

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - THE INTERSTATE MEDICAL  
LICENSURE COMPACT

Introduced By: Senators Sosnowski, Crowley, and Miller

Date Introduced: February 15, 2017

Referred To: Senate Health & Human Services

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 37.8

4 THE INTERSTATE MEDICAL LICENSURE COMPACT

5 **5-37.8-1. Short title.**

6 This chapter shall be known and may be cited as the "Interstate Medical Licensure  
7 Compact".

8 **5-37.8-2. Purpose.**

9 In order to strengthen access to health care, and in recognition of the advances in the  
10 delivery of health care, the member states of the Interstate Medical Licensure Compact (compact)  
11 have allied in common purpose to develop a comprehensive process that complements the  
12 existing licensing and regulatory authority of state medical boards and provides a streamlined  
13 process that allows physicians to become licensed in multiple states, thereby enhancing the  
14 portability of a medical license and ensuring the safety of patients. The compact creates another  
15 pathway for licensure and does not otherwise change a state's existing medical practice act. The  
16 compact also adopts the prevailing standard for licensure and affirms that the practice of medicine  
17 occurs where the patient is located at the time of the physician-patient encounter, and therefore,  
18 requires the physician to be under the jurisdiction of the state medical board where the patient is

1 located. State medical boards that participate in the compact retain the jurisdiction to impose an  
2 adverse action against a license to practice medicine in that state issued to a physician through the  
3 procedures in the compact.

4 **5-37.8-3. Definitions.**

5 As used in this chapter, the following words and terms shall have the following  
6 meanings:

7 (1) "Bylaws" means those bylaws established by the interstate commission pursuant to  
8 §5-37.8-12 for its governance, or for directing and controlling its actions and conduct.

9 (2) "Commissioner" means the voting representative appointed by each member board  
10 pursuant to §5-37.8-12.

11 (3) "Conviction" means a finding by a court that an individual is guilty of a criminal  
12 offense through adjudication, or entry of a plea of guilt, nolo contendere, or no contest to the  
13 charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court  
14 shall be considered final for purposes of disciplinary action by a member board.

15 (4) "Expedited license" means a full and unrestricted medical license granted by a  
16 member state to an eligible physician through the process set forth in the compact.

17 (5) "Interstate commission" means the interstate commission created pursuant to §5-37.8-  
18 12.

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

21 (7) "Medical practice act" means laws and regulations governing the practice of  
22 allopathic and osteopathic medicine within a member state.

23 (8) "Member board" means a state agency in a member state that acts in the sovereign  
24 interests of the state by protecting the public through licensure, regulation, and education of  
25 physicians as directed by the state government.

26 (9) "Member state" means a state that has enacted the compact.

27 (10) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of  
28 human disease, injury, or condition requiring a physician to obtain and maintain a license in  
29 compliance with the medical practice act of this state.

30 (11) "Physician" means any person who:

31 (i) Is a graduate of a medical school accredited by the Liaison Committee on Medical  
32 Education, the Commission on Osteopathic College Accreditation, or a medical school listed in  
33 the International Medical Education Directory or its equivalent;

34 (ii) Passed each component of the United States Medical Licensing Examination

1 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)  
2 within three (3) attempts, or any of its predecessor examinations accepted by a state medical  
3 board as an equivalent examination for licensure purposes;

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

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

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

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

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

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

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

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

21 (13) "Rule" means a written statement by the interstate commission promulgated  
22 pursuant to §5-37.8-13 of the compact that is of general applicability, implements, interprets, or  
23 prescribes a policy or provision of the compact, or an organizational, procedural, or practice  
24 requirement of the interstate commission, and has the force and effect of statutory law in a  
25 member state, and includes the amendment, repeal, or suspension of an existing rule.

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

27 (15) "State of principal license" means a member state where a physician holds a license  
28 to practice medicine and which has been designated as such by the physician for purposes of  
29 registration and participation in the compact.

30 **5-37.8-4. Eligibility.**

31 (a) A physician must meet the eligibility requirements as defined in §5-37.8-3 to receive  
32 an expedited license under the terms and provisions of the compact.

33 (b) A physician who does not meet the requirements of §5-37.8-3 may obtain a license to  
34 practice medicine in a member state if the individual complies with all laws and requirements,

1 other than the compact, relating to the issuance of a license to practice medicine in that state.

2 **5-37.8-5. Designation of state principal license.**

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

6 (1) The state of primary residence for the physician; or

7 (2) The state where at least twenty-five percent (25%) of the practice of medicine occurs;

8 or

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

10 (4) If no state qualifies under §§5-37.8-5(a)(1), (2), or (3), the state designated as state of  
11 residence for purpose of federal income tax.

12 (b) A physician may redesignate a member state as state of principal license at any time,  
13 as long as the state meets the requirements in §5-37.8-5(a).

14 (c) The interstate commission is authorized to develop rules to facilitate redesignation of  
15 another member state as the state of principal license.

16 **5-37.8-6. Application and issuance of expedited licensure.**

17 (a) A physician seeking licensure through the compact shall file an application for an  
18 expedited license with the member board of the state selected by the physician as the state of  
19 principal license.

20 (b) Upon receipt of an application for an expedited license, the member board within the  
21 state selected as the state of principal license shall evaluate whether the physician is eligible for  
22 expedited licensure and issue a letter of qualification, verifying or denying the physician's  
23 eligibility, to the interstate commission.

24 (1) State qualifications, which include verification of medical education, graduate  
25 medical education, results of any medical or licensing examination, and other qualifications as  
26 determined by the interstate commission through rule, shall not be subject to additional primary  
27 source verification where already primary source verified by the state of principal license.

28 (2) The member board within the state selected as the state of principal license shall, in  
29 the course of verifying eligibility, perform a criminal background check of an applicant, including  
30 the use of the results of fingerprint or other biometric data checks compliant with the  
31 requirements of the Federal Bureau of Investigation, with the exception of federal employees who  
32 have suitability determination in accordance with 5 CFR 731.202.

33 (3) Appeal on the determination of eligibility shall be made to the member state where  
34 the application was filed and shall be subject to the laws of that state.

1 (c) Upon verification in §5-37.8-6(b), physicians eligible for an expedited license shall  
2 complete the registration process established by the interstate commission to receive a license in a  
3 member state selected pursuant to §5-37.8-6(a), including the payment of any applicable fees.

4 (d) After receiving verification of eligibility under §5-37.8-6(b) and any fees under §5-  
5 37.8-6(c), a member board shall issue an expedited license to the physician. This license shall  
6 authorize the physician to practice medicine in the issuing state consistent with the medical  
7 practice act and all applicable laws and regulations of the issuing member board and member  
8 state.

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

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

15 (g) The interstate commission is authorized to develop rules regarding the application  
16 process, including payment of any applicable fees, and the issuance of an expedited license.

17 **5-37.8-7. Fees for expedited licensure.**

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

20 (b) The interstate commission is authorized to develop rules regarding fees for expedited  
21 licenses.

22 **5-37.8-8. Renewal and continued participation.**

23 (a) A physician seeking to renew an expedited license granted in a member state shall  
24 complete a renewal process with the interstate commission if the physician:

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

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

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

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

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

1 (c) The interstate commission shall collect any renewal fees charged for the renewal of a  
2 license and distribute the fees to the applicable member board.

3 (d) Upon receipt of any renewal fees collected in §5-37.8-8(c), a member board shall  
4 renew the physician's license.

5 (e) Physician information collected by the interstate commission during the renewal  
6 process will be distributed to all member boards.

7 (f) The interstate commission is authorized to develop rules to address renewal of  
8 licenses obtained through the compact.

9 **5-37.8-9. Coordinated information system.**

10 (a) The interstate commission shall establish a database of all physicians licensed, or who  
11 have applied for licensure, under §5-37.8-6.

12 (b) Notwithstanding any other provision of law, member boards shall report to the  
13 interstate commission any public action or complaints against a licensed physician who has  
14 applied or received an expedited license through the compact.

15 (c) Member boards shall report disciplinary or investigatory information determined as  
16 necessary and proper by rule of the interstate commission.

17 (d) Member boards may report any non-public complaint, disciplinary, or investigatory  
18 information not required by §5-37.8-6(c) to the interstate commission.

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

21 (f) All information provided to the interstate commission or distributed by member  
22 boards shall be confidential, filed under seal, and used only for investigatory or disciplinary  
23 matters.

24 (g) The interstate commission is authorized to develop rules for mandated or  
25 discretionary sharing of information by member boards.

26 **5-37.8-10. Joint investigations.**

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

28 (b) In addition to the authority granted to a member board by its respective medical  
29 practice act or other applicable state law, a member board may participate with other member  
30 boards in joint investigations of physicians licensed by the member boards.

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

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

34 (e) Any member state may investigate actual or alleged violations of the statutes

1 authorizing the practice of medicine in any other member state in which a physician holds a  
2 license to practice medicine.

3 **5-37.8-11. Disciplinary actions.**

4 (a) Any disciplinary action taken by any member board against a physician licensed  
5 through the compact shall be deemed unprofessional conduct which may be subject to discipline  
6 by other member boards, in addition to any violation of the medical practice act or regulations in  
7 that state.

8 (b) If a license granted to a physician by the member board in the state of principal  
9 license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all  
10 licenses issued to the physician by member boards shall automatically be placed, without further  
11 action necessary by any member board, on the same status. If the member board in the state of  
12 principal license subsequently reinstates the physician's license, a license issued to the physician  
13 by any other member board shall remain encumbered until that respective member board takes  
14 action to reinstate the license in a manner consistent with the medical practice act of that state.

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

18 (1) Impose the same or lesser sanction(s) against the physician so long as such sanctions  
19 are consistent with the medical practice act of that state; or

20 (2) Pursue separate disciplinary action against the physician under its respective medical  
21 practice act, regardless of the action taken in other member states.

22 (d) If a license granted to a physician by a member board is revoked, surrendered or  
23 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any  
24 other member board(s) shall be suspended, automatically and immediately without further action  
25 necessary by the other member board(s), for ninety (90) days upon entry of the order by the  
26 disciplining board, to permit the member board(s) to investigate the basis for the action under the  
27 medical practice act of that state. A member board may terminate the automatic suspension of the  
28 license it issued prior to the completion of the ninety (90) day suspension period in a manner  
29 consistent with the medical practice act of that state.

30 **5-37.8-12. Interstate medical licensure compact commission.**

31 (a) The member states hereby create the "Interstate Medical Licensure Compact  
32 commission".

33 (b) The purpose of the interstate commission is the administration of the interstate  
34 medical licensure compact, which is a discretionary state function.

1 (c) The interstate commission shall be a body corporate and joint agency of the member  
2 states and shall have all the responsibilities, powers, and duties set forth in the compact, and such  
3 additional powers as may be conferred upon it by a subsequent concurrent action of the respective  
4 legislatures of the member states in accordance with the terms of the compact.

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

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

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

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

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

17 (f) The bylaws may provide for meetings of the interstate commission to be conducted by  
18 telecommunication or electronic communication.

19 (g) Each commissioner participating at a meeting of the interstate commission is entitled  
20 to one vote. A majority of commissioners shall constitute a quorum for the transaction of  
21 business, unless a larger quorum is required by the bylaws of the interstate commission. A  
22 commissioner shall not delegate a vote to another commissioner. In the absence of its  
23 commissioner, a member state may delegate voting authority for a specified meeting to another  
24 person from that state who shall meet the requirements of §5-37.8-12(d).

25 (h) The interstate commission shall provide public notice of all meetings and all meetings  
26 shall be open to the public. The interstate commission may close a meeting, in full or in portion,  
27 where it determines by a two-thirds (2/3) vote of the commissioners present that an open meeting  
28 would be likely to:

29 (1) Relate solely to the internal personnel practices and procedures of the interstate  
30 commission;

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

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

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



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

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

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

5 (i) The interstate commission shall keep minutes which shall fully describe all matters  
6 discussed in a meeting and shall provide a full and accurate summary of actions taken, including  
7 record of any roll call votes.

8 (j) The interstate commission shall make its information and official records, to the extent  
9 not otherwise designated in the compact or by its rules, available to the public for inspection.

10 (k) The interstate commission shall establish an executive committee, which shall include  
11 officers, members, and others as determined by the bylaws. The executive committee shall have  
12 the power to act on behalf of the interstate commission, with the exception of rulemaking, during  
13 periods when the interstate commission is not in session. When acting on behalf of the interstate  
14 commission, the executive committee shall oversee the administration of the compact including  
15 enforcement and compliance with the provisions of the compact, its bylaws and rules, and other  
16 such duties as necessary.

17 (l) The interstate commission may establish other committees for governance and  
18 administration of the compact.

19 **5-37.8-13. Powers and duties of the interstate commission.**

20 The interstate commission shall have the duty and power to:

21 (1) Oversee and maintain the administration of the compact;

22 (2) Promulgate rules which shall be binding to the extent and in the manner provided for  
23 in the compact;

24 (3) Issue, upon the request of a member state or member board, advisory opinions  
25 concerning the meaning or interpretation of the compact, its bylaws, rules, and actions;

26 (4) Enforce compliance with compact provisions, the rules promulgated by the interstate  
27 commission, and the bylaws, using all necessary and proper means, including, but not limited to,  
28 the use of judicial process;

29 (5) Establish and appoint committees including, but not limited to, an executive  
30 committee as required by §5-37.8-12, which shall have the power to act on behalf of the interstate  
31 commission in carrying out its powers and duties;

32 (6) Pay, or provide for the payment of the expenses related to the establishment,  
33 organization, and ongoing activities of the interstate commission;

34 (7) Establish and maintain one or more offices;

- 1           (8) Borrow, accept, hire, or contract for services of personnel;
- 2           (9) Purchase and maintain insurance and bonds;
- 3           (10) Employ an executive director who shall have such powers to employ, select or  
4 appoint employees, agents, or consultants, and to determine their qualifications, define their  
5 duties, and fix their compensation;
- 6           (11) Establish personnel policies and programs relating to conflicts of interest, rates of  
7 compensation, and qualifications of personnel;
- 8           (12) Accept donations and grants of money, equipment, supplies, materials and services,  
9 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest  
10 policies established by the interstate commission;
- 11           (13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
12 improve or use, any property, real, personal, or mixed;
- 13           (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
14 any property, real, personal, or mixed;
- 15           (15) Establish a budget and make expenditures;
- 16           (16) Adopt a seal and bylaws governing the management and operation of the interstate  
17 commission;
- 18           (17) Report annually to the legislatures and governors of the member states concerning  
19 the activities of the interstate commission during the preceding year. Such reports shall also  
20 include reports of financial audits and any recommendations that may have been adopted by the  
21 interstate commission;
- 22           (18) Coordinate education, training, and public awareness regarding the compact, its  
23 implementation, and its operation;
- 24           (19) Maintain records in accordance with the bylaws;
- 25           (20) Seek and obtain trademarks, copyrights, and patents; and
- 26           (21) Perform such functions as may be necessary or appropriate to achieve the purposes  
27 of the compact.
- 28           **5-37.8-14. Finance powers.**
- 29           (a) The interstate commission may levy on and collect an annual assessment from each  
30 member state to cover the cost of the operations and activities of the interstate commission and its  
31 staff. The total assessment must be sufficient to cover the annual budget approved each year for  
32 which revenue is not provided by other sources. The aggregate annual assessment amount shall  
33 be allocated upon a formula to be determined by the interstate commission, which shall  
34 promulgate a rule binding upon all member states.

1           (b) The interstate commission shall not incur obligations of any kind prior to securing the  
2 funds adequate to meet the same.

3           (c) The interstate commission shall not pledge the credit of any of the member states,  
4 except by, and with the authority of, the member state.

5           (d) The interstate commission shall be subject to a yearly financial audit conducted by a  
6 certified or licensed public accountant and the report of the audit shall be included in the annual  
7 report of the interstate commission.

8           **5-37.8-15. Organization and operation of the interstate commission.**

9           (a) The interstate commission shall, by a majority of commissioners present and voting,  
10 adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes  
11 of the compact within twelve (12) months of the first interstate commission meeting.

12           (b) The interstate commission shall elect or appoint annually from among its  
13 commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such  
14 authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's  
15 absence or disability, the vice-chairperson, shall preside at all meetings of the interstate  
16 commission.

17           (c) Officers selected in §5-37.8-15(b) shall serve without remuneration from the interstate  
18 commission.

19           (d) The officers and employees of the interstate commission shall be immune from suit  
20 and liability, either personally or in their official capacity, for a claim for damage to or loss of  
21 property or personal injury or other civil liability caused or arising out of, or relating to, an actual  
22 or alleged act, error, or omission that occurred, or that such person had a reasonable basis for  
23 believing occurred, within the scope of interstate commission employment, duties, or  
24 responsibilities; provided that such person shall not be protected from suit or liability for damage,  
25 loss, injury, or liability caused by the intentional or willful and wanton misconduct of such  
26 person.

27           (1) The liability of the executive director and employees of the interstate commission or  
28 representatives of the interstate commission, acting within the scope of such person's employment  
29 or duties for acts, errors, or omissions occurring within such person's state, may not exceed the  
30 limits of liability set forth under the constitution and laws of that state for state officials,  
31 employees, and agents. The interstate commission is considered to be an instrumentality of the  
32 states for the purposes of any such action. Nothing in this subsection shall be construed to protect  
33 such person from suit or liability for damage, loss, injury, or liability caused by the intentional or  
34 willful and wanton misconduct of such person.

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

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

18           **5-37.8-16. Rulemaking functions of the interstate commission.**

19           (a) The interstate commission shall promulgate reasonable rules in order to effectively  
20 and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event  
21 the interstate commission exercises its rulemaking authority in a manner that is beyond the scope  
22 of the purposes of the compact, or the powers granted hereunder, then such an action by the  
23 interstate commission shall be invalid and have no force or effect.

24           (b) Rules deemed appropriate for the operations of the interstate commission shall be  
25 made pursuant to a rulemaking process that substantially conforms to the revised "Model State  
26 Administrative Procedure Act" of 2010, and subsequent amendments thereto.

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

1           **5-37.8-17. Oversight of the interstate compact.**

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

7           (b) All courts shall take judicial notice of the compact and the rules in any judicial or  
8 administrative proceeding in a member state pertaining to the subject matter of the compact  
9 which may affect the powers, responsibilities or actions of the interstate commission.

10          (c) The interstate commission shall be entitled to receive all service of process in any  
11 such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure  
12 to provide service of process to the interstate commission shall render a judgment or order void as  
13 to the interstate commission, the compact, or promulgated rules.

14           **5-37.8-18. Enforcement of interstate compact.**

15          (a) The interstate commission, in the reasonable exercise of its discretion, shall enforce  
16 the provisions and rules of the compact.

17          (b) The interstate commission may, by majority vote of the commissioners, initiate legal  
18 action in the United States District Court for the District of Columbia, or, at the discretion of the  
19 interstate commission, in the federal district where the interstate commission has its principal  
20 offices, to enforce compliance with the provisions of the compact, and its promulgated rules and  
21 bylaws, against a member state in default. The relief sought may include both injunctive relief  
22 and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded  
23 all costs of such litigation including reasonable attorney's fees.

24          (c) The remedies herein shall not be the exclusive remedies of the interstate commission.  
25 The interstate commission may avail itself of any other remedies available under state law or the  
26 regulation of a profession.

27           **5-37.8-19. Default procedures.**

28          (a) The grounds for default include, but are not limited to, failure of a member state to  
29 perform such obligations or responsibilities imposed upon it by the compact, or the rules and  
30 bylaws of the interstate commission promulgated under the compact.

31          (b) If the interstate commission determines that a member state has defaulted in the  
32 performance of its obligations or responsibilities under the compact, or the bylaws or  
33 promulgated rules, the interstate commission shall:

34           (1) Provide written notice to the defaulting state and other member states, of the nature of

1 the default, the means of curing the default, and any action taken by the interstate commission.  
2 The interstate commission shall specify the conditions by which the defaulting state must cure its  
3 default; and

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

5 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated  
6 from the compact upon an affirmative vote of a majority of the commissioners and all rights,  
7 privileges, and benefits conferred by the compact shall terminate on the effective date of  
8 termination. A cure of the default does not relieve the offending state of obligations or liabilities  
9 incurred during the period of the default.

10 (d) Termination of membership in the compact shall be imposed only after all other  
11 means of securing compliance have been exhausted. Notice of intent to terminate shall be given  
12 by the interstate commission to the governor, the speaker of the house of representatives, the  
13 president of the senate and minority leaders of the defaulting state's legislature, and each of the  
14 member states.

15 (e) The interstate commission shall establish rules and procedures to address licenses and  
16 physicians that are materially impacted by the termination of a member state, or the withdrawal of  
17 a member state.

18 (f) The member state which has been terminated is responsible for all dues, obligations,  
19 and liabilities incurred through the effective date of termination including obligations, the  
20 performance of which extends beyond the effective date of termination.

21 (g) The interstate commission shall not bear any costs relating to any state that has been  
22 found to be in default or which has been terminated from the compact, unless otherwise mutually  
23 agreed upon in writing between the interstate commission and the defaulting state.

24 (h) The defaulting state may appeal the action of the interstate commission by petitioning  
25 the United States District Court for the District of Columbia or the federal district where the  
26 interstate commission has its principal offices. The prevailing party shall be awarded all costs of  
27 such litigation including reasonable attorney's fees.

28 **5-37.8-20. Dispute resolution.**

29 (a) The interstate commission shall attempt, upon the request of a member state, to  
30 resolve disputes which are subject to the compact and which may arise among member states or  
31 member boards.

32 (b) The interstate commission shall promulgate rules providing for both mediation and  
33 binding dispute resolution as appropriate.

34 **5-37.8-21. Member states, effective date and amendment.**

1 (a) Any state is eligible to become a member state of the compact.

2 (b) The compact shall become effective and binding upon legislative enactment of the  
3 compact into law by no less than seven (7) states. Thereafter, it shall become effective and  
4 binding on a state upon enactment of the compact into law by that state.

5 (c) The governors of non-member states, or their designees, shall be invited to participate  
6 in the activities of the interstate commission on a non-voting basis prior to adoption of the  
7 compact by all states.

8 (d) The interstate commission may propose amendments to the compact for enactment by  
9 the member states. No amendment shall become effective and binding upon the interstate  
10 commission and the member states unless and until it is enacted into law by unanimous consent  
11 of the member states.

12 **5-37.8-22. Withdrawal.**

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

16 (b) Withdrawal from the compact shall be by the enactment of a statute repealing the  
17 same, but shall not take effect until one year after the effective date of such statute and until  
18 written notice of the withdrawal has been given by the withdrawing state to the governor of each  
19 other member state.

20 (c) The withdrawing state shall immediately notify the chairperson of the interstate  
21 commission in writing upon the introduction of legislation repealing the compact in the  
22 withdrawing state.

23 (d) The interstate commission shall notify the other member states of the withdrawing  
24 state's intent to withdraw within sixty (60) days of its receipt of notice provided under §5-37.8-  
25 22(c).

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

29 (f) Reinstatement following withdrawal of a member state shall occur upon the  
30 withdrawing state reenacting the compact or upon such later date as determined by the interstate  
31 commission.

32 (g) The interstate commission is authorized to develop rules to address the impact of the  
33 withdrawal of a member state on licenses granted in other member states to physicians who  
34 designated the withdrawing member state as the state of principal license.

1           **5-37.8-23. Dissolution.**

2           (a) The compact shall dissolve effective upon the date of the withdrawal or default of the  
3 member state which reduces the membership in the compact to one member state.

4           (b) Upon the dissolution of the compact, the compact becomes null and void and shall be  
5 of no further force or effect, and the business and affairs of the interstate commission shall be  
6 concluded and surplus funds shall be distributed in accordance with the bylaws.

7           **5-37.8-24. Severability and construction.**

8           (a) The provisions of the compact shall be severable, and if any phrase, clause, sentence,  
9 or provision is deemed unenforceable, the remaining provisions of the compact shall be  
10 enforceable.

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

12           (c) Nothing in the compact shall be construed to prohibit the applicability of other  
13 interstate compacts to which the states are members.

14           **5-37.8-25. Binding effect of compact and other laws.**

15           (a) Nothing herein prevents the enforcement of any other law of a member state that is  
16 not inconsistent with the compact.

17           (b) All laws in a member state in conflict with the compact are superseded to the extent  
18 of the conflict.

19           (c) All lawful actions of the interstate commission, including all rules and bylaws  
20 promulgated by the commission, are binding upon the member states.

21           (d) All agreements between the interstate commission and the member states are binding  
22 in accordance with their terms.

23           (e) In the event any provision of the compact exceeds the constitutional limits imposed on  
24 the legislature of any member state, such provision shall be ineffective to the extent of the  
25 conflict with the constitutional provision in question in that member state.

26           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - THE INTERSTATE MEDICAL  
LICENSURE COMPACT

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1           This act would establish Rhode Island's membership in the interstate medical licensure  
2 compact. It details the procedure to be followed in order to allow physicians to become licensed  
3 in multiple states.

4           This act would take effect upon passage.

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