

SENATE, No. 523

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JOSEPH P. CRYAN

District 20 (Union)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Co-Sponsored by:

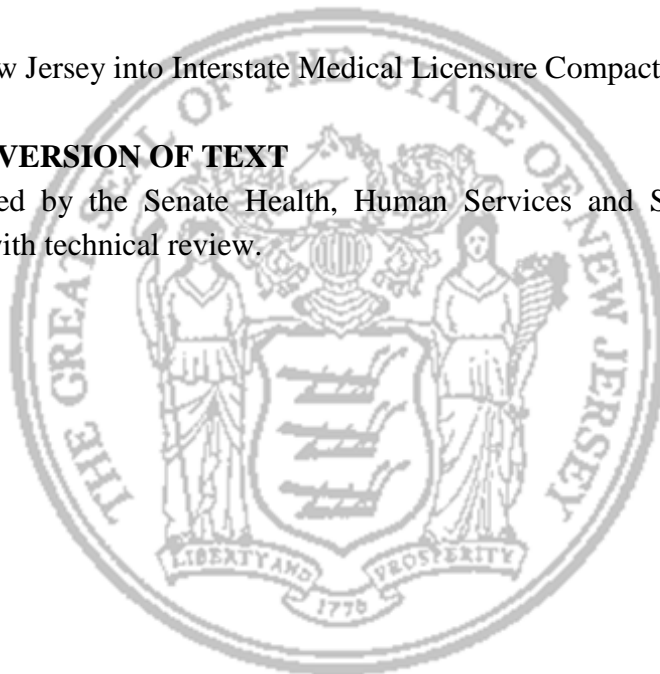
Senators Gill, Pou, Assemblywomen B.DeCroce, Sumter, Assemblyman Tully, Assemblywomen Swain and Lampitt

SYNOPSIS

Enters New Jersey into Interstate Medical Licensure Compact.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee with technical review.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT entering New Jersey into the Interstate Medical Licensure
2 Compact and supplementing Title 45 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The State of New Jersey enacts and enters into the Interstate
8 Medical Licensure Compact with all other jurisdictions that legally
9 join the compact in the form substantially as follows:

10
11 Section 1. Purpose.

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

31
32 Section 2. Definitions.

33
34 As used in this compact:

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

38 b. "Commissioner" means the voting representative appointed
39 by each member board pursuant to section 11 of this compact.

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

46 d. "Expedited license" means a full and unrestricted medical
47 license granted by a member state to an eligible physician through
48 the process set forth in the compact.

- 1 e. “Interstate Commission” means the Interstate Medical
2 Licensure Compact Commission created pursuant to section 11 of
3 this compact.
- 4 f. “License” means authorization by a state for a physician to
5 engage in the practice of medicine, which would be unlawful
6 without the authorization.
- 7 g. “Medical practice act” means laws and regulations
8 governing the practice of allopathic and osteopathic medicine
9 within a member state.
- 10 h. “Member board” means a state agency in a member state
11 that acts in the sovereign interests of the state by protecting the
12 public through licensure, regulation, and education of physicians as
13 directed by the state government.
- 14 i. “Member state” means a state that has enacted the compact.
- 15 j. “Practice of medicine” means the clinical prevention,
16 diagnosis, or treatment of human disease, injury, or condition
17 requiring a physician to obtain and maintain a license in compliance
18 with the medical practice act of a member state.
- 19 k. “Physician” means any person who:
- 20 (1) Is a graduate of a medical school accredited by the Liaison
21 Committee on Medical Education, the Commission on Osteopathic
22 College Accreditation, or a medical school listed in the
23 International Medical Education Directory or its equivalent;
- 24 (2) Passed each component of the United States medical
25 Licensing Examination (USMLE) or the Comprehensive
26 Osteopathic Medical Licensing Examination (COMLEX-USA)
27 within three attempts, or any of its predecessor examinations
28 accepted by a state medical board as an equivalent examination for
29 licensure purposes;
- 30 (3) Successfully completed graduate medical education
31 approved by the Accreditation Council for Graduate Medical
32 Education or the American Osteopathic Association;
- 33 (4) Holds specialty certification or a time-unlimited specialty
34 certificate recognized by the American Board of Medical
35 Specialties or the American Osteopathic Association’s Bureau of
36 Osteopathic Specialists;
- 37 (5) Possesses a full and unrestricted license to engage in the
38 practice of medicine issued by a member board;
- 39 (6) Has never been convicted, received adjudication, deferred
40 adjudication, community supervision, or deferred disposition for
41 any offense by a court of appropriate jurisdiction;
- 42 (7) Has never held a license authorizing the practice of medicine
43 subjected to discipline by a licensing agency in any state, federal, or
44 foreign jurisdiction, excluding any action related to non-payment of
45 fees related to a license;
- 46 (8) Has never had a controlled substance license or permit
47 suspended or revoked by a state or the United States Drug
48 Enforcement Administration; and

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

4 1. "Offense" means a felony, gross misdemeanor, or crime of
5 moral turpitude.

6 m. "Rule" means a written statement by the Interstate
7 Commission promulgated pursuant to section 12 of this compact
8 that is of general applicability, implements, interprets, or prescribes
9 a policy or provision of the compact, or an organizational,
10 procedural, or practice requirement of the Interstate Commission,
11 and has the force and effect of statutory law in a member state, and
12 includes the amendment, repeal, or suspension of an existing rule.

13 n. "State" means any state, commonwealth, district, or territory
14 of the United States.

15 o. "State of principal license" means a member state where a
16 physician holds a license to practice medicine and which has been
17 designated as such by the physician for purposes of registration and
18 participation in the compact.

19
20 Section 3. Eligibility.

21
22 a. A physician shall meet the eligibility requirements specified
23 in subsection k. of section 2 of this compact to receive an expedited
24 license under the terms and provisions of the compact.

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

30
31 Section 4. Designation of State of Principal License.

32
33 a. A physician shall designate a member state as the state of
34 principal license for purposes of registration for expedited licensure
35 through the compact if the physician possesses a full and
36 unrestricted license to practice medicine in that state, and the state
37 is:

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

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

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

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

45 b. A physician may redesignate a member state as the
46 physician's state of principal license at any time, provided the state
47 meets the requirements for designation set forth in subsection a. of
48 this section.

1 c. The Interstate Commission is authorized to develop rules to
2 facilitate redesignation of another member state as the physician's
3 state of principal license.

4
5 Section 5. Application and Issuance of Expedited Licensure.

6
7 a. A physician seeking licensure through the compact shall file
8 an application for an expedited license with the member board of
9 the state selected by the physician as the physician's state of
10 principal license.

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

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

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

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

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

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

47 e. An expedited license shall be valid for a period consistent
48 with the licensure period in the member state and in the same

1 manner as required for other physicians holding a full and
2 unrestricted license within the member state.

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

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

10

11 Section 6. Fees for Expedited Licensure.

12

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

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

18

19 Section 7. Renewal and Continued Participation.

20

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

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

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

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

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

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

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

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

45 e. Physician information collected by the Interstate
46 Commission during the renewal process will be distributed to all
47 member boards.

1 f. The Interstate Commission is authorized to develop rules to
2 address renewal of licenses obtained through the compact.

3

4 Section 8. Coordinated Information System.

5

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

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

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

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

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

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

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

28

29 Section 9. Joint Investigations.

30

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

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

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

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

42 e. Any member state may investigate actual or alleged
43 violations of the statutes authorizing the practice of medicine in any
44 other member state in which a physician holds a license to practice
45 medicine.

1 Section 10. Disciplinary Actions.

2
3 a. Any disciplinary action taken by any member board against
4 a physician licensed through the compact shall be deemed
5 unprofessional conduct which may be subject to discipline by other
6 member boards, in addition to any violation of the medical practice
7 act or regulations in that state.

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

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

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

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

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

40

41 Section 11. Interstate Medical Licensure Compact
42 Commission.

43

44 a. The member states hereby create the "Interstate Medical
45 Licensure Compact Commission."

46 b. The purpose of the Interstate Commission is the
47 administration of the Interstate Medical Licensure Compact, which
48 is a discretionary state function.

1 c. The Interstate Commission shall be a body corporate and
2 joint agency of the member states and shall have all the
3 responsibilities, powers, and duties set forth in the compact, and
4 such additional powers as may be conferred upon it by a subsequent
5 concurrent action of the respective legislatures of the member states
6 in accordance with the terms of the compact.

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

15 (1) an allopathic or osteopathic physician appointed to a
16 member board;

17 (2) an executive director, executive secretary, or similar
18 executive of a member board; or

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

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

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

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

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

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

45 (2) Discuss matters specifically exempted from disclosure by
46 federal statute;

47 (3) Discuss trade secrets or commercial or financial information
48 that is privileged or confidential;

1 (4) Involve accusing a person of a crime, or formally censuring
2 a person;

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

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

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

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

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

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

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

29

30 Section 12. Powers and Duties of the Interstate Commission.

31

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

33 a. Oversee and maintain the administration of the compact;

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

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

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

43 e. Establish and appoint committees, including, but not limited
44 to, an executive committee as required pursuant to section 11 of this
45 compact, which shall have the power to act on behalf of the
46 Interstate Commission in carrying out its powers and duties;

- 1 f. Pay, or provide for the payment of, the expenses related to
2 the establishment, organization, and ongoing activities of the
3 Interstate Commission;
- 4 g. Establish and maintain one or more offices;
- 5 h. Borrow, accept, hire, or contract for services of personnel;
- 6 i. Purchase and maintain insurance and bonds;
- 7 j. Employ an executive director, who shall have the power to
8 employ, select, or appoint employees, agents, or consultants, and to
9 determine their qualifications, define their duties, and fix their
10 compensation;
- 11 k. Establish personnel policies and programs relating to
12 conflicts of interest, rates of compensation, and qualifications of
13 personnel;
- 14 l. Accept donations and grants of money, equipment, supplies,
15 materials, and services, and to receive, utilize, and dispose of the
16 same in a manner consistent with the conflict of interest policies
17 established by the Interstate Commission;
- 18 m. Lease, purchase, accept contributions or donations of, or
19 otherwise own, hold, improve, or use any real or personal property;
- 20 n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
21 otherwise dispose of any real or personal property;
- 22 o. Establish a budget and make expenditures;
- 23 p. Adopt a seal and bylaws governing the management and
24 operation of the Interstate Commission;
- 25 q. Report annually to the legislatures and governors of the
26 member states concerning the activities of the Interstate
27 Commission during the preceding year. Such reports shall also
28 include reports of financial audits and any recommendations that
29 may have been adopted by the Interstate Commission;
- 30 r. Coordinate education, training, and public awareness
31 regarding the compact, its implementation, and its operation;
- 32 s. Maintain records in accordance with the bylaws;
- 33 t. Seek and obtain trademarks, copyrights, and patents; and
- 34 u. Perform such functions as may be necessary or appropriate
35 to achieve the purposes of the compact.

36
37 Section 13. Finance Powers.
38

- 39 a. The Interstate Commission may levy on and collect an
40 annual assessment from each member state to cover the cost of the
41 operations and activities of the Interstate Commission and its staff.
42 The total assessment shall be sufficient to cover the annual budget
43 approved each year for which revenue is not provided by other
44 sources. The aggregate annual assessment amount shall be
45 allocated upon a formula to be determined by the Interstate
46 Commission, which shall promulgate a rule binding upon all
47 member states.

1 b. The Interstate Commission shall not incur obligations of any
2 kind prior to securing the funds adequate to meet the same.

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

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

10

11 Section 14. Organization and Operation of the Interstate
12 Commission.

13

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

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

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

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

37 (1) The liability of the executive director and employees of the
38 Interstate Commission or representatives of the Interstate
39 Commission, acting within the scope of such person's employment
40 or duties for acts, errors, or omissions occurring within such
41 person's state, may not exceed the limits of liability set forth under
42 the constitution and laws of that state for state officials, employees,
43 and agents. The Interstate Commission is considered to be an
44 instrumentality of the states for the purposes of any such action.
45 Nothing in this subsection shall be construed to protect such person
46 from suit or liability for damage, loss, injury, or liability caused by
47 the intentional or willful and wanton misconduct of such person.

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

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

26

27 Section 15. Rulemaking Functions of the Interstate
28 Commission.

29

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

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

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

1 consistent with applicable law and shall not find the rule to be
2 unlawful if the rule represents a reasonable exercise of the authority
3 granted to the Interstate Commission.
4

5 Section 16. Oversight of the Interstate Compact.
6

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

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

18 c. The Interstate Commission shall be entitled to receive all
19 service of process in any such proceeding, and shall have standing
20 to intervene in the proceeding for all purposes. Failure to provide
21 service of process to the Interstate Commission shall render a
22 judgment or order void as to the Interstate Commission, the
23 compact, or promulgated rules.
24

25 Section 17. Enforcement of Interstate Compact.
26

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

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

39 c. The remedies herein shall not be the exclusive remedies of
40 the Interstate Commission. The Interstate Commission may avail
41 itself of any other remedies available under state law or the
42 regulation of a profession.
43

44 Section 18. Default Procedures.
45

46 a. The grounds for default include, but are not limited to,
47 failure of a member state to perform such obligations or
48 responsibilities imposed on it by the compact or the rules and

- 1 bylaws of the Interstate Commission promulgated under the
2 compact.
- 3 b. If the Interstate Commission determines that a member state
4 has defaulted in the performance of its obligations or
5 responsibilities under the compact, or the bylaws or promulgated
6 rules, the Interstate Commission shall:
- 7 (1) Provide written notice to the defaulting state and other
8 member states of the nature of the default, the means of curing the
9 default, and any action taken by the Interstate Commission. The
10 Interstate Commission shall specify the conditions by which the
11 defaulting state shall cure its default; and
- 12 (2) Provide remedial training and specific technical assistance
13 regarding the default.
- 14 c. If the defaulting state fails to cure the default, the defaulting
15 state shall be terminated from the compact upon an affirmative vote
16 of a majority of the commissioners and all rights, privileges, and
17 benefits conferred by the compact shall terminate on the effective
18 date of termination. A cure of the default does not relieve the
19 offending state of obligations or liabilities incurred during the
20 period of the default.
- 21 d. Termination of membership in the compact shall be imposed
22 only after all other means of securing compliance have been
23 exhausted. Notice of intent to terminate shall be given by the
24 Interstate Commission to the governor, the majority and minority
25 leaders of the defaulting state's legislature, and each of the member
26 states.
- 27 e. The Interstate Commission shall establish rules and
28 procedures to address licenses and physicians that are materially
29 affected by the termination of a member state or the withdrawal of a
30 member state.
- 31 f. The member state which has been terminated is responsible
32 for all dues, obligations, and liabilities incurred through the
33 effective date of termination, including any obligations for which
34 the performance of the obligation extends beyond the effective date
35 of termination.
- 36 g. The Interstate Commission shall not bear any costs relating
37 to any state that has been found to be in default or which has been
38 terminated from the compact, unless otherwise mutually agreed
39 upon in writing between the Interstate Commission and the
40 defaulting state.
- 41 h. The defaulting state may appeal the action of the Interstate
42 Commission by petitioning the United States District Court for the
43 District of Columbia or the federal district where the Interstate
44 Commission has its principal offices. The prevailing party shall be
45 awarded all costs of such litigation, including reasonable attorney's
46 fees.

1 Section 19. Dispute Resolution.

2

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

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

9

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

11

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

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

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

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

27

28 Section 21. Withdrawal.

29

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

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

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

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

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

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

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

13
14 Section 22. Dissolution.

15
16 a. The compact shall dissolve effective upon the date of the
17 withdrawal or default of the member state which reduces the
18 membership in the compact to one member state.

19 b. Upon the dissolution of the compact, the compact becomes
20 null and void and shall be of no further force or effect, and the
21 business and affairs of the Interstate Commission shall be
22 concluded and surplus finds shall be distributed in accordance with
23 the bylaws.

24
25 Section 23. Severability and Construction.

26
27 a. The provisions of the compact shall be severable, and if any
28 phrase, clause, sentence, or provision is deemed unenforceable, the
29 remaining provisions of the compact shall be enforceable.

30 b. The provisions of the compact shall be liberally construed to
31 effectuate its purposes.

32 c. Nothing in the compact shall be construed to prohibit the
33 applicability of other interstate compacts to which the states are
34 members.

35
36 Section 24. Binding Effect of Compact and Other Laws.

37
38 a. Nothing herein prevents the enforcement of any other law of
39 a member state that is not inconsistent with the compact.

40 b. All laws in a member state in conflict with the compact are
41 superseded to the extent of the conflict.

42 c. All lawful actions of the Interstate Commission, including
43 all rules and bylaws promulgated by the Commission, are binding
44 upon the member states.

45 d. All agreements between the Interstate Commission and the
46 member states are binding in accordance with their terms.

- 1 e. In the event any provision of the compact exceeds the
- 2 constitutional limits imposed on the legislature of any member
- 3 state, such provision shall be ineffective to the extent of the conflict
- 4 with the constitutional provision in question in that member state.
- 5
- 6 2. This act shall take effect immediately.