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No. 1359

S.P. 467

In Senate, April 6, 2017

An Act To Adopt the Interstate Medical Licensure Compact

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative TUCKER of Brunswick and
Senators: BRAKEY of Androscoggin, DILL of Penobscot, DOW of Lincoln, MAKER of
Washington, MIRAMANT of Knox, Representatives: CAMPBELL of Orrington, DUCHESNE
of Hudson, HARLOW of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA c. 145** is enacted to read:

3 **CHAPTER 145**

4 **INTERSTATE MEDICAL LICENSURE COMPACT**

5 **§18501. Short title**

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

7 **§18502. Purpose**

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

22 This compact is the Maine enactment of the Interstate Medical Licensure Compact as
23 revised by the Interstate Medical Licensure Compact Commission. The form, format and
24 text of the compact have been changed minimally so as to conform to Maine statutory
25 conventions. The changes are technical in nature and it is the intent of the Legislature
26 that this Act be interpreted as substantively the same as the Interstate Medical Licensure
27 Compact that is enacted by other member states.

28 **§18503. Definitions**

29 As used in this chapter, unless the context otherwise indicates, the following terms
30 have the following meanings.

31 **1. Bylaws.** "Bylaws" means those bylaws adopted by the interstate commission
32 pursuant to section 18512 for its governance or for directing and controlling its actions
33 and conduct.

34 **2. Commissioner.** "Commissioner" means the voting representative appointed by a
35 member board pursuant to section 18512.

36 **3. Conviction.** "Conviction" means a finding by a court that an individual is guilty
37 of a criminal offense through adjudication or entry of a plea of guilty or no contest to the

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

3 **4. Expedited license.** "Expedited license" means a full and unrestricted medical
4 license granted by a member state to an eligible physician through the process set forth in
5 the compact.

6 **5. Interstate commission.** "Interstate commission" means the Interstate Medical
7 Licensure Compact Commission created pursuant to section 18512.

8 **6. License.** "License" means authorization by a state for a physician to engage in the
9 practice of medicine.

10 **7. Medical practice act.** "Medical practice act" means the laws and rules governing
11 the practice of allopathic and osteopathic medicine within a member state.

12 **8. Member board.** "Member board" means a state agency in a member state that
13 acts in the sovereign interests of the state by protecting the public through licensure,
14 regulation and education of physicians as directed by the state government.

15 **9. Member state.** "Member state" means a state that has enacted the compact.

16 **10. Offense.** "Offense" means a felony, a Class A, Class B or Class C crime, an
17 aggravated crime, a gross misdemeanor or a crime involving moral turpitude.

18 **11. Physician.** "Physician" means a person who:

19 A. Is a graduate of a medical school accredited by the Liaison Committee on
20 Medical Education or the American Osteopathic Association's Commission on
21 Osteopathic College Accreditation, or its successor, or a medical school listed in the
22 International Medical Education Directory database or its successor;

23 B. Passed each component of the United States Medical Licensing Examination or
24 the Comprehensive Osteopathic Medical Licensing Examination within 3 attempts or
25 a predecessor examination accepted by a state member board as an equivalent
26 examination for licensure purposes;

27 C. Successfully completed graduate medical education approved by the
28 Accreditation Council for Graduate Medical Education or the American Osteopathic
29 Association;

30 D. Holds specialty certification or a time-unlimited specialty certificate recognized
31 by the American Board of Medical Specialties or the American Osteopathic
32 Association's Bureau of Osteopathic Specialists;

33 E. Possesses a full and unrestricted license to engage in the practice of medicine
34 issued by a member board;

35 F. Has never been convicted or received adjudication, deferred adjudication,
36 community supervision or deferred disposition for any offense by a court of
37 appropriate jurisdiction;

1 G. Has never held a license authorizing the practice of medicine and been subjected
2 to discipline by a licensing agency in any state, federal or foreign jurisdiction,
3 excluding any action related to nonpayment of fees related to a license;

4 H. Has never had a controlled substance license or permit suspended or revoked by a
5 state or the United States Drug Enforcement Administration; and

6 I. Is not under active investigation by a licensing agency or law enforcement
7 authority in any state, federal or foreign jurisdiction.

8 **12. Practice of medicine.** "Practice of medicine" means the clinical prevention,
9 diagnosis or treatment of a human disease, injury or condition requiring a physician to
10 obtain and maintain a license in compliance with the medical practice act of a member
11 state.

12 **13. Rule.** "Rule" means a written statement by the interstate commission
13 promulgated pursuant to section 18513 that is of general applicability; implements,
14 interprets or prescribes a policy or provision of the compact or an organizational,
15 procedural or practice requirement of the interstate commission; has the force and effect
16 of statutory law in a member state; and includes the amendment, repeal or suspension of
17 an existing rule.

18 **14. State.** "State" means any state, commonwealth, district or territory of the United
19 States.

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

24 **§18504. Eligibility**

25 **1. Eligibility requirements.** A physician may receive an expedited license under
26 the terms and provisions of the compact.

27 **2. Exception.** An individual who does not meet the requirements of section 18503,
28 subsection 11 may obtain a license to practice medicine in a member state if the
29 individual complies with all laws and requirements, other than the compact, relating to
30 the issuance of a license to practice medicine in that state.

31 **§18505. Designation of state of principal license**

32 **1. State of principal license.** A physician must designate a member state as the
33 state of principal license for purposes of registration for expedited licensure through the
34 compact if the physician possesses a full and unrestricted license to practice medicine in
35 that state, and the state is:

36 A. The state of primary residence for the physician;

37 B. The state where at least 25% of the physician's practice of medicine occurs;

38 C. The location of the physician's employer; or

1 D. If no state qualifies under paragraphs A to C, the state designated as the
2 physician's state of residence for the purpose of federal income tax.

3 **2. Redesignation.** A physician may designate another member state as the state of
4 principal license at any time after a designation under subsection 1, as long as the state
5 meets the requirements in subsection 1.

6 **3. Rules.** The interstate commission is authorized to adopt rules pursuant to section
7 18516 to facilitate designation pursuant to subsection 2 of another member state as the
8 state of principal license.

9 **§18506. Application for and issuance of expedited license**

10 **1. Application.** A physician seeking licensure through the compact must file an
11 application for an expedited license with the member board of the state selected by the
12 physician as the state of principal license.

13 **2. Evaluation.** Upon receipt of an application for an expedited license, the member
14 board of the state selected by the physician as the state of principal license shall evaluate
15 whether the physician is eligible for expedited licensure and issue a letter of qualification,
16 verifying or denying the physician's eligibility, to the interstate commission.

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

22 B. The member board of the state selected by the physician as the state of principal
23 license shall, in the course of verifying eligibility, perform a criminal background
24 check of an applicant, including the use of the results of fingerprint or other biometric
25 data checks in compliance with the requirements of the Federal Bureau of
26 Investigation, with the exception of federal employees who have been determined
27 suitable in accordance with 5 Code of Federal Regulations, Section 731.202.

28 (1) An appeal on the determination of eligibility must be made to the member
29 state where the application was filed and is subject to the law of that state.

30 **3. Registration process.** Upon verification in subsection 2, a physician eligible for
31 an expedited license must complete the registration process established by the interstate
32 commission to receive an expedited license in a member state selected pursuant to
33 subsection 1, including the payment of any applicable fees under section 18507.

34 **4. Expedited license.** After receiving verification of eligibility under subsection 2
35 and any fees under subsection 3, a member board shall issue an expedited license to the
36 physician. The license authorizes the physician to practice medicine in the issuing state
37 consistent with the medical practice act and all applicable laws and rules of the issuing
38 member board and member state.

1 **5. Validity.** An expedited license is valid for a period consistent with the licensure
2 period in the member state and in the same manner as required for other physicians
3 holding a full and unrestricted license within the member state.

4 **6. Termination.** An expedited license obtained through the compact must be
5 terminated if a physician fails to maintain a license in the state of principal licensure for a
6 nondisciplinary reason without redesignation of a new state of principal licensure.

7 **7. Rules.** The interstate commission is authorized to adopt rules pursuant to section
8 18516 regarding the application process, including payment of any applicable fees, and
9 the issuance of an expedited license.

10 **§18507. Fees for expedited licensure**

11 **1. Fees.** A member state issuing an expedited license authorizing the practice of
12 medicine in that state may impose a fee for a license issued or renewed through the
13 compact.

14 **2. Rules.** The interstate commission is authorized to adopt rules pursuant to section
15 18516 regarding fees for expedited licenses.

16 **§18508. Renewal and continued participation**

17 **1. License renewal process.** A physician seeking to renew an expedited license
18 granted in a member state must complete a renewal process with the interstate
19 commission. The physician is eligible for renewal if the physician:

20 A. Maintains a full and unrestricted license in a state of principal license;

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

24 C. Has not had a license authorizing the practice of medicine subject to discipline by
25 a licensing agency in any state, federal or foreign jurisdiction, excluding any action
26 related to nonpayment of fees related to a license; and

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

29 **2. Professional development.** A physician must comply with all continuing
30 professional development or continuing medical education requirements for renewal of a
31 license issued by a member state.

32 **3. Renewal fees.** The interstate commission shall collect from the physician any
33 renewal fee charged for the renewal of a license and distribute the fee to the applicable
34 member board.

35 **4. License renewal.** Upon receipt of the renewal fee collected in subsection 3, a
36 member board shall renew the physician's license.

1 **5. Physician information.** Physician information collected by the interstate
2 commission during the renewal process must be distributed to all member boards.

3 **6. Rules.** The interstate commission is authorized to adopt rules pursuant to section
4 18516 to address renewal of licenses obtained through the compact.

5 **§18509. Coordinated information system**

6 **1. Database.** The interstate commission shall establish a database of all physicians
7 licensed or who have applied for licensure under section 18506.

8 **2. Public action or complaint.** Notwithstanding any other provision of law, a
9 member board shall report to the interstate commission any public action or complaint
10 against a physician licensed by that member board who has applied for or received an
11 expedited license through the compact.

12 **3. Disciplinary or investigatory information.** A member board shall report
13 disciplinary or investigatory information determined as necessary and proper by rule of
14 the interstate commission.

15 **4. Other reports.** A member board may report any nonpublic complaint,
16 disciplinary or investigatory information not required to be reported by subsection 3 to
17 the interstate commission.

18 **5. Information sharing.** A member board shall share complaint or disciplinary
19 information about a physician upon request of another member board.

20 **6. Confidentiality.** Information provided to the interstate commission or distributed
21 by a member board is confidential within the meaning of Title 1, section 402, subsection
22 3, paragraph A and may be used only for investigatory or disciplinary matters under
23 sections 18510 and 18511.

24 **7. Rules.** The interstate commission is authorized to adopt rules pursuant to section
25 18516 regarding mandated or discretionary sharing of information by member boards.

26 **§18510. Joint investigations**

27 **1. Joint investigations.** In addition to the authority granted to a member board by
28 its respective medical practice act or other applicable state law, a member board may
29 participate with other member boards in joint investigations of a physician licensed by the
30 member boards.

31 **2. Subpoenas.** A subpoena issued by a member state is enforceable in other member
32 states.

33 **3. Materials sharing.** Notwithstanding any other provision of law, a member board
34 may share any investigative, litigation or compliance materials in furtherance of any joint
35 or individual investigation initiated under the compact.

1 **4. Investigations in other member states.** A member state may investigate actual
2 or alleged violations of the laws authorizing the practice of medicine in any other member
3 state in which a physician holds a license to practice medicine.

4 **§18511. Disciplinary actions**

5 **1. Unprofessional conduct.** A physician licensed through the compact who is the
6 subject of a disciplinary action taken by a member board is deemed to have engaged in
7 unprofessional conduct and may be subject to discipline by another member board, in
8 addition to discipline for any violation of the medical practice act or rules in that member
9 board's state.

10 **2. License revocation.** If a license granted to a physician by the member board in
11 the state of principal license is revoked, surrendered or relinquished in lieu of discipline,
12 or suspended, then all licenses issued to the physician by member boards must
13 automatically be placed, without further action necessary by any member board, on the
14 same status. If the member board in the state of principal license subsequently reinstates
15 the physician's license, a license issued to the physician by any other member board
16 remains encumbered until that respective member board takes action to reinstate the
17 license in a manner consistent with the medical practice act of that member board's state.

18 **3. Matter of law and fact decided.** If disciplinary action is taken against a
19 physician by a member board not in the state of principal license, any other member
20 board may deem the action conclusive as to matter of law and fact decided and may:

21 A. Impose the same or a lesser sanction against the physician as long as such
22 sanction is consistent with the medical practice act of that member board's state; or

23 B. Pursue separate disciplinary action against the physician under the medical
24 practice act of the member board's state, regardless of the action taken in other
25 member states.

26 **4. Licenses in other member states.** If a license granted to a physician by a
27 member board is revoked, surrendered or relinquished in lieu of discipline, or suspended,
28 then any license issued to the physician by any other member board must be suspended,
29 automatically and immediately without further action necessary by the other member
30 board, for 90 days upon entry of the order by the disciplining member board, to permit
31 the other member board to investigate the basis for the action under the medical practice
32 act of that member board's state. A member board may terminate the automatic
33 suspension of the license it issued prior to the completion of the 90-day suspension period
34 in a manner consistent with the medical practice act of that member board's state.

35 **§18512. Interstate medical licensure compact commission**

36 **1. Commission established.** The Interstate Medical Licensure Compact
37 Commission is established.

38 **2. Duties.** The interstate commission shall administer the Interstate Medical
39 Licensure Compact.

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

6 **4. Membership.** The interstate commission consists of 2 voting representatives
7 appointed by each member state, who serve as commissioners. In states where allopathic
8 and osteopathic physicians are regulated by separate member boards, or if the licensing
9 and disciplinary authority is split between multiple member boards within a member
10 state, the member state shall appoint one representative from each member board. A
11 commissioner must:

12 A. Be an allopathic or osteopathic physician appointed to a member board;

13 B. Be an executive director, executive secretary or similar executive of a member
14 board; or

15 C. Be a member of the public appointed to a member board.

16 **5. Meetings; officers.** The interstate commission shall meet at least once each
17 calendar year to address such matters as may properly come before the commission,
18 including the election of officers including the chair. The chair may call additional
19 meetings and shall call for a meeting upon the request of a majority of the member states.

20 **6. Telecommunication or electronic communication.** The bylaws of the
21 commission may provide for meetings to be conducted by telecommunication or
22 electronic communication.

23 **7. Quorum.** A commissioner participating at a meeting of the interstate commission
24 is entitled to one vote. A majority of commissioners constitutes a quorum for the
25 transaction of business, unless a larger quorum is required by the bylaws of the interstate
26 commission. A commissioner may not delegate a vote to another commissioner. In the
27 absence of its commissioner, a member state may delegate voting authority for a specified
28 meeting to another person from that state who meets the requirements of subsection 4.

29 **8. Public notice.** The interstate commission shall provide public notice of all
30 meetings, and all meetings must be open to the public. The interstate commission may
31 close a meeting, in full or in portion, if it determines by a 2/3 vote of the commissioners
32 present that an open meeting would be likely to:

33 A. Relate solely to the internal personnel practices and procedures of the interstate
34 commission;

35 B. Discuss matters specifically exempted from disclosure by federal statute;

36 C. Discuss trade secrets or commercial or financial information that is privileged or
37 confidential;

38 D. Involve accusing a person of a crime or formally censuring a person;

39 E. Discuss information of a personal nature the disclosure of which would constitute
40 a clearly unwarranted invasion of personal privacy;

- 1 F. Discuss investigative records compiled for law enforcement purposes; or
- 2 G. Specifically relate to participation in a civil action or other legal proceeding.

3 **9. Minutes.** The interstate commission shall keep minutes that must fully describe
4 all matters discussed in a meeting and provide a full and accurate summary of actions
5 taken, including a record of any roll call votes.

6 **10. Public records.** The interstate commission shall make its information and
7 official records, to the extent not otherwise designated in the compact or by rules adopted
8 by the interstate commission, available to the public for inspection.

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

17 **12. Other committees.** The interstate commission may establish other committees,
18 in addition to the executive committee under subsection 11, for governance and
19 administration of the compact.

20 **§18513. Powers and duties of the interstate commission**

21 **1. Duties.** The interstate commission shall:

22 A. Oversee and maintain the administration of the compact;

23 B. Adopt rules pursuant to section 18516, which are binding to the extent and in the
24 manner provided for in the compact;

25 C. Issue, upon the request of a member state or member board, advisory opinions
26 concerning the meaning or interpretation of the compact and the interstate
27 commission's bylaws, rules and actions;

28 D. Enforce compliance with compact provisions and the rules and bylaws adopted by
29 the interstate commission using all necessary and proper means, including but not
30 limited to the use of judicial process;

31 E. Pay, or provide for the payment of, the expenses related to the establishment,
32 organization and ongoing activities of the interstate commission;

33 F. Purchase and maintain insurance and bonds;

34 G. Employ an executive director who has the power to employ, select or appoint
35 employees, agents or consultants and to determine their qualifications, define their
36 duties and fix their compensation;

37 H. Establish personnel policies and programs relating to conflicts of interest, rates of
38 compensation and qualifications of personnel;

- 1 I. Establish a budget and make expenditures;
2 J. Adopt a seal and bylaws governing the management and operation of the interstate
3 commission;
4 K. Report annually to the legislatures and governors of the member states concerning
5 the activities of the interstate commission during the preceding year. Reports must
6 include reports of financial audits and any recommendations adopted by the interstate
7 commission; and
8 L. Maintain records in accordance with the bylaws.

9 **2. Powers.** The interstate commission may:

- 10 A. Establish and appoint committees, including, but not limited to, an executive
11 committee as required by section 18512, that have the power to act on behalf of the
12 interstate commission in carrying out its powers and duties;
13 B. Establish and maintain one or more offices;
14 C. Borrow, accept, hire or contract for the services of personnel;
15 D. Accept donations and grants of money, equipment, supplies, materials and
16 services, and receive, use and dispose of donations and grants in a manner consistent
17 with the conflict of interest policies established by the interstate commission;
18 E. Lease, purchase, accept contributions or donations of or otherwise own, hold,
19 improve or use any property, real, personal or mixed;
20 F. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
21 any property, real, personal or mixed;
22 G. Coordinate education, training and public awareness regarding the compact and
23 its implementation and operation;
24 H. Seek and obtain trademarks, copyrights and patents; and
25 I. Perform such functions as may be necessary or appropriate to achieve the purposes
26 of the compact.

27 **§18514. Finance powers**

28 1. Annual assessment. The interstate commission may levy an annual assessment
29 on and collect the assessment from each member state to cover the cost of the operations
30 and activities of the interstate commission and its staff. The total assessment must be
31 sufficient to cover the annual budget approved each year for which revenue is not
32 provided by other sources. The aggregate annual assessment amount must be allocated
33 upon a formula to be determined by the interstate commission. The interstate commission
34 shall adopt the formula by rule binding upon all member states.

35 2. Obligations. The interstate commission may not incur an obligation of any kind
36 prior to securing the funds adequate to meet that obligation.

37 3. Credit. The interstate commission may not pledge the credit of another member
38 state, except by and with the authority of that member state.

1 **4. Financial audit.** The interstate commission is subject to a yearly financial audit
2 conducted by a certified or licensed public accountant, and the report of the audit must be
3 included in the annual report of the interstate commission under section 18513,
4 subsection 1, paragraph K.

5 **§18515. Organization and operation of the interstate commission**

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

10 **2. Officers.** The interstate commission shall elect or appoint annually from among
11 its commissioners a chair, a vice-chair and a treasurer, each of whom has the authority
12 and duties as specified in the bylaws. The chair, or in the chair's absence or disability, the
13 vice-chair, shall preside at all meetings of the interstate commission.

14 **3. Remuneration.** Officers selected in subsection 2 serve without remuneration
15 from the interstate commission.

16 **4. Immunity and liability.** An officer or employee of the interstate commission is
17 immune from suit and liability, either personally or in that person's official capacity, for a
18 claim for damage to or loss of property or personal injury or other civil liability caused or
19 arising out of, or relating to, an actual or alleged act, error or omission that occurred, or
20 that that officer or employee has a reasonable basis for believing occurred, within the
21 scope of interstate commission employment, duties or responsibilities, except that that
22 officer or employee is not protected from suit or liability for damage, loss, injury or
23 liability caused by the intentional or willful and wanton misconduct of that officer or
24 employee.

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

35 **B.** The interstate commission shall defend the executive director, an employee and,
36 subject to the approval of the attorney general or other appropriate legal counsel of
37 the member state, an interstate commission representative in any civil action seeking
38 to impose liability arising out of an actual or alleged act, error or omission that
39 occurred or that the defendant had a reasonable basis for believing occurred within
40 the scope of interstate commission employment, duties or responsibilities, as long as
41 the actual or alleged act, error or omission did not result from intentional or willful
42 and wanton misconduct on the part of the executive director, employee or
43 representative.

1 C. To the extent not covered by the state involved, a member state or the interstate
2 commission, a representative or employee of the interstate commission must be held
3 harmless in the amount of a settlement or judgment, including attorney's fees and
4 costs, obtained against that person arising out of an actual or alleged act, error or
5 omission that occurred or that that representative or employee has a reasonable basis
6 for believing occurred within the scope of interstate commission employment, duties
7 or responsibilities, as long as the actual or alleged act, error or omission did not result
8 from intentional or willful and wanton misconduct on the part of that representative
9 or employee.

10 **§18516. Rule-making functions of the interstate commission**

11 **1. Rules.** The interstate commission shall adopt reasonable rules, which are routine
12 technical rules pursuant to Title 5, chapter 375, subchapter 2-A, in order to effectively
13 and efficiently achieve the purposes of the compact; however, if the interstate
14 commission exercises its rule-making authority in a manner that is beyond the scope of
15 the purposes of the compact or the powers granted under the compact, then such an action
16 by the interstate commission is invalid and has no force or effect.

17 **2. Rules conformation.** Rules for the operations of the interstate commission must
18 be adopted pursuant to a rule-making process that substantially conforms to the "Revised
19 Model State Administrative Procedure Act" (2010), as amended, of the National
20 Conference of Commissioners on Uniform State Laws.

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

29 **§18517. Oversight of interstate compact**

30 **1. Enforcement.** The executive, legislative and judicial branches of state
31 government in each member state shall enforce the compact and shall take all actions
32 necessary and appropriate to effectuate the compact's purposes and intent. The provisions
33 of the compact and the rules adopted under the compact have standing as statutory law
34 but do not override existing state authority to regulate the practice of medicine.

35 **2. Courts.** All courts shall take judicial notice of the compact and the rules in any
36 judicial or administrative proceeding in a member state pertaining to the subject matter of
37 the compact that may affect the powers, responsibilities or actions of the interstate
38 commission.

39 **3. Service of process.** The interstate commission is entitled to receive all service of
40 process in any proceeding under subsection 2 and has standing to intervene in the
41 proceeding for all purposes. Failure to provide service of process to the interstate

1 commission renders a judgment or order void as to the interstate commission, the
2 compact or adopted rules.

3 **§18518. Enforcement of interstate compact**

4 **1. Enforcement.** The interstate commission, in the reasonable exercise of its
5 discretion, shall enforce the provisions and rules of the compact.

6 **2. Compliance.** The interstate commission may, by majority vote of the
7 commissioners, initiate legal action in the United States District Court for the District of
8 Columbia or, at the discretion of the interstate commission, in the federal district where
9 the interstate commission has its principal offices to enforce compliance with the
10 provisions of the compact and its adopted rules and bylaws against a member state in
11 default. The relief sought may include both injunctive relief and damages. In the event
12 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such
13 litigation including reasonable attorney's fees.

14 **3. Remedies.** The remedies in this section are not the exclusive remedies of the
15 interstate commission. The interstate commission may avail itself of any other remedies
16 available under state law or the regulation of a profession.

17 **§18519. Default procedures**

18 **1. Grounds.** The grounds for default under section 18518 include, but are not
19 limited to, failure of a member state to perform such obligations or responsibilities
20 imposed upon it by the compact or the rules and bylaws of the interstate commission
21 adopted under the compact.

22 **2. Default.** If the interstate commission determines that a member state has
23 defaulted in the performance of its obligations or responsibilities under the compact or
24 the bylaws or adopted rules, the interstate commission shall:

25 A. Provide written notice to the defaulting state and other member states of the
26 nature of the default, the means of curing the default and any action taken by the
27 interstate commission. The interstate commission shall specify the conditions by
28 which the defaulting state must cure its default; and

29 B. Provide remedial training and specific technical assistance regarding the default.

30 **3. Termination.** If a defaulting state fails to cure the default, the defaulting state
31 must be terminated from the compact in accordance with subsection 4 upon an
32 affirmative vote of a majority of the commissioners and all rights, privileges and benefits
33 conferred by the compact terminate on the effective date of termination. A cure of the
34 default does not relieve the offending state of obligations or liabilities incurred during the
35 period of the default.

36 **4. Notice of intent.** Termination of membership in the compact may be imposed
37 only after all other means of securing compliance have been exhausted. Notice of intent
38 to terminate must be given by the interstate commission to the governor of the defaulting
39 state, the majority and minority leaders of the defaulting state's legislature and each of the
40 member states.

1 **5. Rules.** The interstate commission shall adopt rules pursuant to section 18516 and
2 procedures to address licenses and physicians that are materially affected by the
3 termination of a member state or the withdrawal of a member state.

4 **6. Obligations.** A member state that has been terminated is responsible for all dues,
5 obligations and liabilities incurred through the effective date of termination, including
6 obligations the performance of which extends beyond the effective date of termination.

7 **7. Costs.** The interstate commission may not bear any costs relating to any state that
8 has been found to be in default or that has been terminated from the compact, unless
9 otherwise mutually agreed upon in writing between the interstate commission and the
10 defaulting state.

11 **8. Appeal.** A defaulting state may appeal an action of the interstate commission by
12 petitioning the United States District Court for the District of Columbia or the federal
13 district where the interstate commission has its principal offices. The prevailing party
14 must be awarded all costs of such litigation including reasonable attorney's fees.

15 **§18520. Dispute resolution**

16 **1. Resolution.** The interstate commission shall attempt, upon the request of a
17 member state, to resolve disputes that are subject to the compact and that arise among
18 member states or member boards.

19 **2. Rules.** The interstate commission shall adopt rules pursuant to section 18516
20 providing for both mediation and binding dispute resolution, as appropriate.

21 **§18521. Member states, effective date and amendment**

22 **1. Eligibility.** Any state is eligible to become a member state of the compact.

23 **2. Effective date.** The compact becomes effective and binding upon legislative
24 enactment of the compact into law by no fewer than 7 states. Thereafter, it becomes
25 effective and binding on a state upon enactment of the compact into law by that state.

26 **3. Participation by nonmember states.** The governors of nonmember states, or
27 their designees, must be invited to participate in the activities of the interstate commission
28 on a nonvoting basis prior to adoption of the compact by all states.

29 **4. Amendments to compact.** The interstate commission may propose amendments
30 to the compact for enactment by the member states. An amendment does not become
31 effective and binding upon the interstate commission and the member states until it is
32 enacted into law by unanimous consent of the member states.

33 **§18522. Withdrawal**

34 **1. Repeal.** Once effective, the compact continues in force and remains binding upon
35 each member state, except that a member state may withdraw from the compact by
36 specifically repealing the statute that enacted the compact into law.

1 **2. Effective date.** Withdrawal from the compact is by the enactment of a statute
2 repealing the compact, but does not take effect until one year after the effective date of
3 that statute and until written notice of the withdrawal has been given by the withdrawing
4 state to the governor of each other member state.

5 **3. Intent.** The withdrawing state shall immediately notify the chair of the interstate
6 commission in writing upon the introduction of legislation repealing the compact in the
7 withdrawing state.

8 **4. Notification.** The interstate commission shall notify the other member states of
9 the withdrawing state's intent to withdraw within 60 days of its receipt of notice provided
10 under subsection 3.

11 **5. Obligations.** The withdrawing state is responsible for all dues, obligations and
12 liabilities incurred through the effective date of withdrawal, including obligations the
13 performance of which extends beyond the effective date of withdrawal.

14 **6. Reinstatement.** Reinstatement following withdrawal of a member state occurs
15 upon the withdrawing state's reenacting the compact or upon such later date as
16 determined by the interstate commission.

17 **7. Rules.** The interstate commission is authorized to adopt rules pursuant to section
18 18516 to address the impact of the withdrawal of a member state on licenses granted in
19 other member states to physicians who designated the withdrawing member state as the
20 state of principal license.

21 **§18523. Dissolution**

22 **1. Effective date.** The compact dissolves effective upon the date of the withdrawal
23 or default of the member state that reduces the membership in the compact to one
24 member state.

25 **2. Surplus funds.** Upon the dissolution of the compact, the compact becomes null
26 and void and is of no further force or effect, and the business and affairs of the interstate
27 commission are concluded and surplus funds must be distributed in accordance with the
28 bylaws.

29 **§18524. Construction**

30 **1. Liberal construction.** The provisions of the compact must be liberally construed
31 to effectuate its purposes.

32 **2. Applicability of other compacts.** Nothing in the compact may be construed to
33 prohibit the applicability of other interstate compacts of which the states are members.

34 **§18525. Binding effect of compact and other laws**

35 **1. Other law.** Nothing in this chapter prevents the enforcement of any other law of a
36 member state that is not inconsistent with the compact.

