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HOUSE BILL NO. 2073

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend the Code of Virginia by adding in Chapter 29 of Title 54.1 an article numbered 11, consisting of a section numbered 54.1-2999, relating to the Interstate Medical Licensure Compact.

Patrons—Murphy, Bennett-Parker, Clark, Delaney, Kory, Maldonado, Seibold and Simon

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 29 of Title 54.1 an article numbered 11, consisting of a section numbered 54.1-2999, as follows:

Article 11.

Interstate Medical Licensure Compact.

§ 54.1-2999. Recognition of Interstate Medical Licensure Compact.

The Interstate Medical Licensure Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

SECTION 1.

PURPOSE.

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

SECTION 2.

DEFINITIONS.

In this Compact:

(a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to Section 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to Section 11.

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

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

(e) "Interstate Commission" means the interstate commission created pursuant to Section 11.

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

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

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

(i) "Member state" means a state that has enacted the Compact.

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

(k) "Physician" means any person who:

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

59 (2) Passed each component of the United States Medical Licensing Examination (USMLE) or the
 60 Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or
 61 any of its predecessor examinations accepted by a state medical board as an equivalent examination for
 62 licensure purposes;

63 (3) Successfully completed graduate medical education approved by the Accreditation Council for
 64 Graduate Medical Education or the American Osteopathic Association;

65 (4) Holds specialty certification or a time-unlimited specialty certificate recognized by the American
 66 Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic
 67 Specialists;

68 (5) Possesses a full and unrestricted license to engage in the practice of medicine issued by a
 69 member board;

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

72 (7) Has never held a license authorizing the practice of medicine subjected to discipline by a
 73 licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to
 74 nonpayment of fees related to a license;

75 (8) Has never had a controlled substance license or permit suspended or revoked by a state or the
 76 United States Drug Enforcement Administration; and

77 (9) Is not under active investigation by a licensing agency or law-enforcement authority in any state,
 78 federal, or foreign jurisdiction.

79 (l) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease,
 80 injury, or condition requiring a physician to obtain and maintain a license in compliance with the
 81 Medical Practice Act of a member state.

82 (m) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section
 83 12 of the Compact that is of general applicability; implements, interprets, or prescribes a policy or
 84 provision of the Compact or an organizational, procedural, or practice requirement of the Interstate
 85 Commission; and has the force and effect of statutory law in a member state, and includes the
 86 amendment, repeal, or suspension of an existing rule.

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

88 (o) "State of principal license" means a member state where a physician holds a license to practice
 89 medicine and which has been designated as such by the physician for purposes of registration and
 90 participation in the Compact.

91 SECTION 3. 92 ELIGIBILITY.

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

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

98 SECTION 4.

99 DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

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

104 (2) The state where at least 25 percent of the practice of medicine occurs; or

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

106 (4) If no state qualifies under subdivision (1), (2), or (3), the state designated as state of residence
 107 for purpose of federal income tax.

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

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

112 SECTION 5.

113 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

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

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

120 (1) Static qualifications, which include verification of medical education, graduate medical education,

121 results of any medical or licensing examination, and other qualifications as determined by the Interstate
122 Commission through rule, shall not be subject to additional primary source verification where already
123 primary source verified by the state of principal license.

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

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

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

134 (d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a
135 member board shall issue an expedited license to the physician. This license shall authorize the
136 physician to practice medicine in the issuing state consistent with the Medical Practice Act and all
137 applicable laws and regulations of the issuing member board and member state.

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

141 (f) An expedited license obtained through the Compact shall be terminated if a physician fails to
142 maintain a license in the state of principal licensure for a nondisciplinary reason, without redesignation
143 of a new state of principal licensure.

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

146 SECTION 6.

147 FEES FOR EXPEDITED LICENSURE.

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

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

151 SECTION 7.

152 RENEWAL AND CONTINUED PARTICIPATION.

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

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

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

158 (3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing
159 agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees
160 related to a license; and

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

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

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

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

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

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

173 SECTION 8.

174 COORDINATED INFORMATION SYSTEM.

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

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

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

182 (d) Member boards may report any nonpublic complaint, disciplinary, or investigatory information
183 not required by subsection (c) to the Interstate Commission.

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

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

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

190 SECTION 9.

191 JOINT INVESTIGATIONS.

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

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

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

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

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

202 SECTION 10.

203 DISCIPLINARY ACTIONS.

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

207 (b) If a license granted to a physician by the member board in the state of principal license is
208 revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the
209 physician by member boards shall automatically be placed, without further action necessary by any
210 member board, on the same status. If the member board in the state of principal license subsequently
211 reinstates the physician's license, a license issued to the physician by any other member board shall
212 remain encumbered until that respective member board takes action to reinstate the license in a manner
213 consistent with the Medical Practice Act of that state.

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

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

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

221 (d) Unless a disciplinary process is otherwise authorized in a member state to strengthen consumer
222 protection, if a license granted to a physician by a member board is revoked, surrendered, or
223 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other
224 member board(s) shall be suspended, automatically and immediately without further action necessary by
225 the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to
226 permit the member board(s) to investigate the basis for the action under the Medical Practice Act of
227 that state. A member board may terminate the automatic suspension of the license it issued prior to the
228 completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice
229 Act of that state.

230 SECTION 11.

231 INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

235 (c) The Interstate Commission shall be a body corporate and joint agency of the member states and
236 shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional
237 powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of
238 the member states in accordance with the terms of the Compact.

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

- 244 (1) Allopathic or osteopathic physician appointed to a member board;
 245 (2) Executive director, executive secretary, or similar executive of a member board; or
 246 (3) Member of the public appointed to a member board.
 247 (e) The Interstate Commission shall meet at least once each calendar year. A portion of this meeting
 248 shall be a business meeting to address such matters as may properly come before the Commission,
 249 including the election of officers. The chairperson may call additional meetings and shall call for a
 250 meeting upon the request of a majority of the member states.
 251 (f) The bylaws may provide for meetings of the Interstate Commission to be conducted by
 252 telecommunication or electronic communication.
 253 (g) Each Commissioner participating at a meeting of the Interstate Commission is entitled to one
 254 vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a
 255 larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not
 256 delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may
 257 delegate voting authority for a specified meeting to another person from that state who shall meet the
 258 requirements of subsection (d).
 259 (h) The Interstate Commission shall provide public notice of all meetings, and all meetings shall be
 260 open to the public. The Interstate Commission may close a meeting, in full or in portion, where it
 261 determines by a two-thirds vote of the Commissioners present that an open meeting would be likely to:
 262 (1) Relate solely to the internal personnel practices and procedures of the Interstate Commission;
 263 (2) Discuss matters specifically exempted from disclosure by federal statute;
 264 (3) Discuss trade secrets or commercial or financial information that is privileged or confidential;
 265 (4) Involve accusing a person of a crime, or formally censuring a person;
 266 (5) Discuss information of a personal nature where disclosure would constitute a clearly
 267 unwarranted invasion of personal privacy;
 268 (6) Discuss investigative records compiled for law-enforcement purposes; or
 269 (7) Specifically relate to the participation in a civil action or other legal proceeding.
 270 (i) The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a
 271 meeting and shall provide a full and accurate summary of actions taken, including record of any roll
 272 call votes.
 273 (j) The Interstate Commission shall make its information and official records, to the extent not
 274 otherwise designated in the Compact or by its rules, available to the public for inspection.
 275 (k) The Interstate Commission shall establish an executive committee, which shall include officers,
 276 members, and others as determined by the bylaws. The executive committee shall have the power to act
 277 on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the
 278 Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the
 279 executive committee shall oversee the administration of the Compact, including enforcement and
 280 compliance with the provisions of the Compact, its bylaws and rules, and other such duties as
 281 necessary.
 282 (l) The Interstate Commission may establish other committees for governance and administration of
 283 the Compact.

SECTION 12.

POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

- 285 The Interstate Commission shall have the duty and power to:
 286 (a) Oversee and maintain the administration of the Compact;
 287 (b) Promulgate rules which shall be binding to the extent and in the manner provided for in the
 288 Compact;
 289 (c) Issue, upon the request of a member state or member board, advisory opinions concerning the
 290 meaning or interpretation of the Compact and its bylaws, rules, and actions;
 291 (d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate
 292 Commission, and the bylaws, using all necessary and proper means, including but not limited to the use
 293 of judicial process;
 294 (e) Establish and appoint committees, including, but not limited to, an executive committee as
 295 required by Section 11, which shall have the power to act on behalf of the Interstate Commission in
 296 carrying out its powers and duties;
 297 (f) Pay, or provide for the payment of, the expenses related to the establishment, organization, and
 298 ongoing activities of the Interstate Commission;
 299 (g) Establish and maintain one or more offices;
 300 (h) Borrow, accept, hire, or contract for services of personnel;
 301 (i) Purchase and maintain insurance and bonds;
 302 (j) Employ an executive director who shall have such powers to employ, select, or appoint
 303 employees, agents, or consultants and to determine their qualifications, define their duties, and fix their
 304

305 compensation;

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

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

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

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

315 (o) Establish a budget and make expenditures;

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

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

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

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

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

324 (u) Perform such functions as may be necessary or appropriate to achieve the purposes of the
325 Compact.

326 SECTION 13.

327 FINANCE POWERS.

328 (a) The Interstate Commission may levy on and collect an annual assessment from each member
329 state to cover the cost of the operations and activities of the Interstate Commission and its staff. The
330 total assessment must be sufficient to cover the annual budget approved each year for which revenue is
331 not provided by other sources. The aggregate annual assessment amount shall be allocated upon a
332 formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all
333 member states.

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

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

338 (d) The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or
339 licensed public accountant, and the report of the audit shall be included in the annual report of the
340 Interstate Commission.

341 SECTION 14.

342 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

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

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

350 (c) Officers selected in subsection (b) shall serve without remuneration from the Interstate
351 Commission.

352 (d) The officers and employees of the Interstate Commission shall be immune from suit and liability,
353 either personally or in their official capacity, for a claim for damage to or loss of property or personal
354 injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or
355 omission that occurred, or that such person had a reasonable basis for believing occurred, within the
356 scope of Interstate Commission employment, duties, or responsibilities, provided that such person shall
357 not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or
358 willful and wanton misconduct of such person.

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

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

375 (3) *To the extent not covered by the state involved, the member state, or the Interstate Commission,*
 376 *the representatives or employees of the Interstate Commission shall be held harmless in the amount of a*
 377 *settlement or judgment, including attorney fees and costs, obtained against such persons arising out of*
 378 *an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission*
 379 *employment, duties, or responsibilities, or that such persons had a reasonable basis for believing*
 380 *occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that*
 381 *the actual or alleged act, error, or omission did not result from intentional or willful and wanton*
 382 *misconduct on the part of such persons.*

383 SECTION 15.

384 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

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

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

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

400 SECTION 16.

401 OVERSIGHT OF INTERSTATE COMPACT.

402 (a) *The executive, legislative, and judicial branches of state government in each member state shall*
 403 *enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's*
 404 *purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have*
 405 *standing as statutory law but shall not override existing state authority to regulate the practice of*
 406 *medicine.*

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

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

414 SECTION 17.

415 ENFORCEMENT OF INTERSTATE COMPACT.

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

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

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

SECTION 18.

DEFAULT PROCEDURES.

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

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

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

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

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

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

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

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

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

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

SECTION 19.

DISPUTE RESOLUTION.

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

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

SECTION 20.

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.

470
471 (a) Any state is eligible to become a member state of the Compact.

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

475 (c) The governors of nonmember states, or their designees, shall be invited to participate in the
476 activities of the Interstate Commission on a nonvoting basis prior to adoption of the Compact by all
477 states.

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

SECTION 21.

WITHDRAWAL.

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

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

489 (c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in

490 writing upon the introduction of legislation repealing the Compact in the withdrawing state.

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

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

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

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

501 SECTION 22.

502 DISSOLUTION.

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

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

508 SECTION 23.

509 SEVERABILITY AND CONSTRUCTION.

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

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

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

515 SECTION 24.

516 BINDING EFFECT OF COMPACT AND OTHER LAWS.

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

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

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

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

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

528 SECTION 25.

529 This act shall take effect July 1, 2023, the public welfare requiring it.