

INDEX

Interstate Medical Licensure Compact
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Section 1 Purpose	Section 13 Financial Powers
Section 2 Definitions Physician eligibility for participation in compact	Section 14 Organization and operation of the Interstate Commission
Section 3 Alternative for licensure if physician does not meet eligibility requirements	Section 15 Rulemaking functions of the Interstate Commission
Section 4 Designation of state of principal license	Section 16 Oversight of Interstate Compact
Section 5 Application and issuance of expedited licensure	Section 17 Enforcement of Interstate Compact
Section 6 Fees for expedited licensure	Section 18 Default procedures
Section 7 Renewal and continued participation	Section 19 Dispute resolution
Section 8 Coordinated information system	Section 20 Member states, effective date, and amendment
Section 9 Joint investigations	Section 21 Withdrawal
Section 10 Disciplinary actions	Section 22 Dissolution
Section 11 Interstate Medical Licensure Compact Commission	Section 23 Severability and construction
Section 12 Powers and duties of the Interstate Commission	Section 24 Binding effect of Compact and other laws

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 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

In this compact:

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

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

(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

25 charge by the offender. Evidence of an entry of a conviction of a criminal offense by the
26 court shall be considered final for purposes of disciplinary action by a member board.

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

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

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

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

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

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

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

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

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

47 2) Passed each component of the United State Medical Licensing
48 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing
49 Examination (COMLEX-USA) within three attempts, or any of its predecessor

50 examinations accepted by a state medical board as an equivalent examination for
51 licensure purposes;

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

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

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

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

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

66 8) Has never had a controlled substance license or permit suspended
67 or revoked by a state or the United States Drug Enforcement Administration; and

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

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

72 (m) "Rule" means a written statement by the Interstate Commission
73 promulgated pursuant to Section 12 of the Compact that is of general applicability,
74 implements, interprets, or prescribes a policy or provision of the Compact, or an
75 organizational, procedural, or practice requirement of the Interstate Commission, and

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

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

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

83 **SECTION 3. ELIGIBILITY**

84 (a) A physician must meet the eligibility requirements as defined in Section
85 2(k) to receive an expedited license under the terms and provisions of the Compact.

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

90 **SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE**

91 (a) A physician shall designate a member state as the state of principal
92 license for purposes of registration for expedited licensure through the Compact if the
93 physician possesses a full and unrestricted license to practice medicine in that state,
94 and the state is:

- 95 1) The state of principal residence for the physician, or
- 96 2) The state where at least 25% of the practice of medicine occurs, or
- 97 3) The location of the physician's employer, or
- 98 4) If no state qualifies under subsection (1), subsection (2), or
- 99 subsection (3), the state designated as state of residence for purpose of federal income
100 tax.

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

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

105 **SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE**

106 (a) A physician seeking licensure through the Compact shall file an
107 application for an expedited license with the member board of the state selected by the
108 physician as the state of principal license.

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

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

118 2) The member board within the state selected as the state of
119 principal license shall, in the course of verifying eligibility, perform a criminal background
120 check of an applicant, including the use of the results of fingerprint or other biometric
121 data checks compliant with the requirements of the Federal Bureau of Investigation,
122 with the exception of federal employees who have suitability determination in
123 accordance with 5 C.F.R. §731.202.

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

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

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

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

139 (f) An expedited license obtained through the Compact shall be terminated if
140 a physician fails to maintain a license in the state of principal licensure for a non-
141 disciplinary reason, without redesignation of a new state of principal licensure.

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

145 **SECTION 6. FEES FOR EXPEDITED LICENSURE**

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

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

151 **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

175 **SECTION 8. COORDINATED INFORMATION SYSTEM**

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

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

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

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

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

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

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

192 **SECTION 9. JOINT INVESTIGATIONS**

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

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

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

200 (d) Member boards may share any investigative, litigation, or compliance
201 materials in furtherance of any joint or individual investigation initiate under the
202 Compact.

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

206 **SECTION 10. DISCIPLINARY ACTIONS**

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

211 (b) If a license granted to a physician by the member board in the state of
212 principal license is revoked, surrendered or relinquished in lieu of discipline, or
213 suspended, then all licenses issued to the physician by member boards shall
214 automatically be placed, without further action necessary by any member board, on the
215 same status. If the member board in the state of principal license subsequently
216 reinstates the physician's license, a license issued to the physician by any other
217 member board shall remain encumbered until that respective member board takes
218 action to reinstate the license in a manner consistent with the Medical Practice Act of
219 that state.

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

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

225 2) Pursue separate disciplinary action against the physician under its
226 respective Medical Practice Act, regardless of the action taken in other member states.

227 (d) If a license granted to a physician by a member board is revoked,
228 surrendered or relinquished in lieu of discipline, or suspended, then any license(s)

229 issued to the physician by any other member board(s) shall be suspended,
230 automatically and immediately without further action necessary by the other member
231 board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit
232 the member board(s) to investigate the basis for the action under the Medical Practice
233 Act of that state. A member board may terminate the automatic suspension of the
234 license it issued prior to the completion of the ninety (90) day suspension period in a
235 manner consistent with the Medical Practice Act of that state.

236 **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION**

237 (a) The member states hereby create the “Interstate Medical Licensure
238 Compact Commission”.

239 (b) The purpose of the Interstate Commission is the administration of the
240 Interstate Medical Licensure Compact, which is a discretionary state function.

241 (c) The Interstate Commission shall be a body corporate and joint agency of
242 the member states and shall have all the responsibilities, powers, and duties set forth in
243 the Compact, and such additional powers as may be conferred upon it by a subsequent
244 concurrent action of the respective legislatures of the member states in accordance with
245 the terms of the Compact.

246 (d) The Interstate Commission shall consist of two voting representatives
247 appointed by each member state who shall serve as Commissioners. In states where
248 allopathic and osteopathic physicians are regulated by separate member boards, or if
249 the licensing and disciplinary authority is split between separate member boards, or if
250 the licensing and disciplinary authority is split between multiple member boards within a
251 member state, the member state shall appoint one representative from each member
252 board. A Commissioner shall be a(n):

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

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

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

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

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

264 (g) Each Commissioner participating at a meeting of the Interstate
265 Commission is entitled to one vote. A majority of Commissioners shall constitute a
266 quorum for the transaction of business, unless a larger quorum is required by the
267 bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to
268 another Commissioner. In the absence of its Commissioner, a member state may
269 delegate voting authority for a specified meeting to another person from that state who
270 shall meet the requirements of subsection (d).

271 (h) The Interstate Commission shall provide public notice of all meetings and
272 all meetings shall be open to the public. The Interstate Commission may close a
273 meeting, in full or in portion, where it determines by a two-thirds vote of the
274 Commissioners present that an open meeting would be likely to:

275 1) Relate solely to the internal personnel practice and procedures of
276 the Interstate Commission;

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

279 3) Discuss trade secrets, commercial, or financial information that is
280 privileged or confidential;

281 4) Involve accusing a person of a crime, or formally censuring a
282 person;

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

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

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

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

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

295 (k) The Interstate Commission shall establish an executive committee, which
296 shall include officers, members, and others as determined by the bylaws. The
297 executive committee shall have the power to act on behalf of the Interstate Commission,
298 with the exception of rulemaking, during periods when the Interstate Commission is not
299 in session. When acting on behalf of the Interstate Commission, the executive
300 committee shall oversee the administration of the Compact including enforcement and
301 compliance with the provisions of the Compact, its bylaws and rules, and other such
302 duties as necessary.

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

305 **SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

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

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

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

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

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

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

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

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

322 (i) Purchase and maintain insurance and bonds;

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

326 (k) Establish personnel policies and programs relating to conflicts of interest,
327 rates of compensation, and qualifications of personnel;

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

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

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

335 (o) Establish a budget and make expenditures;

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

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

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

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

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

346 (u) Perform such functions as may be necessary or appropriate to achieve the
347 purpose of the Compact.

348 **SECTION 13. FINANCE POWERS**

349 (a) The Interstate Commission may levy on and collect an annual assessment
350 from each member state to cover the cost of the operations and activities of the
351 Interstate Commission and its staff. The total assessment must be sufficient to cover
352 the annual budget approved each year for which revenue is not provided by other
353 sources. The aggregate annual assessment amount shall be allocated upon a formula
354 to be determined by the Interstate Commission, which shall promulgate a rule binding
355 upon all member states.

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

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

360 (d) The Interstate Commission shall be subject to a yearly financial audit
361 conducted by a certified or licensed accountant and the report of the audit shall be
362 included in the annual report of the Interstate Commission.

363 **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE**
364 **COMMISSION**

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

369 (b) The Interstate Commission shall elect or appoint annually from among its
370 Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall
371 have such authority and duties as may be specified in the bylaws. The chairperson, or
372 in the chairperson's absence or disability, the vice-chairperson, shall preside at all
373 meetings of the Interstate Commission.

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

376 (d) The officers and employees of the Interstate Commission shall be immune
377 from suit and liability, either personally or in their official capacity, for a claim for damage
378 to or loss of property or personal injury or other civil liability caused or arising out of, or
379 relating to, an actual or alleged act, error, or omission that occurred, or that such person
380 had a reasonable basis for believing occurred, within the scope of Interstate
381 Commission employment, duties, or responsibilities; provided that such person shall not

382 be protected from suit or liability for damage, loss, injury, or liability caused by the
383 intentional or willful and wanton misconduct of such person.

384 (e) The liability of the executive director and employees of the Interstate
385 Commission or representatives of the Interstate Commission, acting within the scope of
386 such person's employment or duties for acts, errors, or omissions occurring within such
387 person's state, may not exceed the limits of liability set forth under the constitution and
388 laws of that state for state officials, employees, and agents. The Interstate Commission
389 is considered to be an instrumentality of the states for the purpose of any such action.
390 Nothing in this subsection shall be construed to protect such person from suit or liability
391 for damage, loss, injury, or liability caused by the intentional or willful and wanton
392 misconduct of such person.

393 (f) The Interstate Commission shall defend the executive director, its
394 employees, and subject to the approval of the attorney general or other appropriate
395 legal counsel of the member state represented by an Interstate Commission
396 representative, shall defend such Interstate Commission representative in any civil
397 action seeking to impose liability arising out of an actual or alleged act, error or omission
398 that occurred within the scope of Interstate Commission employment, duties or
399 responsibilities, or that the defendant had a reasonable basis for believing occurred
400 within the scope of Interstate Commission employment, duties, or responsibilities,
401 provided that the actual or alleged act, error, or omission did not result from intentional
402 or willful and wanton misconduct on the part of such person.

403 (g) To the extent not covered by the state involved, member state, or the
404 Interstate Commission, the representatives or employees of the Interstate Commission
405 shall be held harmless in the amount of a settlement or judgement, including attorney's
406 fees and costs, obtained against such persons arising out of an actual or alleged act,
407 error, or omission that occurred within the scope of the Interstate Commission

408 employment, duties, or responsibilities, or that such persons had a reasonable basis for
409 believing occurred within the scope of Interstate Commission employment, duties, or
410 responsibilities, provided that the actual or alleged act, error, or omission did not result
411 from intentional or willful and wanton misconduct on the part of such person.

412 **SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE**

413 **COMMISSION**

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

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

424 (c) Not later than thirty (30) days after a rule is promulgated, any person may
425 file a petition for judicial review of the rule in the United States District Court for the
426 District of Columbia or the federal district where the Interstate Commission has its
427 principal offices, provided that the filing of such a petition shall not stay or otherwise
428 prevent the rule from becoming effective unless the court finds that the petitioner has a
429 substantial likelihood of success. The court shall give deference to the actions of the
430 Interstate Commission consistent with applicable law and shall not find the rule to be
431 unlawful if the rule represents a reasonable exercise of the authority granted to the
432 Interstate Commission.

433 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

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

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

443 (c) The Interstate Commission shall be entitled to receive all services of
444 process in any such proceeding, and shall have standing to intervene in the proceeding
445 for all purposes. Failure to provide service of process to the Interstate Commission
446 shall render a judgment or order void as to the Interstate Commission, the Compact, or
447 promulgated rules.

448 **SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT**

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

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

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

462 **SECTION 18. DEFAULT PROCEDURES**

463 (a) The grounds for default include, but are not limited to, failure of a member
464 state to perform such obligations or responsibilities imposed upon it by the Compact, or
465 the rules and bylaws of the Interstate Commission promulgated under the Compact.

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

469 1) Provide written notice to the defaulting state and other member
470 states, of the nature of the default, the means of curing the default, and any action taken
471 by the Interstate Commission. The Interstate Commission shall specify the conditions
472 by which the defaulting state must cure its default; and

473 2) Provide remedial training and specific technical assistance
474 regarding the default.

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

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

484 (e) The Interstate Commission shall establish rules and procedures to
485 address licenses and physicians that are materially impacted by the termination of a
486 member state, or the withdrawal of a member state.

487 (f) The member state which has been terminated is responsible for all due,
488 obligations, and liabilities incurred through the effective date of termination including
489 obligations, the performance of which extends beyond the effective date of termination.

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

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

498 **SECTION 19. DISPUTE RESOLUTION**

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

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

504 **SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

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

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

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

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

517 **SECTION 21. WITHDRAWAL**

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

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

525 (c) The withdrawing state shall immediately notify the chairperson of the
526 Interstate Commission in writing upon the introduction of legislation repealing the
527 Compact in the withdrawing state.

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

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

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

537 (g) The Interstate Commission is authorized to develop rules to address the
538 impact of the withdrawal of a member state on licenses granted in other member states
539 to physicians who designated the withdrawing member state as the state of principal
540 license.

541 **SECTION 22. DISSOLUTION**

542 (a) The Compact shall dissolve effective upon the date of the withdrawal or
543 default of the member state which reduces the membership of the Compact to one (1)
544 member state.

545 (b) Upon the dissolution of the Compact, the Compact becomes null and void
546 and shall be of no further force or effect, and the business and affairs of the Interstate
547 Commission shall be concluded, and surplus funds shall be distributed in accordance
548 with the bylaws.

549 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

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

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

555 (c) Nothing in the Compact shall be construed to prohibit the applicability of
556 other interstate compacts to which the member states are members.

557 **SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS**

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

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

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

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

566 (e) In the event any provision of the Compact exceeds the constitutional limits
567 imposed on the legislature of any member state, such provision shall be ineffective to
568 the extent of the conflict with the constitutional provision in question in that member
569 state.