

# **RULE ON NOTICE TO LICENSEES UPON WITHDRAWAL OR TERMINATION OF MEMBERSHIP IN THE COMPACT**

**ADOPTED: DRAFT – October 2019**

**EFFECTIVE: DRAFT**

**AMENDMENT HISTORY (LIST WHEN AMENDED AND CITE SECTION NUMBER):**

**Chapter 8 – Notice to Licensees Upon Withdrawal or Termination of Membership in the Compact**

## **8.1 Authority**

This chapter is promulgated by the Interstate Commission pursuant to the Interstate Medical Licensure Compact sections 12, 14, 15, 18, and 21. The rule shall become effective upon adoption by the Interstate Commission.

## **8.2 Definitions**

“Defaulting state” means a state that has defaulted under Section 18 of the Compact.

“State of principal license” means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

“Termination of membership in the Compact” means the Commission’s expulsion of a defaulting state from the Compact under the procedures set forth in Section 18 of the Compact.

“Withdrawing state” means a state that has, in accordance with Section 21 of the Compact, repealed the Compact.

## **8.3 Notice from Withdrawing State**

- a) Within 90 days from enactment of a statute withdrawing a member state from the Compact, the withdrawing state shall send notices, pursuant to this rule, to

licensees who have been licensed in the withdrawing state through the compact and licensees who list the withdrawing state as their state of principal of license.

- b) The notice from the withdrawing state to licensees who have been licensed through the Compact in the withdrawing state, shall inform the licensees that they will not be able to renew their withdrawing state's license through the Compact. The notice shall provide information concerning other methods to apply for licensure and/or renewal in the withdrawing state.
- c) The notice to licensees whose state of principal license is the withdrawing state shall inform licensees that they must maintain a state of principal license through the compact under Compact Rule 4.5. The notice shall inform the licensees that they will not be able to renew their license in any state through the compact if they have not redesignated their state of principal license prior to the withdrawing state's exit from the Compact. The notice shall include instructions, created by the Commission in accordance with Compact Rule 4.4, regarding how licensees may redesignate their state of principal license.
- d) Upon notice from the withdrawing state of the enactment of a statute withdrawing a member state from the Compact, the Commission shall update its website to notify all applicants of the withdrawing state's withdrawal from the Commission. The website shall provide notice to applicants that the licenses will terminate upon the effective date of withdrawal and shall list the effective date of withdrawal.

#### **8.4 Immunity from Suit and Liability for Withdrawal**

A withdrawing state that withdraws from the compact pursuant to the laws and rules of the Interstate Medical Licensure Compact and has complied with the rules regarding notice provided in this section shall be immune from suit and liability from a physician or entity claiming injury based on the withdrawing state's withdrawal from the compact.

#### **8.5 Notice after Termination of Membership in the Compact**

- a) Within 90 days from the vote by the Commission to terminate membership in the Compact of a defaulting state, the defaulting state shall send notices, pursuant to this rule, to licensees who have been licensed in the defaulting state through the Compact and licensees who list the defaulting state as their state of principal of license.

- b) The notice from the defaulting state to licensees who have been licensed through the Compact in the defaulting state shall inform the licensees that they will not be able to renew their defaulting state's license through the Compact. The notice shall provide information concerning other methods to apply for licensure and/or renewal in the defaulting state.
- c) The notice to licensees whose state of principal license is the defaulting state shall inform licensees that they must maintain a state of principal license through the compact under Compact Rule 4.5. The notice shall inform the licensees that they will not be able to renew their license in any state through the compact if they have not redesignated their state of principal license prior to the defaulting state's exit from the Compact. The notice shall include instructions, created by the Commission in accordance with Compact Rule 4.4, regarding how licensees may redesignate their state of principal license.
- d) Immediately following the vote to terminate membership in the Compact of a defaulting state, the Commission shall update its website to notify all applicants of the defaulting state's termination from the Commission. The website shall provide notice to applicants that the licenses will terminate upon the effective date of termination and shall list the effective date of termination.
- e) The effective date of termination of membership in the Compact shall be no earlier than six months following the full Commission's vote to terminate.

## **8.6 Immunity from Suit and Liability for Termination**

A defaulting state that is terminated from the compact pursuant to the laws and rules of the Interstate Medical Licensure Compact and has complied with the rules regarding notice provided in this section shall be immune from suit and liability from a physician or entity claiming injury based on the defaulting state's termination from the compact.