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Interstate Medical Licensure Compact
(October 27, 2015)

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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
19 to Section 11.

20 (b) “Commissioner” means the voting representative appointed by each member
21 board 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 offender. Evidence of an entry of a conviction of a criminal offense by the court shall be
25 considered final for purposes of disciplinary action by a member board.

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

28 (e) “Interstate Commission” means the interstate commission created pursuant to
29 Section 11.

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

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

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

37 (i) “Member State” means a state that has enacted the Compact.

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

41 (k) “Physician” means any person who:

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

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

- 49 3) Successfully completed graduate medical education approved by the
50 Accreditation Council for Graduate Medical Education or the American Osteopathic
51 Association;
- 52 4) Holds specialty certification or a time-unlimited specialty certificate
53 recognized by the American Board of Medical Specialties or the American Osteopathic
54 Association’s Bureau of Osteopathic Specialists;
- 55 5) Possesses a full and unrestricted license to engage in the practice of
56 medicine issued by a member board;
- 57 6) Has never been convicted, received adjudication, deferred adjudication,
58 community supervision, or deferred disposition for any offense by a court of appropriate
59 jurisdiction;
- 60 7) Has never held a license authorizing the practice of medicine subjected to
61 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action
62 related to non-payment of fees related to a license;
- 63 8) Has never had a controlled substance license or permit suspended or
64 revoked by a state or the United States Drug Enforcement Administration; and
- 65 9) Is not under active investigation by a licensing agency or law enforcement
66 authority in any state, federal, or foreign jurisdiction.
- 67 (l) “Offense” means a felony, gross misdemeanor, or crime of moral turpitude.
- 68 (m) “Rule” means a written statement by the Interstate Commission promulgated
69 pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or
70 prescribes a policy or provision of the Compact, or an organizational, procedural, or practice
71 requirement of the Interstate Commission, and has the force and effect of statutory law in a
72 member state, and includes the amendment, repeal, or suspension of an existing rule.
- 73 (n) “State” means any state, commonwealth, district, or territory of the United States.

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

77 **SECTION 3. ELIGIBILITY**

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

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

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

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

- 88 1) The state of principal residence for the physician, or
89 2) The state where at least 25% of the practice of medicine occurs, or
90 3) The location of the physician’s employer, or
91 4) If no state qualifies under subsection (1), subsection (2), or subsection (3),
92 the state designated as state of residence for purpose of federal income tax.

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

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

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

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

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

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

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

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

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

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

124 Practice Act and all applicable laws and regulations of the issuing member board and member
125 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

162 **SECTION 8. COORDINATED INFORMATION SYSTEM**

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

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

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

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

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

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

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

179 **SECTION 9. JOINT INVESTIGATIONS**

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

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

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

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

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

190 **SECTION 10. DISCIPLINARY ACTIONS**

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

195 (b) If a license granted to a physician by the member board in the state of principal
196 license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all
197 licenses issued to the physician by member boards shall automatically be placed, without further
198 action necessary by any member board, on the same status. If the member board in the state of
199 principal license subsequently reinstates the physician's license, a license issued to the physician

200 by any other member board shall remain encumbered until that respective member board takes
201 action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

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

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

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

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

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

218 **COMMISSION**

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

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

223 (c) The Interstate Commission shall be a body corporate and joint agency of the
224 member states and shall have all the responsibilities, powers, and duties set forth in the Compact,

225 and such additional powers as may be conferred upon it by a subsequent concurrent action of the
226 respective legislatures of the member states in accordance with the terms of the Compact.

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

- 234 1) Allopathic or osteopathic physician appointed to a member board;
- 235 2) Executive director, executive secretary, or similar executive of a member
236 board; or
- 237 3) Member of the public appointed to a member board.

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

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

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

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

- 254 1) Relate solely to the internal personnel practice and procedures of the
255 Interstate Commission;
- 256 2) Discuss matters specifically exempted from disclosure by federal statute;
- 257 3) Discuss trade secrets, commercial, or financial information that is
258 privileged or confidential;
- 259 4) Involve accusing a person of a crime, or formally censuring a person;
- 260 5) Discuss information of a personal nature where disclosure would
261 constitute a clearly unwarranted invasion of personal privacy;
- 262 6) Discuss investigative records compiled for law enforcement purposes; or
263 7) Specifically relate to the participation in a civil action or other legal
264 proceeding.

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

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

271 (k) The Interstate Commission shall establish an executive committee, which shall
272 include officers, members, and others as determined by the bylaws. The executive committee
273 shall have the power to act on behalf of the Interstate Commission, with the exception of
274 rulemaking, during periods when the Interstate Commission is not in session. When acting on
275 behalf of the Interstate Commission, the executive committee shall oversee the administration of

276 the Compact including enforcement and compliance with the provisions of the Compact, its
277 bylaws and rules, and other such duties as necessary.

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

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

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

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

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

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

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

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

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

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

296 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

309 (o) Establish a budget and make expenditures;

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

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

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

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

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

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

322 **SECTION 13. FINANCE POWERS**

323 (a) The Interstate Commission may levy on and collect an annual assessment from
324 each member state to cover the cost of the operations and activities of the Interstate Commission
325 and its staff. The total assessment must be sufficient to cover the annual budget approved each
326 year for which revenue is not provided by other sources. The aggregate annual assessment

327 amount shall be allocated upon a formula to be determined by the Interstate Commission, which
328 shall promulgate a rule binding upon all member states.

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

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

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

336 **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE**
337 **COMMISSION**

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

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

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

348 (d) The officers and employees of the Interstate Commission shall be immune from
349 suit and liability, either personally or in their official capacity, for a claim for damage to or loss
350 of property or personal injury or other civil liability caused or arising out of, or relating to, an
351 actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis
352 for believing occurred, within the scope of Interstate Commission employment, duties, or

353 responsibilities; provided that such person shall not be protected from suit or liability for
354 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of
355 such person.

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

364 (f) The Interstate Commission shall defend the executive director, its employees, and
365 subject to the approval of the attorney general or other appropriate legal counsel of the member
366 state represented by an Interstate Commission representative, shall defend such Interstate
367 Commission representative in any civil action seeking to impose liability arising out of an actual
368 or alleged act, error or omission that occurred within the scope of Interstate Commission
369 employment, duties or responsibilities, or that the defendant had a reasonable basis for believing
370 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
371 provided that the actual or alleged act, error, or omission did not result from intentional or willful
372 and wanton misconduct on the part of such person.

373 (g) To the extent not covered by the state involved, member state, or the Interstate
374 Commission, the representatives or employees of the Interstate Commission shall be held
375 harmless in the amount of a settlement or judgement, including attorney's fees and costs,
376 obtained against such persons arising out of an actual or alleged act, error, or omission that
377 occurred within the scope of the Interstate Commission employment, duties, or responsibilities,
378 or that such persons had a reasonable basis for believing occurred within the scope of Interstate

379 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
380 error, or omission did not result from intentional or willful and wanton misconduct on the part of
381 such person.

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

383 **COMMISSION**

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

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

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

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

401 (a) The executive, legislative, and judicial branches of state government in each
402 member state shall enforce the Compact and shall take all actions necessary and appropriate to
403 effectuate the Compact’s purposes and intent. The provisions of the Compact and the rules

404 promulgated hereunder shall have standing as statutory law but shall not override existing state
405 authority to regulate the practice of medicine.

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

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

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

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

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

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

426 **SECTION 18. DEFAULT PROCEDURES**

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

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

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

437 2) Provide remedial training and specific technical assistance regarding the
438 default.

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

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

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

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

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

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

461 **SECTION 19. DISPUTE RESOLUTION**

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

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

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

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

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

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

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

479 **SECTION 21. WITHDRAWAL**

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

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

487 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
488 Commission in writing upon the introduction of legislation repealing the Compact in the
489 withdrawing state.

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

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

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

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

502 **SECTION 22. DISSOLUTION**

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

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

508 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

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

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

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

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

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

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

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

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

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