

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- INTERSTATE MEDICAL
LICENSURE COMPACT

Introduced By: Representatives Fogarty, Speakman, Ranglin-Vassell, Donovan,
Edwards, Handy, Cortvriend, Hull, J Lombardi, and Williams

Date Introduced: March 25, 2022

Referred To: House Corporations

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 91

4 INTERSTATE MEDICAL LICENSURE COMPACT

5 **5-91-1. Purpose.**

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

18 **5-91-2. Definitions.**

1 The terms contained in this chapter shall have the following meanings:

2 (1) “Bylaws” means those bylaws established by the interstate commission pursuant to §5-
3 91-11.

4 (2) “Commissioner” means the voting representative appointed by each member board
5 pursuant to § 5-91-11.

6 (3) “Conviction” means a finding by a court that an individual is guilty of a criminal offense
7 through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence
8 of an entry of a conviction of a criminal offense by the court shall be considered final for purposes
9 of disciplinary action by a member board.

10 (4) “Expedited license” means a full and unrestricted medical license granted by a member
11 state to an eligible physician through the process set forth in the compact.

12 (5) “Interstate commission” means the interstate commission created pursuant to §5-91-11.

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

15 (7) “Medical practice act” means laws and regulations governing the practice of allopathic
16 and osteopathic medicine within a member state.

17 (8) “Member board” means a state agency in a member state that acts in the sovereign
18 interests of the state by protecting the public through licensure, regulation, and education of
19 physicians as directed by the state government.

20 (9) “Member state” means a state that has enacted the compact.

21 (10) “Practice of medicine” means that clinical prevention, diagnosis, or treatment of
22 human disease, injury, or condition requiring a physician to obtain and maintain a license in
23 compliance with the medical practice act of a member state.

24 (11) “Physician” means any person who:

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

28 (ii) Passed each component of the United State Medical Licensing Examination (USMLE)
29 or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three
30 (3) attempts, or any of its predecessor examinations accepted by a state medical board as an
31 equivalent examination for licensure purposes;

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

34 (iv) Holds specialty certification or a time-unlimited specialty certificate recognized by the

1 American Board of Medical Specialties or the American Osteopathic Association's Bureau of
2 Osteopathic Specialists;

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

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

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

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

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

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

15 (13) "Rule" means a written statement by the interstate commission promulgated pursuant
16 to § 5-91-12 of the compact that is of general applicability, implements, interprets, or prescribes a
17 policy or provision of the compact, or an organizational, procedural, or practice requirement of the
18 interstate commission, and has the force and effect of statutory law in a member state, and includes
19 the amendment, repeal, or suspension of an existing rule.

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

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

24 **5-91-3. Eligibility.**

25 (a) A physician must meet the eligibility requirements as defined in § 5-91-2 to receive an
26 expedited license under the terms and provisions of the compact.

27 (b) A physician who does not meet the requirements of § 5-91-2 may obtain a license to
28 practice medicine in a member state if the individual complies with all laws and requirements, other
29 than the compact, relating to the issuance of a license to practice medicine in that state.

30 **5-91-4. Designation of state of principal license.**

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

34 (1) The state of principal residence for the physician;

- 1 (2) The state where at least twenty-five percent (25%) of the practice of medicine occurs;
2 or
3 (3) The location of the physician’s employer; or
4 (4) If no state qualifies under subsection (1), subsection (2), or subsection (3) of this
5 section, the state designated as state of residence for purpose of federal income tax.
6 (b) A physician may redesignate a member state as state of principal license at any time,
7 as long as the state meets the requirements of subsection (a) of this section.
8 (c) The interstate commission is authorized to develop rules to facilitate redesignation of
9 another member state as the state of principal license.

10 **5-91-5. Application and issuance of expedited licensure.**

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

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

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

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

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

29 (c) Upon verification in subsection (b) of this section, physicians eligible for an expedited
30 license shall complete the registration process established by the interstate commission to receive
31 a license in a member state selected pursuant to subsection (a) of this section, including the payment
32 of any applicable fees.

33 (d) After receiving verification of eligibility under subsection (b) of this section and any
34 fees under subsection (c) of this section, a member board shall issue an expedited license to the

1 physician.

2 This license shall authorize the physician to practice medicine in the issuing state consistent
3 with the medical practice act and all applicable laws and regulations of the issuing member board
4 and member state.

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

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

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

13 **5-91-6. Fees for expedited licensure.**

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

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

18 **5-91-7. Renewal and continued participation.**

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

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

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

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

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

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

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

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

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

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

5 **5-91-8. Coordinated information system.**

6 (a) The interstate commission shall establish a database of all physicians licensed, or who
7 have applied for licensure under § 5-91-5.

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

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

13 (d) Member boards may report any non-public complaint, disciplinary, or investigatory
14 information not required by subsection (c) of this section to the interstate commission.

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

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

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

21 **5-91-9. Joint investigations.**

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

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

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

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

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

32 **5-91-10. Disciplinary actions.**

33 (a) Any disciplinary action taken by any member board against a physician licensed
34 through the compact shall be deemed unprofessional conduct which may be subject to discipline

1 by other member boards, in addition to any violation of the medical practice act or regulations in
2 that state.

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

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

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

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

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

25 **5-91-11. Interstate medical licensure compact commission.**

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

28 (b) The purpose of the interstate commission is the administration of the Interstate Medical
29 Licensure Compact, which is a discretionary state function.

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

34 (d) The interstate commission shall consist of two (2) voting representatives appointed by

1 each member state who shall serve as commissioners. In states where allopathic and osteopathic
2 physicians are regulated by separate member boards, or if the licensing and disciplinary authority
3 is split between separate member boards, or if the licensing and disciplinary authority is split
4 between multiple member boards within a member state, the member state shall appoint one
5 representative from each member board. A commissioner shall be an:

- 6 (1) Allopathic or osteopathic physician appointed to a member board;
- 7 (2) Executive director, executive secretary, or similar executive of a member board; or
- 8 (3) Member of the public appointed to a member board.
- 9 (e) The interstate commission shall meet at least once each calendar year.

10 A portion of this meeting shall be a business meeting to address such matters as may
11 properly come before the commission, including the election of officers. The chairperson may call
12 additional meetings and shall call for a meeting upon the request of a majority of the member states.

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

15 (g) Each commissioner participating at a meeting of the interstate commission is entitled
16 to one vote. A majority of commissioners shall constitute a quorum for the transaction of business,
17 unless a larger quorum is required by the bylaws of the interstate commission. A commissioner
18 shall not delegate a vote to another commissioner. In the absence of its commissioner, a member
19 state may delegate voting authority for a specified meeting to another person from that state who
20 shall meet the requirements of subsection (d) of this section.

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

- 25 (1) Relate solely to the internal personnel practice and procedures of the interstate
26 commission;
- 27 (2) Discuss matters specifically exempted from disclosure by federal statute;
- 28 (3) Discuss trade secrets, commercial, or financial information that is privileged or
29 confidential;
- 30 (4) Involve accusing a person of a crime or formally censuring a person;
- 31 (5) Discuss information of a personal nature where disclosure would constitute a clearly
32 unwarranted invasion of personal privacy;
- 33 (6) Discuss investigative records compiled for law enforcement purposes; or
- 34 (7) Specifically relate to the participation in a civil action or other legal proceeding.

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

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

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

13 (l) The interstate commission shall establish other committees for governance and
14 administration of the compact.

15 **5-91-12. Powers and duties of the interstate commission.**

16 The interstate commission shall have the following powers and duties:

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

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

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

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

25 (5) Establish and appoint committees including, but not limited to, an executive committee
26 as required by § 5-91-11, which shall have the power to act on behalf of the interstate commission
27 in carrying out its powers and duties;

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

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

31 (8) Borrow, accept, hire, or contract for services of personnel;

32 (9) Purchase and maintain insurance and bonds;

33 (10) Employ an executive director who shall have such powers to employ, select or appoint
34 employees, agents, or consultants, and to determine their qualifications, define their duties, and fix

- 1 their compensation;
- 2 (11) Establish personnel policies and programs relating to conflicts of interest, rates of
3 compensation, and qualifications of personnel;
- 4 (12) Accept donations and grants of money, equipment, supplies, materials, and services
5 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies
6 established by the interstate commission;
- 7 (13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
8 improve or use, any property, real, personal, or mixed;
- 9 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
10 property, real, personal, or mixed;
- 11 (15) Establish a budget and make expenditures;
- 12 (16) Adopt a seal and bylaws governing the management and operation of the interstate
13 commission;
- 14 (17) Report annually to the legislatures and governors of the member states concerning the
15 activities of the interstate commission during the preceding year. Such reports shall also include
16 reports of financial audits and any recommendations that may have been adopted by the interstate
17 commission;
- 18 (18) Coordinate education, training, and public awareness regarding the compact, its
19 implementation, and its operation;
- 20 (19) Maintain records in accordance with the bylaws;
- 21 (20) Seek and obtain trademarks, copyrights, and patents; and
- 22 (21) Perform such functions as may be necessary or appropriate to achieve the purpose of
23 the compact.
- 24 **5-91-13. Finance powers.**
- 25 (a) The interstate commission may levy on and collect an annual assessment from each
26 member state to cover the cost of the operations and activities of the interstate commission and its
27 staff. The total assessment must be sufficient to cover the annual budget approved each year for
28 which revenue is not provided by other sources. The aggregate annual assessment amount shall be
29 allocated upon a formula to be determined by the interstate commission, which shall promulgate a
30 rule binding upon all member states.
- 31 (b) The interstate commission shall not incur obligations of any kind prior to securing the
32 funds adequate to meet the same.
- 33 (c) The interstate commission shall not pledge the credit of any of the member states, except
34 by, and with the authority of, the member state.

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

4 **5-91-14. Organization and operation of the interstate commission.**

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

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

13 (c) Officers selected in subsection (b) of this section shall serve without remuneration for
14 the interstate commission.

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

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

30 (f) The interstate commission shall defend the executive director, its employees, and
31 subject to the approval of the attorney general or other appropriate legal counsel of the member
32 state represented by an interstate commission representative, defend such interstate commission
33 representative in any civil action seeking to impose liability arising out of an actual or alleged act,
34 error or omission that occurred within the scope of interstate commission employment, duties or

1 responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope
2 of interstate commission employment, duties, or responsibilities, provided that the actual or alleged
3 act, error, or omission did not result from intentional or willful and wanton misconduct on the part
4 of such person.

5 (g) To the extent not covered by the state involved, member state, or the interstate
6 commission, the representatives or employees of the interstate commission shall be held harmless
7 in the amount of a settlement or judgment, including attorney’s fees and costs, obtained against
8 such persons arising out of an actual or alleged act, error, or omission that occurred within the scope
9 of the interstate commission employment, duties, or responsibilities, or that such persons had a
10 reasonable basis for believing occurred within the scope of interstate commission employment,
11 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
12 from intentional or willful and wanton misconduct on the part of such person.

13 **5-91-15. Rulemaking functions of the interstate commission.**

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

19 (b) Rules deemed appropriate for the operations of the interstate commission shall be made
20 pursuant to a rulemaking process that substantially conforms to the “Model State Administrative
21 Procedure Act” of 2010, and subsequent amendments thereto.

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

30 **5-91-16. Oversight of interstate compact.**

31 (a) The executive, legislative, and judicial branches of state government in each member
32 state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the
33 compact’s purposes and intent. The provisions of the compact and the rules promulgated hereunder
34 shall have standing as statutory law but shall not override existing state authority to regulate the

1 practice of medicine.

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

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

9 **5-91-17. Enforcement of interstate compact.**

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

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

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

22 **5-91-18. Default procedures.**

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

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

29 (1) Provide written notice to the defaulting state and other member states, of the nature of
30 the default, the means of curing the default, and any action taken by the interstate commission. The
31 interstate commission shall specify the conditions by which the defaulting state must cure its
32 default; and

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

34 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated

1 from the compact upon an affirmative vote of a majority of the commissioners and all rights,
2 privileges, and benefits conferred by the compact shall terminate on the effective date of
3 termination. A cure of the default does not relieve the offending state of obligations or liabilities
4 incurred during the period of the default.

5 (d) Termination of membership in the compact shall be imposed only after all other means
6 of securing compliance have been exhausted. Notice of intent to terminate shall be given by the
7 interstate commission to the governor, the majority and minority leaders of the defaulting state's
8 legislature, and each of the member states.

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

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

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

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

22 **5-91-19. Dispute resolution.**

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

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

28 **5-91-20. Member states - Effective date - Amendment.**

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

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

33 (c) The governors of non-member states, or their designees, shall be invited to participate
34 in the activities of the interstate commission on a non-voting basis prior to adoption of the compact

1 by all states.

2 (d) The interstate commission may propose amendments to the compact for enactment by
3 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 of
5 the member states.

6 **5-91-21. Withdrawal.**

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

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

14 (c) The withdrawing state shall immediately notify the chairperson of the interstate
15 commission in writing upon the introduction of legislation repealing the compact in the
16 withdrawing state.

17 (d) The interstate commission shall notify the other member states of the withdrawing
18 state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection
19 (c) of this section.

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

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

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

29 **5-91-22. Dissolution.**

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

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

1 **5-91-23. Severability and construction.**

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

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

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

8 **5-91-24. Binding effect of compact and other laws.**

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

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

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

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

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

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

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LC005607
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- INTERSTATE MEDICAL
LICENSURE COMPACT

1 This act would create the Interstate Medical Licensure Compact allowing physicians to
2 become licensed in multiple states and practice under the jurisdiction of the state in which the
3 patient is located.

4 This act would take effect upon passage.

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LC005607
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