

# INTERSTATE MEDICAL LICENSURE COMPACT

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*The ideas and conclusions set forth in this document, including the proposed statutory language and any comments or notes, have not been formally endorsed by the Federation of State Medical Boards or its Board of Directors. This document has been prepared as part of a study of the feasibility of an interstate compact, and it does not necessarily reflect the views of the Federation of State Medical Boards, the Board of Directors of the Federation of State Medical Boards, or any state medical board or its members.*

1 **INTERSTATE MEDICAL LICENSURE COMPACT**

2 **SECTION 1. PURPOSE**

3 In order to strengthen access to health care, and in recognition of the advances in the delivery of  
4 health care, the member states of the Interstate Medical Licensure Compact have allied in  
5 common purpose to develop a comprehensive process that complements the existing licensing  
6 and regulatory authority of state medical boards, provides a streamlined process that allows  
7 physicians to become licensed in multiple states, thereby enhancing the portability of a medical  
8 license and ensuring the safety of patients. The Compact creates another pathway for licensure  
9 and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts  
10 the prevailing standard for licensure and affirms that the practice of medicine occurs where the  
11 patient is located at the time of the physician-patient encounter, and therefore, requires the  
12 physician to be under the jurisdiction of the state medical board where the patient is located.  
13 State medical boards that participate in the Compact retain the jurisdiction to impose an adverse  
14 action against a license to practice medicine in that state issued to a physician through the  
15 procedures in the Compact.

16 **SECTION 2. DEFINITIONS**

17 In this compact:

18 (a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to  
19 Section 11 for its governance, or for directing and controlling its actions and conduct.

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

22 (c) "Conviction" means a finding by a court that an individual is guilty of a criminal  
23 offense through adjudication, or entry of a plea of guilt or no contest to the charge by the  
24

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

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

5 (e) "Interstate Commission" means the interstate commission created pursuant to Section  
6 11.

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

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

11 (h) "Member Board" means a state agency in a member state that acts in the sovereign  
12 interests of the state by protecting the public through licensure, regulation, and education of  
13 physicians as 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, diagnosis, or treatment of  
16 human disease, injury, or condition requiring a physician to obtain and maintain a license in  
17 compliance with the Medical Practice Act of a member state.

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

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

22 (2) Passed each component of the United States Medical Licensing Examination  
23 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)

1 within three attempts, or any of its predecessor examinations accepted by a state medical board  
2 as an equivalent examination for licensure purposes;

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

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

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

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

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

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

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

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

22 (m) "Rule" means a written statement by the Interstate Commission promulgated  
23 pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or

1 prescribes a policy or provision of the Compact, or an organizational, procedural, or practice  
2 requirement of the Interstate Commission, and has the force and effect of statutory law in a  
3 member state, and includes the amendment, repeal, or suspension of an existing rule.

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

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

8

9 **SECTION 3. ELIGIBILITY**

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

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

15

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

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

20 (1) the state of primary residence for the physician, or

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

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

23 (4) if no state qualifies under subsection (1), subsection (2), or subsection (3), the

1 state designated as state of residence for purpose of federal income tax.

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

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

6

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

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

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

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

19 (ii) The member board within the state selected as the state of principal license  
20 shall, in the course of verifying eligibility, perform a criminal background check of an applicant,  
21 including the use of the results of fingerprint or other biometric data checks compliant with the  
22 requirements of the Federal Bureau of Investigation, with the exception of federal employees who  
23 have suitability determination in accordance with U.S. C.F.R. §731.202.

24 (iii) Appeal on the determination of eligibility shall be made to the member state

1 where the application was filed and shall be subject to the law of that state.

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

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

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

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

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

19

## 20 **SECTION 6. FEES FOR EXPEDITED LICENSURE**

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

23 (b) The Interstate Commission is authorized to develop rules regarding fees for expedited

1 licenses.

2

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

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

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

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

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

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

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

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

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

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

23 (f) The Interstate Commission is authorized to develop rules to address renewal of



1 licenses obtained through the Compact.

2

3 **SECTION 8. COORDINATED INFORMATION SYSTEM**

4

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

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

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

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

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

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

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

21

22 **SECTION 9. JOINT INVESTIGATIONS**

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

24 (b) In addition to the authority granted to a member board by its respective Medical  
25 Practice Act or other applicable state law, a member board may participate with other member

1 boards in joint investigations of physicians licensed by the member boards.

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

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

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

8

9 **SECTION 10. DISCIPLINARY ACTIONS**

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

14 (b) If a license granted to a physician by the member board in the state of principal  
15 license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all  
16 licenses issued to the physician by member boards shall automatically be placed, without further  
17 action necessary by any member board, on the same status. If the member board in the state of  
18 principal license subsequently reinstates the physician's license, a license issued to the  
19 physician by any other member board shall remain encumbered until that respective member  
20 board takes action to reinstate the license in a manner consistent with the Medical Practice Act of  
21 that state.

22 (c) If disciplinary action is taken against a physician by a member board not in the state  
23 of principal license, any other member board may deem the action conclusive as to matter of law

1 and fact decided, and:

2 (i) impose the same or lesser sanction(s) against the physician so long as such  
3 sanctions are consistent with the Medical Practice Act of that state;

4 (ii) or pursue separate disciplinary action against the physician under its  
5 respective Medical Practice Act, regardless of the action taken in other member states.

6 (d) If a license granted to a physician by a member board is revoked, surrendered or  
7 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any  
8 other member board(s) shall be suspended, automatically and immediately without further action  
9 necessary by the other member board(s), for ninety (90) days upon entry of the order by the  
10 disciplining board, to permit the member board(s) to investigate the basis for the action under the  
11 Medical Practice Act of that state. A member board may terminate the automatic suspension of  
12 the license it issued prior to the completion of the ninety (90) day suspension period in a manner  
13 consistent with the Medical Practice Act of that state.

14

15 **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT**

16 **COMMISSION**

17 (a) The member states hereby create the "Interstate Medical Licensure Compact  
18 Commission".

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

21 (c) The Interstate Commission shall be a body corporate and joint agency of the member  
22 states and shall have all the responsibilities, powers, and duties set forth in the Compact, and  
23 such additional powers as may be conferred upon it by a subsequent concurrent action of the

1 respective legislatures of the member states in accordance with the terms of the Compact.

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

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

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

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

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

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

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

23 (h) The Interstate Commission shall provide public notice of all meetings and all

1 meetings shall be open to the public. The Interstate Commission may close a meeting, in full or  
2 in portion, where it determines by a two-thirds vote of the Commissioners present that an open  
3 meeting would be likely to:

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

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

7 (3) Discuss trade secrets, commercial, or financial information that is privileged  
8 or confidential;

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

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

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

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

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

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

21 (k) The Interstate Commission shall establish an executive committee, which shall  
22 include officers, members, and others as determined by the bylaws. The executive committee  
23 shall have the power to act on behalf of the Interstate Commission, with the exception of

1 rulemaking, during periods when the Interstate Commission is not in session. When acting on  
2 behalf of the Interstate Commission, the executive committee shall oversee the administration of  
3 the Compact including enforcement and compliance with the provisions of the Compact, its  
4 bylaws and rules, and other such duties as necessary.

5 (l) The Interstate Commission may establish other committees for governance and  
6 administration of the Compact.

7

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

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

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

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

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

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

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

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

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

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

- 1 (i) Purchase and maintain insurance and bonds;
- 2 (j) Employ an executive director who shall have such powers to employ, select or appoint  
3 employees, agents, or consultants, and to determine their qualifications, define their duties, and  
4 fix their compensation;
- 5 (k) Establish personnel policies and programs relating to conflicts of interest, rates of  
6 compensation, and qualifications of personnel;
- 7 (l) Accept donations and grants of money, equipment, supplies, materials and services,  
8 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest  
9 policies established by the Interstate Commission;
- 10 (m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
11 improve or use, any property, real, personal, or mixed;
- 12 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
13 property, real, personal, or mixed;
- 14 (o) Establish a budget and make expenditures;
- 15 (p) Adopt a seal and bylaws governing the management and operation of the Interstate  
16 Commission;
- 17 (q) Report annually to the legislatures and governors of the member states concerning the  
18 activities of the Interstate Commission during the preceding year. Such reports shall also include  
19 reports of financial audits and any recommendations that may have been adopted by the  
20 Interstate Commission;
- 21 (r) Coordinate education, training, and public awareness regarding the Compact, its  
22 implementation, and its operation;
- 23 (s) Maintain records in accordance with the bylaws;

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

2 (u) Perform such functions as may be necessary or appropriate to achieve the purposes of  
3 the Compact.

4  
5 **SECTION 13. FINANCE POWERS**

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

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

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

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

19  
20 **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE**  
21 **COMMISSION**

22 (a) The Interstate Commission shall, by a majority of Commissioners present and voting,  
23 adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes



1 of the Compact within twelve (12) months of the first Interstate Commission meeting.

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

7 (c) Officers selected in subsection (b) shall serve without remuneration from the  
8 Interstate Commission.

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

17 (1) The liability of the executive director and employees of the Interstate  
18 Commission or representatives of the Interstate Commission, acting within the scope of such  
19 person's employment or duties for acts, errors, or omissions occurring within such person's state,  
20 may not exceed the limits of liability set forth under the constitution and laws of that state for  
21 state officials, employees, and agents. The Interstate Commission is considered to be an  
22 instrumentality of the states for the purposes of any such action. Nothing in this subsection shall  
23 be construed to protect such person from suit or liability for damage, loss, injury, or liability

1 caused by the intentional or willful and wanton misconduct of such person.

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

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

19

20 **SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE**  
21 **COMMISSION**

22 (a) The Interstate Commission shall promulgate reasonable rules in order to effectively  
23 and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event

1 the Interstate Commission exercises its rulemaking authority in a manner that is beyond the  
2 scope of the purposes of the Compact, or the powers granted hereunder, then such an action by  
3 the Interstate Commission shall be invalid and have no force or effect.

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

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

15  
16 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

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

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

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

5  
6 **SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT**

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

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

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

19  
20 **SECTION 18. DEFAULT PROCEDURES**

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

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

4 (1) Provide written notice to the defaulting state and other member states, of the  
5 nature of the default, the means of curing the default, and any action taken by the Interstate  
6 Commission. The Interstate Commission shall specify the conditions by which the defaulting  
7 state must cure its default; and

8 (2) Provide remedial training and specific technical assistance regarding the  
9 default.

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

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

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

22 (f) The member state which has been terminated is responsible for all dues, obligations,  
23 and liabilities incurred through the effective date of termination including obligations, the

1 performance of which extends beyond the effective date of termination.

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

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

9

## 10 **SECTION 19. DISPUTE RESOLUTION**

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

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

16

## 17 **SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

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

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

22 (c) The governors of non-member states, or their designees, shall be invited to participate  
23 in the activities of the Interstate Commission on a non-voting basis prior to adoption of the

1 Compact by all states.

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

6

7 **SECTION 21. WITHDRAWAL**

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

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

15 (c) The withdrawing state shall immediately notify the chairperson of the Interstate  
16 Commission in writing upon the introduction of legislation repealing the Compact in the  
17 withdrawing state.

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

20 (c).

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

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

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

7  
8 **SECTION 22. DISSOLUTION**

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

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

14  
15 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

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

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

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

22  
23 **SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS**



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

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

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

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

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