ASSEMBLY, No. 5406

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 20, 2019

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS
Enters New Jersey into Interstate Medical Licensure Compact.

CURRENT VERSION OF TEXT
As introduced.
AN ACT entering New Jersey into the Interstate Medical Licensure Compact and supplementing Title 45 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The State of New Jersey enacts and enters into the Interstate Medical Licensure Compact with all other jurisdictions that legally join the compact in the form substantially as follows:

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

Section 2. Definitions.

As used in this compact:

a. “Bylaws” means the bylaws established by the Interstate Commission pursuant to section 11 of this compact for its governance, or for directing and controlling its actions and conduct.

b. “Commissioner” means the voting representative appointed by each member board pursuant to section 11 of this compact.

c. “Conviction” means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

d. “Expedited license” means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.
e. “Interstate Commission” means the Interstate Medical Licensure Compact Commission created pursuant to section 11 of this compact.
f. “License” means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.
g. “Medical practice act” means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.
h. “Member board” means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.
i. “Member state” means a state that has enacted the compact.
j. “Practice of medicine” means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.
k. “Physician” means any person who:

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

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

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

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

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

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

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

(8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and
Section 3. Eligibility.

a. A physician shall meet the eligibility requirements specified in subsection k. of section 2 of this compact to receive an expedited license under the terms and provisions of the compact.

b. A physician who does not meet the eligibility requirements set forth in subsection k. of section 2 of this compact may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, related to the issuance of a license to practice medicine in that state.

Section 4. Designation of State of Principal License.

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

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

(2) the state where at least 25 percent of the physician’s practice of medicine occurs;

(3) the location of the physician’s employer; or

(4) if no state qualifies under paragraphs (1) through (3) of this subsection, the state designated as the physician’s state of residence for federal income tax purposes.

b. A physician may redesignate a member state as the physician’s state of principal license at any time, provided the state meets the requirements for designation set forth in subsection a. of this section.
c. The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the physician’s state of principal license.

Section 5. Application and Issuance of Expedited Licensure.

a. A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the physician’s state of principal license.

b. Upon receipt of an application for an expedited license, the member board within the state selected as the physician’s state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification to the Interstate Commission verifying or denying the physician’s eligibility.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the physician’s state of principal license.

(2) The member board within the state selected as the physician’s state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR 731.202.

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

c. Upon verification of a physician’s eligibility for expedited licensure pursuant to subsection b. of this section, the physician shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection a. of this section, including the payment of any applicable fees.

d. Upon receiving verification of a physician’s eligibility for expedited licensure pursuant to subsection b. of this section and payment of any applicable fees pursuant to subsection c. of this section, a member board shall issue an expedited license to the physician. The license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice at and all applicable laws and regulations of the issuing member board and member state.

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

f. An expedited license obtained through the compact shall be terminated if the physician fails to maintain a license in the physician’s state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

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

Section 6. Fees for Expedited Licensure.

a. A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

b. The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

Section 7. Renewal and Continued Participation.

a. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

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

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

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

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

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

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

d. Upon receipt of any renewal fees collected pursuant to subsection c. of this section, a member board shall renew the physician’s license.

e. Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.
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f. The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the compact.

Section 8. Coordinated Information System.

a. The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, pursuant to section 5 of this compact.

b. Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied for or received an expedited license through the compact.

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

d. Member boards may report any non-public complaint, disciplinary, or investigatory information not required pursuant to subsection c. of this section.

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

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

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


a. Licensure and disciplinary records of physicians are deemed investigative.

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

c. A subpoena issued by a member state shall be enforceable in other member states.

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

e. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.
Section 10. Disciplinary Actions.

a. Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

b. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician’s license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

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

(1) impose the same or a lesser sanction against the physician, provided that the sanction is consistent with the medical practice act of that state; or

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

d. If a license granted to a physician by a member board is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member board, for 90 days upon entry of the order by the disciplining board, to permit the member board to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90 day suspension period in a manner consistent with the medical practice act of that state.

Section 11. Interstate Medical Licensure Compact Commission.

a. The member states hereby create the “Interstate Medical Licensure Compact Commission.”

b. The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.
c. The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

d. The Interstate Commission shall consist of two voting representatives appointed by each member state, who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. Each commissioner shall be:

   (1) an allopathic or osteopathic physician appointed to a member board;
   (2) an executive director, executive secretary, or similar executive of a member board; or
   (3) a member of the public appointed to a member board.

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

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

g. Each commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who meets the requirements to serve as a commissioner pursuant to subsection d. of this section.

h. The Interstate Commission shall provide public notice of all meetings and all meeting shall be open to the public. The Interstate Commission may close a meeting in full or in part, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

   (1) Relate solely to the internal personnel practices and procedures of the Interstate Commission;
   (2) Discuss matters specifically exempted from disclosure by federal statute;
   (3) Discuss trade secrets or commercial or financial information that is privileged or confidential;
(4) Involve accusing a person of a crime, or formally censuring a person;

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

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

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

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

j. The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

k. The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as may be necessary.

l. The Interstate Commission may establish other committees for governance and administration of the compact.


The Interstate Commission shall have the duty and power to:

a. Oversee and maintain the administration of the compact;

b. Promulgate rules, which shall be binding to the extent and in the manner provided for in the compact;

c. Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact and its bylaws, rules, and actions;

d. Enforce compliance with compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;

e. Establish and appoint committees, including, but not limited to, an executive committee as required pursuant to section 11 of this compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
f. Pay, or provide for the payment of, the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;

g. Establish and maintain one or more offices;

h. Borrow, accept, hire, or contract for services of personnel;

i. Purchase and maintain insurance and bonds;

j. Employ an executive director, who shall have the power to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;

k. Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

l. Accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same in a manner consistent with the conflict of interest policies established by the Interstate Commission;

m. Lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real or personal property;

n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real or personal property;

o. Establish a budget and make expenditures;

p. Adopt a seal and bylaws governing the management and operation of the Interstate Commission;

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

r. Coordinate education, training, and public awareness regarding the compact, its implementation, and its operation;

s. Maintain records in accordance with the bylaws;

t. Seek and obtain trademarks, copyrights, and patents; and

u. Perform such functions as may be necessary or appropriate to achieve the purposes of the compact.


a. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment shall be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
b. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

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

d. The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the Interstate Commission’s annual report.


a. The Interstate Commission shall, within 12 months of the first Interstate Compact meeting and by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.

b. The Interstate Commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson’s absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

c. Officers selected pursuant to subsection b. of this section shall serve without remuneration from the Interstate Commission.

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

(1) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person’s employment or duties for acts, errors, or omissions occurring within such person’s state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.
(2) The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney’s fees and costs, obtained against such person arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Section 15. Rulemaking Functions of the Interstate Commission.

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

b. Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act” of 2010, and subsequent amendments thereto.

c. No later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be


unlawful if the rule represents a reasonable exercise of the authority
granted to the Interstate Commission.

Section 16. Oversight of the Interstate Compact.

a. The executive, legislative, and judicial branches of state
government in each member state shall enforce the compact and
shall take all actions necessary and appropriate to effectuate the
purposes and intent of the compact. The provisions of the compact
and the rules promulgated hereunder shall have standing as
statutory law but shall not override existing state authority to
regulate the practice of medicine.

b. All courts shall take judicial notice of the compact and the
rules in any judicial or administrative proceeding in a member state
pertaining to the subject matter of the compact which may affect the
powers, responsibilities, or actions of the Interstate Commission.

c. The Interstate Commission shall be entitled to receive all
service of process in any such proceeding, and shall have standing
to intervene in the proceeding for all purposes. Failure to provide
service of process to the Interstate Commission shall render a
judgment or order void as to the Interstate Commission, the
compact, or promulgated rules.

Section 17. Enforcement of Interstate Compact.

a. The Interstate Commission, in the reasonable exercise of its
discretion, shall enforce the provisions and rules of the compact.

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

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

Section 18. Default Procedures.

a. The grounds for default include, but are not limited to,
failure of a member state to perform such obligations or
responsibilities imposed on it by the compact or the rules and
bylaws of the Interstate Commission promulgated under the compact.

b. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the Interstate Commission shall:
   (1) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The defaulting state shall specify the conditions by which the defaulting state shall cure its default; and
   (2) Provide remedial training and specific technical assistance regarding the default.

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

d. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state’s legislature, and each of the member states.

e. The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially affected by the termination of a member state or the withdrawal of a member state.

f. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination, including any obligations for which the performance of the obligation extends beyond the effective date of termination.

g. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

h. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney’s fees.
Section 19. Dispute Resolution.

a. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

b. The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution, as appropriate.

Section 20. Member States, Effective Date, and Amendment.

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

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

c. The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Compact on a non-voting basis prior to adoption of the compact by all states.

d. The Interstate Commission may propose amendments to the compact for enactment by member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

Section 21. Withdrawal.

a. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

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

c. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

d. The Interstate Commission shall notify the other member states of the withdrawing state’s intent to withdraw within 60 days after receiving notice provided pursuant to subsection c. of this section.

e. The withdrawing state shall be responsible for all dues, obligations, and liabilities incurred through the effective date of
withdrawal, including any obligations for which the performance of
the obligation extends beyond the effective date of withdrawal.

f. Reinstatement following withdrawal of a member state shall
occur upon the withdrawing state reenacting the compact or upon
such later date as determined by the Interstate Commission.

g. The Interstate Commission shall be authorized to develop
rules to address the effect of withdrawal of a member state on
licenses granted in other member states to physicians who
designated the withdrawing member state as the state of principal
licensure.

Section 22. Dissolution.

a. The compact shall dissolve effective upon the date of the
withdrawal or default of the member state which reduces the
membership in the compact to one member state.
b. Upon the dissolution of the compact, the compact becomes
null and void and shall be of no further force or effect, and the
business and affairs of the Interstate Commission shall be
concluded and surplus funds shall be distributed in accordance with
the bylaws.

Section 23. Severability and Construction.

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

Section 24. Binding Effect of Compact and Other Laws.

a. Nothing herein prevents the enforcement of any other law of
a member state that is not inconsistent with the compact.
b. All laws in a member state in conflict with the compact are
superseded to the extent of the conflict.
c. All lawful actions of the Interstate Commission, including
all rules and bylaws promulgated by the Commission, are binding
upon the member states.
d. All agreements between the Interstate Commission and the
member states are binding in accordance with their terms.
e. In the event any provision of the compact exceeds the
constitutional limits imposed on the legislature of any member
state, such provision shall be ineffective to the extent of the conflict
with the constitutional provision in question in that member state.
2. This act shall take effect immediately.

STATEMENT

This bill enters New Jersey into the Interstate Medical Licensure Compact (Compact), which is an interstate agreement that provides a streamlined process for physicians who are in good standing in their own states to quickly and easily become licensed in other member states without the need to complete the full standard licensing process in the other state. A license issued under the Compact for a member state constitutes a full and unrestricted license to practice medicine in that member state. The Compact does not change the medical practice laws in any member state, and the requirements to obtain expedited licensure reflect the prevailing standard for physician licensure nationwide. Physicians providing health care services are subject to the medical practice laws of the state in which the patient is located. The Compact will be administered by the “Interstate Medical Licensure Compact Commission” (Interstate Commission), which is comprised of delegates from each member state.

Expedited Licensure

To qualify for licensure in another state through the Compact, a physician will be required to be a graduate of an accredited medical school, have passed the licensing examination within three attempts, have successfully completed graduate medical education, hold a specialty certification, possess a full and unrestricted license to practice medicine in the physician’s principal state of licensure, have no criminal convictions, have never been subject to license-related disciplinary action, have never had a controlled substance license or permit suspended or revoked, and not be under active investigation by a licensing or law enforcement agency. A physician who does not meet the requirements for expedited licensure may still apply for licensure in another state under that state’s standard licensure process.

A physician applying for expedited licensure will be required to designate a state of principal license, which will be the physician’s state of primary residence, the state where at least 25 percent of the physician’s practice of medicine occurs, the location of the physician’s employer, or the state designated as the physician’s state of residence for federal income tax purposes. Physicians may change their states of principal license, provided the physician’s ties to the new state meet the requirements for designation.

An application for expedited licensure is to be filed with the physician’s state of principal license. The licensing board in that state will evaluate the physician’s eligibility based on a review of
the physician’s educational background, the results of the
physician’s licensing examinations, and a criminal background
check. Once the state of principal license verifies the physician’s
eligibility, it will submit a letter to the Interstate Commission, and
the physician will receive member state licenses in each state
requested by the physician and for which the physician pays the
applicable licensure fee. License and renewal fees are
independently established by each member state.

The member state license will be valid for a period consistent
with that state’s laws, and the physician will be required to comply
with all practice laws in the member state. There is no limit to the
number of member state licenses a physician may obtain under the
Compact; however, after the initial application process, an
additional fee applies to subsequent applications for expedited
licensure. A member state license will be renewed if the physician
continues to meet the eligibility requirements for licensure under
the Compact. Physicians are subject to continuing professional
education requirements for each state in which the physician
maintains a license.

The Interstate Commission will be required to establish a
database of all physicians who apply for or who are issued a license
under the Compact. The licensing boards in each member state
are required to report to the database complaints, public actions, and
disciplinary actions taken against a physician listed in the database,
and may additionally report non-public complaints, disciplinary
actions, and investigations. Information reported to the database is
to be kept confidential.

Member boards are authorized to engage in joint investigations
of a physician, share investigative and related materials with other
member states, and issue subpoenas, which other member states are
required to comply with. Member states may investigate alleged
violations of the medical practice laws of any other member state.
A disciplinary action taken by a member board against a physician
constitutes grounds for other member states to institute disciplinary
action against the physician.

If a license granted to a physician by the member board in the
state of principal license is suspended, revoked, surrendered, or
relinquished in lieu of discipline, all licenses issued to the physician
by member boards will automatically be placed on the same status.
If the member board in the state of principal license subsequently
reinstates the physician’s license, a license issued to the physician
by any other member board will remain encumbered until that
respective member board takes action to reinstate the license. If a
state other than the state of principal license takes disciplinary
action against a physician, all other member states may use the
same grounds to impose the same or a lesser sanction against the
physician or take independent action against the physician under
that state’s own laws. If a physician’s license is revoked,
A surrendered, or relinquished in a member state, all other member state licenses will be suspended for 90 days.

Interstate Medical Licensure Compact Commission

The Interstate Commission will consist of two voting representatives appointed by each member state, called “commissioners.” Each commissioner is required to be a member of that state’s medical licensure board. The Interstate Commission will meet at least once each calendar year and at other times when called by the chair or upon request of a majority of member states. Meetings are generally open to the public, but closed meetings may be conducted to discuss internal personnel matters, matters involving privileged or confidential information, criminal accusations and formal censures, private personal information, criminal investigations, or civil proceedings. Interstate Commission records will be available to the public for inspection, unless otherwise held confidential. The Compact provides for limited liability and indemnification for the executive director, officers, and employees of the Interstate Commission in connection with their official duties.

The Interstate Commission has the power to promulgate rules, establish bylaws, issue advisory opinions, enforce compliance, initiate litigation, establish and appoint committees, employ an executive director, report to the member states, and take other actions necessary to administer and achieve the purposes of the Compact. The Interstate Commission will establish an executive committee, which will have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, including overseeing the administration and enforcement of the Compact. The Interstate Commission will additionally be tasked with resolving disputes among member states upon request.

The Interstate Commission may collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which is to be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The Interstate Commission may not incur obligations until it has secured funds to cover the obligation. The Interstate Commission will be subject to a yearly financial audit, which will be included in its annual report.

Membership in the Compact

States can join the Compact by enacting a statute adopting the Compact language. The Compact took effect upon adoption by seven states, and currently 24 states, the District of Columbia, and Guam have adopted enabling legislation; the current member states

States may withdraw from the Compact by repealing the enabling statute, and the Compact will dissolve when the number of member states is reduced to one.

Amendments may be made to the Compact if each member state enacts legislation adopting the amendment.

The provisions of the Compact will not override existing state authority to regulate the practice of medicine; however, the Compact provides that other laws in member states that are in conflict with the Compact are superseded to the extent of the conflict, and all lawful actions of the Interstate Commission are binding on the member states. When the Compact exceeds constitutional limits within a member state, the relevant provision of the Compact is ineffective to the extent of the conflict.

The executive, legislative, and judicial branches of state government in each member state are to enforce the Compact and take all actions necessary and appropriate to effectuate the purposes and intent of the Compact. Courts are to take judicial notice of the Compact in any judicial proceeding that may affect the powers, responsibilities, or actions of the Interstate Commission. The Interstate Commission is entitled to receive service of process and intervene in any such proceeding, and the failure to provide service of process will render a judgment or order void as to the Interstate Commission.

Member states may be found in default of the Compact based on the failure to perform obligations or responsibilities imposed by the Compact. The Interstate Commission is to provide written notice to a defaulting state and the other member states of the nature of the default, the means of curing the default, and any specific action or conditions necessary to cure the default. The Interstate Commission is to additionally provide remedial training and specific technical assistance regarding the default. Failure to cure a default will result in the member state being terminated from the Compact.