

House Study Bill 291 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act enacting the interstate podiatric medical licensure
2 compact.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147J.1 Interstate podiatric medical
2 licensure compact.

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

25 2. *Definitions.* In this compact:

26 a. "*Bylaws*" means those bylaws established by the interstate
27 commission pursuant to subsection 11.

28 b. "*Commissioner*" means the voting representative appointed
29 by each member board pursuant to subsection 11.

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

1 *d. "Criminal background check"* means that the member board
2 is authorized to obtain a federal bureau of investigations
3 biometric based federal criminal records check information
4 report from the authorized state agency for the exclusive
5 purpose of determining eligibility for certification of
6 qualification that would allow for an expedited license.

7 *e. "Expedited license"* means a full unrestricted podiatric
8 medical license granted by a member state to an eligible
9 podiatric physician through the process set forth in the
10 compact.

11 *f. "Federal criminal records check information"* means any
12 information obtained by a member board from the federal bureau
13 of investigation relating to a federal criminal records check
14 performed by a member board under Pub. L. No. 92-544.

15 *g. "Interstate commission"* means the interstate commission
16 created pursuant to subsection 11.

17 *h. "License"* means authorization by a member state for a
18 podiatric physician to engage in the practice of podiatric
19 medicine, which would be unlawful without authorization.

20 *i. "Member board"* means a state agency in a member state
21 that acts in the sovereign interest of the state by protecting
22 the public through licensure, regulation, and education of
23 podiatric physicians as directed by the state government.

24 *j. "Member state"* means a state which has enacted this
25 compact.

26 *k. "Offense"* means a felony or gross misdemeanor which
27 is the result of intentional, willful, reckless misconduct
28 and which occurred less than ten years ago, or a misdemeanor
29 related to the practice of podiatry.

30 *l. "Podiatric medical practice act"* means laws and
31 regulations governing the practice of podiatric medicine within
32 a member state.

33 *m. "Podiatric physician"* means a person who meets all of the
34 following requirements:

35 (1) Is a graduate of a podiatric medical school accredited

1 by the council of podiatric medical education.

2 (2) Passed parts I, II, and III of the national board of
3 podiatric medical examiners' or American podiatric medical
4 licensing examination, or their recognized replacement
5 examinations.

6 (3) Successfully complete a podiatric residency program
7 approved by the council on podiatric medical education.

8 (4) Holds a specialty certification from a specialty board
9 recognized by the council on podiatric medical education.

10 (5) Possesses a full and unrestricted license to engage in
11 the practice of podiatric medicine issued by a member board.

12 (6) Has never been convicted, received adjudication,
13 deferred adjudication, community supervision, or deferred
14 disposition for any offense by a court of appropriate
15 jurisdiction.

16 (7) Has never held a license authorizing the practice
17 of podiatric medicine subjected to discipline by a licensing
18 agency in any state, federal, or foreign jurisdiction,
19 excluding any action related to the nonpayment of fees related
20 to a license.

21 (8) Has never had a controlled substance license or permit
22 suspended or revoked by a state or the United States drug
23 enforcement administration or voluntarily surrendered such
24 license after notification of investigation.

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

28 *n. "Practice of podiatric medicine"* means that clinical
29 prevention, diagnosis, or treatment of human disease, injury,
30 or condition requiring a podiatric physician to obtain and
31 maintain a license in compliance with the podiatric medical
32 practice act of a member state.

33 *o. "Rule"* means a written statement by the interstate
34 commission promulgated pursuant to subsection 12 of the compact
35 that is of general applicability, implements, interprets,

1 or prescribes a policy or provision of the compact, or an
2 organizational, procedural, or practice requirement of
3 the interstate commission, and has the force and effect of
4 statutory law in a member state, and includes the amendment,
5 repeal, or suspension of an existing rule.

6 *p. "State"* means any state, commonwealth, district, or
7 territory of the United States.

8 *q. "State of principal license"* means a member state where
9 a podiatric physician holds a license to practice podiatric
10 medicine and which has been designated by such a podiatric
11 physician for purposes of registration and participation in the
12 compact.

13 3. *Eligibility.*

14 *a.* A podiatric physician must meet the eligibility
15 requirements as defined in subsection 2, paragraph "m", to
16 receive an expedited licensure under the terms and provisions
17 of the compact.

18 *b.* A podiatric physician who does not meet the requirements
19 of subsection 2, paragraph "m", may obtain a license to practice
20 podiatric medicine in a member state if the individual complies
21 with all laws and requirements, other than the compact,
22 relating to the issuance of a license to practice podiatric
23 medicine in that state.

24 4. *Designation of state of principal license.*

25 *a.* A podiatric physician shall designate a member state as
26 the state of principal license for purposes of registration
27 for expedited licensure through the compact if the podiatric
28 physician possesses a full and unrestricted license to practice
29 podiatric medicine in that state, and the state is any of the
30 following:

31 (1) The state of principal residence for the podiatric
32 physician.

33 (2) The state where at least twenty-five percent of the
34 podiatric physician's practice of podiatric medicine occurs.

35 (3) The location of the podiatric physician's employer.

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

4 b. A podiatric physician may redesignate a member state as
5 state of principal license at any time, so long as the state
6 meets the requirements of paragraph "a".

7 c. The interstate commission is authorized to develop rules
8 to facilitate redesignation of another member state as the
9 state of principal license.

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

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

15 b. Upon receipt of an application for an expedited license,
16 the member board within the state selected as the state
17 of principal license shall evaluate whether the podiatric
18 physician is eligible for expedited licensure and issue a
19 letter of qualification, verifying or denying the podiatric
20 physician's eligibility to, and in the manner established
21 through rule by, the interstate commission.

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

29 (2) The member board within the state selected as the
30 state of principal license shall, in the course of verifying
31 eligibility, perform a criminal background check of an
32 applicant, including the use of results of fingerprint or other
33 biometric data checks compliant with the requirements of the
34 federal bureau of investigation with the exception of federal
35 employees who have a suitability determination in accordance

1 with 5 C.F.R. §731.202.

2 (a) Communication between a member board and the interstate
3 commission and communication between member boards regarding
4 the verification of eligibility in subsection 3 through the
5 compact shall not include any information received from the
6 federal bureau of investigation relating to a federal criminal
7 records check performed by a member board under Pub. L. No.
8 92-544, including federal criminal records check information.

9 (b) Federal bureau of investigation information obtained
10 by a member board shall not be shared with the interstate
11 commission.

12 (3) Appeal of the determination of eligibility shall be made
13 to the member state where the application was filed and shall
14 be subject to the law of that state.

15 c. Upon receipt by a member board of verification
16 as provided in paragraph "b" of a podiatric physician's
17 eligibility for an expedited license, the podiatric physician
18 shall complete the registration process established by the
19 interstate commission to receive a license in a member state
20 selected pursuant to paragraph "a", including the payment of any
21 applicable fees.

22 d. After receiving verification of eligibility under
23 paragraph "b" and any fees under paragraph "c", a member board
24 shall issue an expedited license to the podiatric physician.
25 This license shall authorize the podiatric physician to
26 practice podiatric medicine in the issuing state consistent
27 with the podiatric medical practice act and all applicable laws
28 and regulations of the issuing member board and member state.

29 e. An expedited license shall be valid for a period
30 consistent with the licensure period in the member state and
31 in the same manner as required for other podiatric physicians
32 holding a full and unrestricted license within the member
33 state.

34 f. An expedited license obtained through the compact
35 shall be terminated if a podiatric physician fails to

1 maintain a license in the state of principal licensure for a
2 nondisciplinary reason, without redesignation of a new state
3 of principal licensure.

4 *g.* The interstate commission is authorized to develop
5 rules regarding the application process, including payment
6 of any applicable fees, and the reporting of the issuance
7 of an expedited license by a member board to the interstate
8 commission.

9 6. *Fees for expedited licensure.*

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

13 *b.* The interstate commission is authorized to develop rules
14 regarding fees for expedited licenses.

15 7. *Renewal and continued participation.*

16 *a.* A podiatric physician seeking to renew an expedited
17 license granted in a member state shall complete a renewal
18 process with the interstate commission if the podiatric
19 physician meets all of the following requirements:

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

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

25 (3) Has not had a license authorizing the practice of
26 podiatric medicine subject to discipline by a licensing agency
27 in any state, federal, or foreign jurisdiction, or voluntarily
28 surrendered such license in lieu of discipline, excluding any
29 action related to nonpayment of fees related to a license.

30 (4) Has not had a controlled substance license or permit
31 suspended or revoked by a state or the United States drug
32 enforcement administration or voluntarily surrendered such
33 license or permit after notification of investigation.

34 *b.* Podiatric physicians shall comply with all continuing
35 professional development or continuing medical education

1 requirements for renewal of a license issued by a member state.

2 *c.* The interstate commission shall collect any renewal fees
3 charged for the renewal of a license and distribute the fees
4 to the applicable member board.

5 *d.* Upon receipt of any renewal fees collected pursuant
6 to paragraph "*c*", a member board shall renew the podiatric
7 physician's license.

8 *e.* Podiatric physician information collected by the
9 interstate commission during the renewal process shall be
10 distributed to all member boards.

11 *f.* The interstate commission is authorized to develop rules
12 to address renewal of licenses obtained through the compact.

13 8. *Coordinated information system.*

14 *a.* The interstate commission shall establish a database
15 of all podiatric physicians licensed, or who have applied for
16 licensure, pursuant to subsection 5.

17 *b.* Notwithstanding any other provision of law to the
18 contrary, member boards shall report to the interstate
19 commission any public action or public complaints against a
20 licensed podiatric physician who has applied or received an
21 expedited license through the compact.

22 *c.* Member boards shall report disciplinary or investigatory
23 information determined necessary and proper by rule of the
24 interstate commission.

25 *d.* Member boards may report any nonpublic complaint,
26 disciplinary, or investigatory information not required by
27 paragraph "*c*" to the interstate commission.

28 *e.* Member boards shall share complaint or disciplinary
29 information about a podiatric physician upon request of another
30 member board.

31 *f.* All information provided to the interstate commission or
32 distributed by member boards shall be confidential, filed under
33 seal, and used only for investigatory or disciplinary matters.

34 *g.* The interstate commission is authorized to develop rules
35 for mandated or discretionary sharing of information by member

1 boards.

2 9. *Joint investigations.*

3 a. Licensure and disciplinary records of podiatric
4 physicians are deemed investigative.

5 b. In addition to the authority granted to a member board
6 by its respective podiatric medical practice act or other
7 applicable state law, a member board may participate with other
8 member boards in joint investigations of podiatric physicians
9 licensed by the member boards.

10 c. A subpoena issued by a member state as part of a joint
11 investigation shall be enforceable in other member states.

12 d. Member boards may share any investigative, litigation, or
13 compliance materials in furtherance of any joint or individual
14 investigation initiated under the compact.

15 e. Any member state may investigate an actual or alleged
16 violation of the statutes authorizing the practice of podiatric
17 medicine in any other member state in which a podiatric
18 physician holds a license to practice podiatric medicine.

19 10. *Disciplinary actions.*

20 a. Any conduct for which any disciplinary action is taken by
21 any member board against a podiatric physician licensed through
22 the compact shall be deemed unprofessional conduct which may
23 be subject to discipline by other member boards, in addition
24 to any violation of the podiatric medical practice act or
25 regulations in that state.

26 b. If a license granted to a podiatric physician by a member
27 board in the state of principal license is revoked, surrendered
28 or relinquished in lieu of discipline, or suspended, then all
29 licenses issued to the podiatric physician by member boards
30 shall automatically be placed, without further action necessary
31 by any member board, on the same status. If the member board
32 in the state of principal license subsequently reinstates
33 the podiatric physician's license, a license issued to the
34 podiatric physician by any other member board shall remain
35 encumbered until that respective member board takes action to

1 reinstate the license in a manner consistent with the podiatric
2 medical practice act of that state.

3 *c.* If disciplinary action is taken against a podiatric
4 physician by a member board not in a state of principal
5 license, any other member board may deem the action conclusive
6 as to matters of law and fact decided and do any of the
7 following:

8 (1) Impose the same or lesser sanction against the podiatric
9 physician so long as such sanctions are consistent with the
10 podiatric medical practice act of that state.

11 (2) Pursue separate disciplinary action against the
12 podiatric physician under its respective podiatric medical
13 practice act, regardless of the action taken in other member
14 states.

15 *d.* If a license granted to a podiatric physician by a
16 member board is revoked, surrendered or relinquished in
17 lieu of discipline, or suspended, then any license issued
18 to a podiatric physician by any other member board shall be
19 suspended, automatically and immediately without further action
20 necessary by the other member board for ninety days upon
21 entry of the order by the disciplining board, to permit the
22 member board to investigate the basis for the action under the
23 podiatric medical practice act of that state.

24 *e.* A member board may terminate the automatic suspension
25 under paragraph "b" or "d" of a license it issued, in a manner
26 consistent with the podiatric medical practice act of that
27 state.

28 11. *Interstate podiatric medical licensure compact*
29 *commission.*

30 *a.* The member states hereby create the interstate podiatric
31 medical licensure compact commission.

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

35 *c.* The interstate commission shall be a body corporate

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

6 *d.* The interstate commission shall consist of one voting
7 representative appointed by each member state who shall
8 serve as a commissioner. A commissioner shall be any of the
9 following:

10 (1) A podiatric physician appointed to a member board.

11 (2) An executive director, executive secretary, or similar
12 executive of a member board.

13 (3) A member of the public appointed to a member board.

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

20 *f.* The bylaws may provide for meetings of the interstate
21 commission to be conducted, in whole or in part, via
22 teleconference, video conference, or other electronic means by
23 which all participants can hear each other simultaneously and
24 participate effectively. Attendance by such electronic means
25 shall constitute presence in person at the meeting.

26 *g.* Each commissioner participating at a meeting of the
27 interstate commission is entitled to one vote. A majority of
28 commissioners shall constitute a quorum for the transaction
29 of business, unless a larger quorum is required by the bylaws
30 of the interstate commission. A commissioner shall not
31 delegate a vote to another commissioner. In the absence of its
32 commissioner, a member state may delegate voting authority for
33 a specified meeting to another person from that state who shall
34 meet the requirements of paragraph "*d*".

35 *h.* The interstate commission shall provide public notice

1 of all meetings and all meetings shall be open to the public.
2 The interstate commission may close a meeting, in full or
3 in portion, where it determines by a two-thirds vote of the
4 commissioners present that any open meeting would be likely to
5 do any of the following:

6 (1) Relate solely to the internal personnel practice and
7 procedures of the interstate commission.

8 (2) Discuss matters specifically exempted from disclosure
9 by federal statute.

10 (3) Discuss a trade secret, commercial, or financial
11 information that is privileged or confidential.

12 (4) Involve accusing a person of a crime, or formally
13 censuring a person.

14 (5) Discuss information of a personal nature where
15 disclosure would constitute a clearly unwarranted invasion of
16 personal privacy.

17 (6) Discuss investigative records compiled for law
18 enforcement purposes.

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

21 *i.* The interstate commission shall keep minutes which shall
22 fully describe all matters discussed in a meeting and shall
23 provide a full and accurate summary of actions taken, including
24 record of any roll call votes.

25 *j.* The interstate commission shall make its information
26 and official records, to the extent not otherwise designated
27 in the compact or by its rules, available to the public for
28 inspection.

29 *k.* The interstate commission shall establish an executive
30 committee, which shall include officers, members, and others as
31 determined by the bylaws. The executive committee shall have
32 the power to act on behalf of the interstate commission with
33 the exception of rulemaking, during periods when the interstate
34 commission is not in session. When acting on behalf of the
35 interstate commission, the executive committee shall oversee

1 the administration of the compact, including enforcement and
2 compliance with the provisions of the compact, its bylaws and
3 rules, and other such duties as necessary.

4 1. The interstate commission shall establish other
5 committees for governance and administration of the compact.

6 12. *Powers and duties of the interstate commission.* The
7 interstate commission shall have all of the following powers
8 and duties:

9 a. Oversee and maintain the administration of the compact.

10 b. Promulgate rules which shall be binding to the extent and
11 in the manner provided for in the compact.

12 c. Issue, upon the request of a member state or
13 member board, advisory opinions concerning the meeting or
14 interpretation of the compact, its bylaws, rules, and actions.

15 d. Enforce compliance with compact provisions, the rules
16 promulgated by the interstate commission, and the bylaws, using
17 all necessary and proper means, including but not limited to
18 the use of judicial process.

19 e. Establish and appoint committees including but not
20 limited to an executive committee as required by subsection 11,
21 which shall have the power to act on behalf of the interstate
22 commission in carrying out its powers and duties.

23 f. Pay, or provide for the payment of the expenses related
24 to the establishment, organization, and ongoing activities of
25 the interstate commission.

26 g. Establish and maintain one or more offices.

27 h. Borrow, accept, hire, or contract for services of
28 personnel.

29 i. Purchase and maintain insurance and bonds.

30 j. Employ an executive director who shall have the power to
31 employ, select or appoint employees, agents, consultants, and
32 to determine their qualifications, define their duties, and fix
33 their compensation.

34 k. Establish personnel policies and programs relating to
35 conflicts of interest, rates of compensation, and qualification

1 of personnel.

2 *l.* Accept donations and grants of money, equipment,
3 supplies, materials, and services to receive, utilize, and
4 dispose of it in a manner consistent with the conflict of
5 interest policies established by the interstate commission.

6 *m.* Lease, purchase, accept contributions or donations of, or
7 otherwise to own, hold, improve, or use, any property, real,
8 personal, or mixed.

9 *n.* Sell, convey, mortgage, pledge, lease, exchange, abandon,
10 or otherwise dispose of any property, real, personal, or mixed.

11 *o.* Establish a budget and make expenditures.

12 *p.* Adopt a seal and bylaws governing the management and
13 operation of the interstate commission.

14 *q.* Report annually to the legislatures and governors of
15 the member states concerning the activities of the interstate
16 commission during the preceding year. Such reports shall also
17 include reports of financial audits, and financial statements,
18 and any recommendations that may have been adopted by the
19 interstate commission.

20 *r.* Coordinate education, training, and public awareness
21 regarding the compact, its implementation, and its operation.

22 *s.* Maintain records in accordance with the bylaws.

23 *t.* Seek and obtain trademarks, copyrights, and patents.

24 *u.* Perform such functions as may be necessary or appropriate
25 to achieve the purpose of the compact.

26 13. *Finance powers.*

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

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

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

6 **d.** The interstate commission shall maintain financial
7 records in accordance with the bylaws, including profit and
8 loss statements and balance sheet reports which shall be
9 included in the annual report of the interstate commission.

10 14. *Organization and operation of the interstate commission.*

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

16 **b.** The interstate commission shall elect or appoint annually
17 from among its commissioners a chairperson, a vice chairperson,
18 and a treasurer, each of whom shall have such authority and
19 duties as may be specified in the bylaws. The chairperson,
20 or in the chairperson's absence or disability, the vice
21 chairperson shall preside at all meetings of the interstate
22 commission.

23 **c.** Officers selected pursuant to paragraph "b" shall serve
24 without remuneration from the interstate commission.

25 **d.** The officers and employees of the interstate commission
26 shall be immune from suit and liability, either personally
27 or in their official capacity, for a claim for damage to or
28 loss of property or personal injury or other civil liability
29 caused or arising out of, or relating to, an actual or alleged
30 act, error, or omission that occurred, or that such person
31 had a reasonable basis for believing occurred, within the
32 scope of the interstate commission employment, duties, or
33 responsibilities; provided that such person shall not be
34 protected from suit or liability for damage, loss, injury,
35 or liability caused by the intentional or willful and wanton

1 misconduct of such person.

2 *e.* The liability of the executive director and employees of
3 the interstate commission or representatives of the interstate
4 commission, acting within the scope of such person's employment
5 or duties for acts, errors, or omissions occurring within such
6 person's state, may not exceed the limits of liability set
7 forth under the constitution and laws of that state for state
8 officials, employees, and agents. The interstate commission
9 is considered to be an instrumentality of the states for the
10 purpose of such action. Nothing in this paragraph shall be
11 construed to protect such person from suit or liability for
12 damage, loss, injury, or liability caused by the intentional or
13 willful and wanton misconduct of such person.

14 *f.* The interstate commission shall defend the executive
15 director, its employees, and subject to the approval of
16 the attorney general or other appropriate legal counsel of
17 the member state represented by the interstate commission
18 representative, shall defend such interstate commission
19 representative in any civil action seeking to impose liability
20 arising out of an actual or alleged act, error, or omission
21 that occurred within the scope of interstate commission
22 employment, duties, or responsibilities, or that the defendant
23 had a reasonable basis for believing occurred within the
24 scope of the interstate commission employment, duties, or
25 responsibilities, provided that the actual or alleged act,
26 error, or omission did not result from intentional or willful
27 and wanton misconduct on the part of such person.

28 *g.* To the extent not covered by the state involved, member
29 state, or the interstate commission, the representatives or
30 employees of the interstate commission shall be held harmless
31 in the amount of a settlement or judgment, including attorney
32 fees and costs, obtained against such persons arising out of an
33 actual or alleged act, error, or omission that occurred within
34 the scope of the interstate commission employment, duties,
35 or responsibilities, or that such persons had a reasonable

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

6 15. *Rulemaking functions of the interstate commission.*

7 a. The interstate commission shall promulgate rules in
8 order to effectively and efficiently achieve the purpose of
9 the compact. Notwithstanding the foregoing, in the event the
10 interstate commission exercises its rulemaking authority in a
11 manner that is beyond the scope of the purposes of the compact,
12 or the powers granted hereunder, then such an action by the
13 interstate commission shall be invalid and have no force or
14 effect.

15 b. Rules deemed appropriate for the operations of the
16 interstate commission shall be made pursuant to the rulemaking
17 process that substantially conforms to the model state
18 administrative procedure Act of 2010, and subsequent amendments
19 thereto.

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

32 16. *Oversight of interstate compact.*

33 a. The executive, legislative, and judicial branches
34 of state government in each member state shall enforce the
35 compact and shall take all actions necessary and appropriate to

1 effectuate the compact's purposes and intent. The provisions
2 of the compact and the rules promulgated hereunder shall have
3 standing as statutory law but shall not override existing state
4 authority to regulate the practice of podiatric medicine.

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

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

16 **17. *Enforcement of interstate compact.***

17 **a.** The interstate commission, in the reasonable exercise of
18 its discretion, shall enforce the provisions and rules of the
19 compact.

20 **b.** The interstate commission may, by majority vote of
21 the commissioners present and voting, initiate legal action
22 in the United States district court for the District of
23 Columbia, or, at the discretion of the interstate commission,
24 in federal district court where the interstate commission has
25 its principal office, to enforce compliance with the provisions
26 of the compact, and its promulgated rules and bylaws, against
27 a member state in default. The relief sought may include
28 both injunctive relief and damages. In the event judicial
29 enforcement is necessary, the prevailing party shall be awarded
30 all costs of such litigation including reasonable attorney
31 fees.

32 **c.** The remedies herein shall not be the exclusive remedies
33 of the interstate commission. The interstate commission may
34 avail itself of any other remedies available under state law
35 or regulation of a profession.

1 18. *Default procedures.*

2 *a.* The grounds for default include but are not limited
3 to failure of a member board to perform such obligations or
4 responsibilities imposed upon it by the compact, or the rules
5 and bylaws of the interstate commission promulgated under the
6 compact.

7 *b.* If the interstate commission determines that a member
8 state has defaulted in the performance of its obligations
9 or responsibilities under the compact, or the bylaws or
10 promulgated rules, the interstate commission shall do all of
11 the following:

12 (1) Provide written notice to the defaulting state and
13 other member states, of the nature of the default, the means
14 of curing the default, and any action taken by the interstate
15 commission. The interstate commission shall specify the
16 conditions by which the defaulting state must cure its default.

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

19 *c.* If the defaulting state fails to cure the default,
20 the defaulting state shall be terminated from the compact
21 upon an affirmative vote of the majority of the commissioners
22 present and voting, and all rights, privileges, and benefits
23 conferred by the compact shall terminate on the effective date
24 of termination. A cure of the default does not relieve the
25 offending state of obligations or liabilities incurred during
26 the period of default.

27 *d.* Termination of membership in the compact shall be imposed
28 only after all other means of securing compliance have been
29 exhausted. Notice of intent to terminate shall be given by
30 the interstate commission to the governor, the majority and
31 minority leaders of the defaulting state's legislature, and
32 each of the member states.

33 *e.* The interstate commission shall establish rules and
34 procedures to address licenses and podiatric physicians that
35 are materially impacted by the termination of a member state,

1 or the withdrawal of a member state.

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

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

12 *h.* The defaulting state may appeal the action of the
13 interstate commission by petitioning the United States district
14 court for the District of Columbia or the federal district
15 court where the interstate commission has its principal office.
16 The prevailing party shall be awarded all costs of litigation
17 including reasonable attorney fees.

18 19. *Dispute resolution.*

19 *a.* The interstate commission shall attempt, upon the request
20 of a member state, to resolve disputes which are subject to the
21 compact and which arise among member states or member boards.

22 *b.* The interstate commission shall promulgate rules
23 providing for both mediation and binding dispute resolution as
24 appropriate.

25 20. *Member states, effective date, and amendment.*

26 *a.* Any state is eligible to become a member of the compact.

27 *b.* The compact shall become effective and binding upon
28 legislative enactment of the compact into law by no less than
29 four states. Thereafter, it shall become effective and binding
30 on a state upon enactment of the compact into law by that
31 state.

32 *c.* The governors of nonmember states, or their designees,
33 shall be welcome to participate in the activities of the
34 interstate commission on a nonvoting basis prior to adoption
35 of the compact by all states.

1 *d.* The interstate commission may propose amendments to the
2 compact for enactment by the member states. No amendment shall
3 become effective and binding upon the interstate commission and
4 other member states unless and until it is enacted into law by
5 unanimous consent of the member states.

6 21. *Withdrawal.*

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

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

16 *c.* The withdrawing state shall immediately notify the
17 chairperson of the interstate commission in writing upon the
18 introduction of legislation repealing the compact in the
19 withdrawing state.

20 *d.* The interstate commission shall notify the other member
21 states of the withdrawing state's intent to withdraw within
22 sixty days of its receipt of notice provided pursuant to
23 paragraph "c".

24 *e.* The withdrawing state is responsible for all dues,
25 obligations, and liabilities incurred throughout the effective
26 date of withdrawal, including obligations, the performance of
27 which extend beyond the effective date of withdrawal.

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

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

1 principal license.

2 22. *Dissolution.*

3 a. The compact shall be dissolved effective upon the date of
4 the withdrawal or default of the member state which reduces the
5 membership of the compact to one member state.

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

11 23. *Severability and construction.*

12 a. The provisions of the compact shall be severable,
13 and if any phrase, clause, sentence, or provision is deemed
14 unenforceable, the remaining provisions of the compact shall
15 be enforceable.

16 b. The provisions of the compact shall be liberally
17 construed to effectuate its purposes.

18 c. Nothing in the compact shall be construed to prohibit the
19 applicability of other interstate compacts to which the member
20 states are members.

21 24. *Binding effect of compact and other laws.*

22 a. Nothing herein prevents the enforcement of any other law
23 of a member state that is not inconsistent with the compact.

24 b. All laws in a member state in conflict with the compact
25 are superseded to the extent of the conflict.

26 c. All lawful actions of the interstate commission,
27 including all rules and bylaws promulgated by the commission,
28 are binding upon all member states.

29 d. All agreements between the interstate commission and the
30 member states are binding in accordance with their terms.

31 e. In the event of any provision of the compact that exceeds
32 the constitutional limits imposed on the legislature of any
33 member state, such provision shall be ineffective to the extent
34 of the conflict with the constitutional provision in question
35 in that member state.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

3

4 This bill establishes the interstate podiatric medical
5 licensure compact.

6 The compact establishes a system whereby a podiatrist
7 licensed to practice in one participating state may receive
8 an expedited license to practice in another participating
9 state. The compact imposes certain minimum requirements on the
10 licensure of podiatrists in participating states.

11 The compact creates a commission to administer the operation
12 of the compact. The commission is an instrumentality of the
13 participating states. The compact includes provisions relating
14 to the establishment and membership of the commission; powers
15 of the commission; meetings and voting requirements of the
16 commission; commission bylaws and rules; commission committees;
17 commission finances; the establishment of a data system;
18 compacting state compliance; venue for judicial proceedings;
19 defense and indemnification; effective dates and amendments to
20 the compact; withdrawal, default, and expulsion; severability
21 and construction; and the binding effect of the compact and
22 other laws.

23 The compact becomes effective upon the adoption of the
24 compact by the fourth participating state.