

FIRST REGULAR SESSION

# SENATE BILL NO. 300

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1242S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to the interstate medical licensure compact.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto one new section, to be known as section 334.290, to read as follows:

### **334.290. INTERSTATE MEDICAL LICENSURE COMPACT**

#### **SECTION 1. PURPOSE**

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, 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



19 board where the patient is located. State medical boards  
20 that participate in the Compact retain the jurisdiction to  
21 impose an adverse action against a license to practice  
22 medicine in that state issued to a physician through the  
23 procedures in the Compact.

24 SECTION 2. DEFINITIONS

25 In this compact:

26 (a) "Bylaws" means those bylaws established by the  
27 Interstate Commission pursuant to Section 11.

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

30 (c) "Conviction" means a finding by a court that an  
31 individual is guilty of a criminal offense through  
32 adjudication, or entry of a plea of guilt or no contest to  
33 the charge by the offender. Evidence of an entry of a  
34 conviction of a criminal offense by the court shall be  
35 considered final for purposes of disciplinary action by a  
36 member board.

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

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

42 (f) "License" means authorization by a member state  
43 for a physician to engage in the practice of medicine, which  
44 would be unlawful without authorization.

45 (g) "Medical Practice Act" means laws and regulations  
46 governing the practice of allopathic and osteopathic  
47 medicine within a member state.

48 (h) "Member Board" means a state agency in a member  
49 state that acts in the sovereign interests of the state by



50 protecting the public through licensure, regulation, and  
51 education of physicians as directed by the state government.

52 (i) "Member State" means a state that has enacted the  
53 Compact.

54 (j) "Practice of Medicine" means that clinical  
55 prevention, diagnosis, or treatment of human disease,  
56 injury, or condition requiring a physician to obtain and  
57 maintain a license in compliance with the Medical Practice  
58 Act of a member state.

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

60 (1) Is a graduate of a medical school accredited by  
61 the Liaison Committee on Medical Education or the Commission  
62 on Osteopathic College Accreditation;

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

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

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

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

78 (6) Has never been convicted, received adjudication,  
79 deferred adjudication, community supervision, or deferred  
80 disposition for any offense by a court of appropriate  
81 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

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

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

(m) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

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

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

### SECTION 3. ELIGIBILITY

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

(b) A physician who does not meet the requirements of Section 2(k) may obtain a license to practice medicine in a



member state if the individual complies with all laws and requirements, other than the Compact, relating 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 principal residence for the physician, or

(2) The state where at least 25% of the practice of medicine occurs, or

(3) The location of the physician's employer, or

(4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.

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

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

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the



physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.

(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 state of principal license.

(2) The member board within the state selected as the 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 C.F.R. §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 in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the Medical



Practice Act 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 a physician fails to maintain a license in the 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 in subsection (c), 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.

(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, under Section 5.

(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 or received an expedited license through the Compact.



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

245 (d) Member boards may report any non-public complaint,  
246 disciplinary, or investigatory information not required by  
247 subsection (c) to the Interstate Commission.

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

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

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

#### 258 SECTION 9. JOINT INVESTIGATIONS

259 (a) Licensure and disciplinary records of physicians  
260 are deemed investigative.

261 (b) In addition to the authority granted to a member  
262 board by its respective Medical Practice Act or other  
263 applicable state law, a member board may participate with  
264 other member boards in joint investigations of physicians  
265 licensed by the member boards.

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

268 (d) Member boards may share any investigative,  
269 litigation, or compliance materials in furtherance of any  
270 joint or individual investigation initiated under the  
271 Compact.

272 (e) Any member state may investigate actual or alleged  
273 violations of the statutes authorizing the practice of



274 medicine in any other member state in which a physician  
275 holds a license to practice medicine.

276 SECTION 10. DISCIPLINARY ACTIONS

277 (a) Any disciplinary action taken by any member board  
278 against a physician licensed through the Compact shall be  
279 deemed unprofessional conduct which may be subject to  
280 discipline by other member boards, in addition to any  
281 violation of the Medical Practice Act or regulations in that  
282 state.

283 (b) If a license granted to a physician by the member  
284 board in the state of principal license is revoked,  
285 surrendered or relinquished in lieu of discipline, or  
286 suspended, then all licenses issued to the physician by  
287 member boards shall automatically be placed, without further  
288 action necessary by any member board, on the same status.  
289 If the member board in the state of principal license  
290 subsequently reinstates the physician's license, a license  
291 issued to the physician by any other member board shall  
292 remain encumbered until that respective member board takes  
293 action to reinstate the license in a manner consistent with  
294 the Medical Practice Act of that state.

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

299 (1) Impose the same or lesser sanction(s) against the  
300 physician so long as such sanctions are consistent with the  
301 Medical Practice Act of that state; or

302 (2) Pursue separate disciplinary action against the  
303 physician under its respective Medical Practice Act,  
304 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(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) 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 ninety (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 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. A Commissioner shall be a(n):

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

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

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

(e) The Interstate Commission shall meet at least once each calendar year. A portion of this 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 Commission 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 shall meet the requirements of subsection (d).

(h) The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the



public. The Interstate Commission may close a meeting, in full or in portion, 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 practice and procedures of the Interstate Commission;

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

(3) Discuss trade secrets, 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 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 necessary.

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

#### SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

(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, 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 by Section 11, 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;



432           (h) Borrow, accept, hire, or contract for services of  
433 personnel;

434           (i) Purchase and maintain insurance and bonds;

435           (j) Employ an executive director who shall have such  
436 powers to employ, select or appoint employees, agents, or  
437 consultants, and to determine their qualifications, define  
438 their duties, and fix their compensation;

439           (k) Establish personnel policies and programs relating  
440 to conflicts of interest, rates of compensation, and  
441 qualifications of personnel;

442           (l) Accept donations and grants of money, equipment,  
443 supplies, materials, and services and to receive, utilize,  
444 and dispose of it in a manner consistent with the conflict  
445 of interest policies established by the Interstate  
446 Commission;

447           (m) Lease, purchase, accept contributions or donations  
448 of, or otherwise to own, hold, improve or use, any property,  
449 real, personal, or mixed;

450           (n) Sell, convey, mortgage, pledge, lease, exchange,  
451 abandon, or otherwise dispose of any property, real,  
452 personal, or mixed;

453           (o) Establish a budget and make expenditures;

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

456           (q) Report annually to the legislatures and governors  
457 of the member states concerning the activities of the  
458 Interstate Commission during the preceding year. Such  
459 reports shall also include reports of financial audits and  
460 any recommendations that may have been adopted by the  
461 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 purpose of the Compact.

#### SECTION 13. FINANCE POWERS

(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 must 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 accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

#### SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its



494 conduct as may be necessary or appropriate to carry out the  
495 purposes of the Compact within twelve (12) months of the  
496 first Interstate Commission meeting.

497 (b) The Interstate Commission shall elect or appoint  
498 annually from among its Commissioners a chairperson, a vice-  
499 chairperson, and a treasurer, each of whom shall have such  
500 authority and duties as may be specified in the bylaws. The  
501 chairperson, or in the chairperson's absence or disability,  
502 the vice-chairperson, shall preside at all meetings of the  
503 Interstate Commission.

504 (c) Officers selected in subsection (b) shall serve  
505 without remuneration for the Interstate Commission.

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

518 (e) The liability of the executive director and  
519 employees of the Interstate Commission or representatives of  
520 the Interstate Commission, acting within the scope of such  
521 person's employment or duties for acts, errors, or omissions  
522 occurring within such person's state, may not exceed the  
523 limits of liability set forth under the constitution and  
524 laws of that state for state officials, employees, and  
525 agents. The Interstate Commission is considered to be an



instrumentality of the states for the purpose 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.

(f) The Interstate Commission shall defend the executive director, 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.

(g) 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 judgement, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of the Interstate Commission employment, duties, or responsibilities, or that such persons 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



558 result from intentional or willful and wanton misconduct on  
559 the part of such person.

560 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE  
561 COMMISSION

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

570 (b) Rules deemed appropriate for the operations of the  
571 Interstate Commission shall be made pursuant to a rulemaking  
572 process that substantially conforms to the "Model State  
573 Administrative Procedure Act" of 2010, and subsequent  
574 amendments thereto.

575 (c) Not later than thirty (30) days after a rule is  
576 promulgated, any person may file a petition for judicial  
577 review of the rule in the United States District Court for  
578 the District of Columbia or the federal district where the  
579 Interstate Commission has its principal offices, provided  
580 that the filing of such a petition shall not stay or  
581 otherwise prevent the rule from becoming effective unless  
582 the court finds that the petitioner has a substantial  
583 likelihood of success. The court shall give deference to  
584 the actions of the Interstate Commission consistent with  
585 applicable law and shall not find the rule to be unlawful if  
586 the rule represents a reasonable exercise of the authority  
587 granted to the Interstate Commission.

588 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT



589           (a) The executive, legislative, and judicial branches  
590 of state government in each member state shall enforce the  
591 Compact and shall take all actions necessary and appropriate  
592 to effectuate the Compact's purposes and intent. The  
593 provisions of the Compact and the rules promulgated  
594 hereunder shall have standing as statutory law but shall not  
595 override existing state authority to regulate the practice  
596 of medicine.

597           (b) All courts shall take judicial notice of the  
598 Compact and the rules in any judicial or administrative  
599 proceeding in a member state pertaining to the subject  
600 matter of the Compact which may affect the powers,  
601 responsibilities or actions of the Interstate Commission.

602           (c) The Interstate Commission shall be entitled to  
603 receive all services of process in any such proceeding, and  
604 shall have standing to intervene in the proceeding for all  
605 purposes. Failure to provide service of process to the  
606 Interstate Commission shall render a judgment or order void  
607 as to the Interstate Commission, the Compact, or promulgated  
608 rules.

609           SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

610           (a) The Interstate Commission, in the reasonable  
611 exercise of its discretion, shall enforce the provisions and  
612 rules of the Compact.

613           (b) The Interstate Commission may, by majority vote of  
614 the Commissioners, initiate legal action in the United  
615 States Court for the District of Columbia, or, at the  
616 discretion of the Interstate Commission, in the federal  
617 district where the Interstate Commission has its principal  
618 offices, to enforce compliance with the provisions of the  
619 Compact, and its promulgated rules and bylaws, against a  
620 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 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 upon 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 Interstate Commission shall specify the conditions by which the defaulting state must 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 impacted 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 due, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which 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 of the Compact.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven (7) 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 Commission 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 the 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 which 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 (1) year after the effective date of



716 such statute and until written notice of the withdrawal has  
717 been given by the withdrawing state to the governor of each  
718 other member state.

719 (c) The withdrawing state shall immediately notify the  
720 chairperson of the Interstate Commission in writing upon the  
721 introduction of legislation repealing the Compact in the  
722 withdrawing state.

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

727 (e) The withdrawing state is responsible for all dues,  
728 obligations and liabilities incurred through the effective  
729 date of withdrawal, including obligations, the performance  
730 of which extend beyond the effective date of withdrawal.

731 (f) Reinstatement following withdrawal of a member  
732 state shall occur upon the withdrawing state reenacting the  
733 Compact or upon such later date as determined by the  
734 Interstate Commission.

735 (g) The Interstate Commission is authorized to develop  
736 rules to address the impact of the withdrawal of a member  
737 state on licenses granted in other member states to  
738 physicians who designated the withdrawing member state as  
739 the state of principal license.

#### 740 SECTION 22. DISSOLUTION

741 (a) The Compact shall dissolve effective upon the date  
742 of the withdrawal or default of the member state which  
743 reduces the membership of the Compact to one (1) member  
744 state.

745 (b) Upon the dissolution of the Compact, the Compact  
746 becomes null and void and shall be of no further force or  
747 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 member 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.

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