commission may propose amendments to the compact for enactment by the  
25 member states. No amendment shall become effective and binding upon the interstate  
26 commission and the member states unless and until it is enacted into law by unanimous  
27 consent of the member states.

28  
29 Article XXI. [*Withdrawal.*]

- 30 (a) Once effective, the compact shall continue in force and remain binding upon each and every  
31 member state, provided that a member state may withdraw from the compact by specifically  
32 repealing the statute which enacted the compact into law.
- 33 (b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but  
34 shall not take effect until one (1) year after the effective date of such statute and until written  
35 notice of the withdrawal has been given by the withdrawing state to the governor of each  
36 other member state.
- 37 (c) The withdrawing state shall immediately notify the chairperson of the interstate commission  
38 in writing upon the introduction of legislation repealing the compact in the withdrawing state.
- 39 (d) The interstate commission shall notify the other member states of the withdrawing state's  
40 intent to withdraw within sixty (60) days of its receipt of notice provided under subsection  
41 (c) of this article.
- 42 (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through  
43 the effective date of withdrawal, including obligations, the performance of which extend  
44 beyond the effective date of withdrawal.

- 1 (f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing  
2 state reenacting the compact or upon such later date as determined by the interstate  
3 commission.
- 4 (g) The interstate commission is authorized to develop rules to address the impact of the  
5 withdrawal of a member state on licenses granted in other member states to physicians who  
6 designated the withdrawing member state as the state of principal license.

7  
8 Article XXII. [*Dissolution.*]

- 9 (a) The compact shall dissolve effective upon the date of the withdrawal or default of the  
10 member state which reduces the membership in the compact to one (1) member state.
- 11 (b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no  
12 further force or effect and the business and affairs of the interstate commission shall be  
13 concluded and surplus funds shall be distributed in accordance with the bylaws.

14  
15 Article XXIII. [*Severability and Construction.*]

- 16 (a) The provisions of the compact shall be severable and if any phrase, clause, sentence or  
17 provision is deemed unenforceable, the remaining provisions of the compact shall be  
18 enforceable.
- 19 (b) The provisions of the compact shall be liberally construed to effectuate its purposes.
- 20 (c) Nothing in the compact shall be construed to prohibit the applicability of other interstate  
21 compacts to which the states are members.

22  
23 Article XXIV. [*Binding Effect of Compact and Other Laws.*]

- 24 (a) Nothing herein prevents the enforcement of any other law of a member state that is not  
25 inconsistent with the compact.
- 26 (b) All laws in a member state in conflict with the compact are superseded to the extent of the  
27 conflict.
- 28 (c) All lawful actions of the interstate commission, including all rules and bylaws promulgated  
29 by the commission, are binding upon the member states.
- 30 (d) All agreements between the interstate commission and the member states are binding in  
31 accordance with their terms.
- 32 (e) In the event any provision of the compact exceeds the constitutional limits imposed on the  
33 legislature of any member state, such provision shall be ineffective to the extent of the  
34 conflict with the constitutional provision in question in that member state.

35  
36 Section 2. [*Interstate commission members.*]

37 Pursuant to article XI(d) of the Interstate Medical Licensure Compact, the governor shall appoint  
38 two (2) voting representatives to the interstate medical licensure compact commission. The  
39 representatives shall serve staggered two (2) year terms as commissioners.