

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

18 **SECTION 2. DEFINITIONS**

19 In this compact:

20 "Bylaws" means those bylaws established by the interstate
21 commission pursuant to section 11.



1 "Commissioner" means the voting representative appointed by
2 each member board pursuant to section 11.

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

9 "Expedited license" means a full and unrestricted medical
10 license granted by a member state to an eligible physician
11 through the process set forth in the compact.

12 "Interstate commission" means the interstate commission
13 created pursuant to section 11.

14 "License" means authorization by a member state for a
15 physician to engage in the practice of medicine, which would be
16 unlawful without authorization.

17 "Medical practice act" means laws and regulations governing
18 the practice of allopathic and osteopathic medicine within a
19 member state.

20 "Member board" means a state agency in a member state that
21 acts in the sovereign interests of the state by protecting the



1 public through licensure, regulation, and education of
2 physicians as directed by the state government.

3 "Member state" means a state that has enacted the compact.

4 "Physician" means any person who:

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

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

16 (3) Successfully completed graduate medical education
17 approved by the Accreditation Council for Graduate
18 Medical Education or the American Osteopathic
19 Association;

20 (4) Holds specialty certification or a time-unlimited
21 specialty certificate recognized by the American Board



- 1 of Medical Specialties or the American Osteopathic
2 Association's Bureau of Osteopathic Specialists;
- 3 (5) Possesses a full and unrestricted license to engage in
4 the practice of medicine issued by a member board;
- 5 (6) Has never been convicted, received adjudication,
6 deferred adjudication, community supervision, or
7 deferred disposition for any offense by a court of
8 appropriate jurisdiction;
- 9 (7) Has never held a license authorizing the practice of
10 medicine subjected to discipline by a licensing agency
11 in any state, federal, or foreign jurisdiction,
12 excluding any action related to non-payment of fees
13 related to a license;
- 14 (8) Has never had a controlled substance license or permit
15 suspended or revoked by a state or the United States
16 Drug Enforcement Administration; and
- 17 (9) Is not under active investigation by a licensing
18 agency or law enforcement authority in any state,
19 federal, or foreign jurisdiction.

20 "Practice of medicine" means that clinical prevention,
21 diagnosis, or treatment of human disease, injury, or condition



1 requiring a physician to obtain and maintain a license in
2 compliance with the medical practice act of a member state.

3 "Offense" means a felony, gross misdemeanor, or crime of
4 moral turpitude.

5 "Rule" means a written statement by the interstate
6 commission promulgated pursuant to section 12 of the compact
7 that is of general applicability, implements, interprets, or
8 prescribes a policy or provision of the compact, or an
9 organizational, procedural, or practice requirement of the
10 interstate commission, and has the force and effect of statutory
11 law in a member state, and includes the amendment, repeal, or
12 suspension of an existing rule.

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

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

19 **SECTION 3. ELIGIBILITY**



1 (a) A physician must meet the eligibility requirements in
2 the definition of physician in section 2 to receive an expedited
3 license under the terms and provisions of the compact.

4 (b) A physician who does not meet the requirements in the
5 definition of physician in section 2 may obtain a license to
6 practice medicine in a member state if the individual complies
7 with all laws and requirements, other than the compact, relating
8 to the issuance of a license to practice medicine in that state.

9 **SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE**

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

- 15 (1) The state of principal residence for the physician;
- 16 (2) The state where at least twenty-five per cent of the
17 physician's practice of medicine occurs;
- 18 (3) The location of the physician's employer; or
- 19 (4) If no state qualifies under paragraph (1), (2), or
20 (3), the state designated as state of residence for
21 purpose of federal income tax.



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

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

7 **SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE**

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

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

18 (1) Static qualifications, which include verification of
19 medical education, graduate medical education, results
20 of any medical or licensing examination, and other
21 qualifications as determined by the interstate



1 commission through rule, shall not be subject to
2 additional primary source verification where already
3 primary source verified by the state of principal
4 license.

5 (2) The member board within the state selected as the
6 state of principal license shall, in the course of
7 verifying eligibility, perform a criminal background
8 check of an applicant, including the use of the
9 results of fingerprint or other biometric data checks
10 compliant with the requirements of the Federal Bureau
11 of Investigation, with the exception of federal
12 employees who have suitability determination in
13 accordance with title 5 Code of Federal Regulations
14 section 731.202.

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

18 (c) Upon verification in subsection (b), physicians
19 eligible for an expedited license shall complete the
20 registration process established by the interstate commission to



1 receive a license in a member state selected pursuant to
2 subsection (a), including the payment of any applicable fees.

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

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

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

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



1 **SECTION 6. FEES FOR EXPEDITED LICENSURE**

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

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

7 **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

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

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

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

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



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

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

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

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

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

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

19 **SECTION 8. COORDINATED INFORMATION SYSTEM**



1 (a) The interstate commission shall establish a database
2 of all physicians licensed, or who have applied for licensure,
3 under section 5.

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

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

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

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

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



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

4 **SECTION 9. JOINT INVESTIGATIONS**

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

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

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

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

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

21 **SECTION 10. DISCIPLINARY ACTIONS**



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

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

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



- 1 (1) Impose the same or lesser sanction(s) against the
2 physician so long as such sanctions are consistent
3 with the medical practice act of that state; or
4 (2) Pursue separate disciplinary action against the
5 physician under its respective medical practice act,
6 regardless of the action taken in other member states.
7 (d) If a license granted to a physician by a member board
8 is revoked, surrendered or relinquished in lieu of discipline,
9 or suspended, then any license(s) issued to the physician by any
10 other member board(s) shall be suspended, automatically and
11 immediately without further action necessary by the other member
12 board(s), for ninety days upon entry of the order by the
13 disciplining board, to permit the member board(s) to investigate
14 the basis for the action under the medical practice act of that
15 state. A member board may terminate the automatic suspension of
16 the license it issued prior to the completion of the ninety day
17 suspension period in a manner consistent with the medical
18 practice act of that state.

19 **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION**

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



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

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

10 (d) The interstate commission shall consist of two voting
11 representatives appointed by each member state who shall serve
12 as commissioners. In states where allopathic and osteopathic
13 physicians are regulated by separate member boards, or if the
14 licensing and disciplinary authority is split between separate
15 member boards, or if the licensing and disciplinary authority is
16 split between multiple member boards within a member state, the
17 member state shall appoint one representative from each member
18 board. A commissioner shall be:

19 (1) An allopathic or osteopathic physician appointed to a
20 member board;



1 (2) An executive director, executive secretary, or similar
2 executive of a member board; or

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

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

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

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



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

- 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 trade secrets, 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
16 invasion of personal privacy;
- 17 (6) Discuss investigative records compiled for law
18 enforcement purposes; or
- 19 (7) Specifically relate to the participation in a civil
20 action or other legal proceeding.



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

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

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

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

21 **SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION**



1 (a) Oversee and maintain the administration of the
2 compact.

3 (b) Promulgate rules, which shall be binding to the extent
4 and in the manner provided for in the compact.

5 (c) Issue, upon the request of a member state or member
6 board, advisory opinions concerning the meaning or
7 interpretation of the compact, its bylaws, rules, and actions.

8 (d) Enforce compliance with compact provisions, the rules
9 promulgated by the interstate commission, and the bylaws, using
10 all necessary and proper means, including but not limited to the
11 use of judicial process.

12 (e) Establish and appoint committees including but not
13 limited to an executive committee as required by section 11,
14 which shall have the power to act on behalf of the interstate
15 commission in carrying out its powers and duties.

16 (f) Pay, or provide for the payment of the expenses
17 related to the establishment, organization, and ongoing
18 activities of the interstate commission.

19 (g) Establish and maintain one or more offices.

20 (h) Borrow, accept, hire, or contract for services of
21 personnel.



1 (i) Purchase and maintain insurance and bonds.

2 (j) Employ an executive director who shall have such
3 powers to employ, select or appoint employees, agents, or
4 consultants, and to determine their qualifications, define their
5 duties, and fix their compensation.

6 (k) Establish personnel policies and programs relating to
7 conflicts of interest, rates of compensation, and qualifications
8 of personnel.

9 (l) Accept donations and grants of money, equipment,
10 supplies, materials, and services and to receive, utilize, and
11 dispose of it in a manner consistent with the conflict of
12 interest policies established by the interstate commission.

13 (m) Lease, purchase, accept contributions or donations of,
14 or otherwise to own, hold, improve, or use, any property, real,
15 personal, or mixed.

16 (n) Sell, convey, mortgage, pledge, lease, exchange,
17 abandon, or otherwise dispose of any property, real, personal,
18 or mixed.

19 (o) Establish a budget and make expenditures.

20 (p) Adopt a seal and bylaws governing the management and
21 operation of the interstate commission.



1 (q) Report annually to the legislatures and governors of
2 the member states concerning the activities of the interstate
3 commission during the preceding year. Such reports shall also
4 include reports of financial audits and any recommendations that
5 may have been adopted by the interstate commission.

6 (r) Coordinate education, training, and public awareness
7 regarding the compact, its implementation, and its operation.

8 (s) Maintain records in accordance with the bylaws.

9 (t) Seek and obtain trademarks, copyrights, and patents.

10 (u) Perform such functions as may be necessary or
11 appropriate to achieve the purpose of the compact.

12 **SECTION 13. FINANCE POWERS**

13 (a) The interstate commission may levy on and collect an
14 annual assessment from each member state to cover the cost of
15 the operations and activities of the interstate commission and
16 its staff. The total assessment must be sufficient to cover the
17 annual budget approved each year for which revenue is not
18 provided by other sources. The aggregate annual assessment
19 amount shall be allocated upon a formula to be determined by the
20 interstate commission, which shall promulgate a rule binding
21 upon all member states.



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

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

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

11 **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE**
12 **COMMISSION**

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

18 (b) The interstate commission shall elect or appoint
19 annually from among its Commissioners a chairperson, a vice-
20 chairperson, and a treasurer, each of whom shall have such
21 authority and duties as may be specified in the bylaws. The



1 chairperson, or in the chairperson's absence or disability, the
2 vice-chairperson, shall preside at all meetings of the
3 interstate commission.

4 (c) Officers selected in subsection (b) shall serve
5 without remuneration for the interstate commission.

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

18 (e) The liability of the executive director and employees
19 of the interstate commission or representatives of the
20 interstate commission, acting within the scope of such person's
21 employment or duties for acts, errors, or omissions occurring



1 within such person's state, may not exceed the limits of
2 liability set forth under the constitution and laws of that
3 state for state officials, employees, and agents. The
4 interstate commission is considered to be an instrumentality of
5 the states for the purpose of any such action. Nothing in this
6 subsection shall be construed to protect such person from suit
7 or liability for damage, loss, injury, or liability caused by
8 the intentional or willful and wanton misconduct of such person.

9 (f) The interstate commission shall defend the executive
10 director, its employees, and subject to the approval of the
11 attorney general or other appropriate legal counsel of the
12 member state represented by an interstate commission
13 representative, shall defend such interstate commission
14 representative in any civil action seeking to impose liability
15 arising out of an actual or alleged act, error, or omission that
16 occurred within the scope of interstate commission employment,
17 duties, or responsibilities, or that the defendant had a
18 reasonable basis for believing occurred within the scope of
19 interstate commission employment, duties, or responsibilities;
20 provided that the actual or alleged act, error, or omission did



1 not result from intentional or willful and wanton misconduct on
2 the part of such person.

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

16 **SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

17 (a) The interstate commission shall promulgate reasonable
18 rules in order to effectively and efficiently achieve the
19 purpose of the compact. Notwithstanding the foregoing, in the
20 event the interstate commission exercises its rulemaking
21 authority in a manner that is beyond the scope of the purposes



1 of the compact, or the powers granted hereunder, then such an
2 action by the interstate commission shall be invalid and have no
3 force or effect.

4 (b) Rules deemed appropriate for the operations of the
5 interstate commission shall be made pursuant to a rulemaking
6 process that substantially conforms to the Model State
7 Administrative Procedure Act of 2010, and subsequent amendments
8 thereto.

9 (c) Not later than thirty days after a rule is
10 promulgated, any person may file a petition for judicial review
11 of the rule in the United States District Court for the District
12 of Columbia or the federal district where the interstate
13 commission has its principal offices; provided that the filing
14 of such a petition shall not stay or otherwise prevent the rule
15 from becoming effective unless the court finds that the
16 petitioner has a substantial likelihood of success. The court
17 shall give deference to the actions of the interstate commission
18 consistent with applicable law and shall not find the rule to be
19 unlawful if the rule represents a reasonable exercise of the
20 authority granted to the interstate commission.

21 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**



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

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

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

19 **SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT**



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

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

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

19 **SECTION 18. DEFAULT PROCEDURES**

20 (a) The grounds for default include but are not limited to
21 failure of a member state to perform such obligations or



1 responsibilities imposed upon it by the compact, or the rules
2 and bylaws of the interstate commission promulgated under the
3 compact.

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

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

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

16 (c) If the defaulting state fails to cure the default, the
17 defaulting state shall be terminated from the compact upon an
18 affirmative vote of a majority of the commissioners and all
19 rights, privileges, and benefits conferred by the compact shall
20 terminate on the effective date of termination. A cure of the



1 default does not relieve the offending state of obligations or
2 liabilities incurred during the period of the default.

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

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

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

18 (g) The interstate commission shall not bear any costs
19 relating to any state that has been found to be in default or
20 that has been terminated from the compact, unless otherwise



1 mutually agreed upon in writing between the interstate
2 commission and the defaulting state.

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

9 **SECTION 19. DISPUTE RESOLUTION**

10 (a) The interstate commission shall attempt, upon the
11 request of a member state, to resolve disputes that are subject
12 to the compact and that may arise among member states or member
13 boards.

14 (b) The interstate commission shall promulgate rules
15 providing for both mediation and binding dispute resolution, as
16 appropriate.

17 **SECTION 20. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT**

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

20 (b) The compact shall become effective and binding upon
21 legislative enactment of the compact into law by no less than



1 seven states. Thereafter, it shall become effective and binding
2 on a state upon enactment of the compact into law by that state.

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

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

12 **SECTION 21. WITHDRAWAL**

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

18 (b) Withdrawal from the compact shall be by the enactment
19 of a statute repealing the same, but shall not take effect until
20 one year after the effective date of such statute and until



1 written notice of the withdrawal has been given by the
2 withdrawing state to the governor of each other member state.

3 (c) The withdrawing state shall immediately notify the
4 chairperson of the interstate commission in writing upon the
5 introduction of legislation repealing the compact in the
6 withdrawing state.

7 (d) The interstate commission shall notify the other
8 member states of the withdrawing state's intent to withdraw
9 within sixty days of its receipt of notice provided under
10 subsection (c).

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

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

18 (g) The interstate commission is authorized to develop
19 rules to address the impact of the withdrawal of a member state
20 on licenses granted in other member states to physicians who



1 designated the withdrawing member state as the state of
2 principal license.

3 **SECTION 22. DISSOLUTION**

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

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

12 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

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

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

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



1 **SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS**

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

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

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

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

11 (e) In the event any provision of the compact exceeds the
12 constitutional limits imposed on the legislature of any member
13 state, such provision shall be ineffective to the extent of the
14 conflict with the constitutional provision in question in that
15 member state.

16 § -3 **Rules.** The department of commerce and consumer
17 affairs may adopt rules pursuant to chapter 91 for the purposes
18 of implementing and administering this chapter."

19 SECTION 2. Section 846-2.7, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) Criminal history record checks may be conducted by:



- 1 (1) The department of health or its designee on operators
2 of adult foster homes for individuals with
3 developmental disabilities or developmental
4 disabilities domiciliary homes and their employees, as
5 provided by section 321-15.2;
- 6 (2) The department of health or its designee on
7 prospective employees, persons seeking to serve as
8 providers, or subcontractors in positions that place
9 them in direct contact with clients when providing
10 non-witnessed direct mental health or health care
11 services as provided by section 321-171.5;
- 12 (3) The department of health or its designee on all
13 applicants for licensure or certification for,
14 operators for, prospective employees, adult
15 volunteers, and all adults, except adults in care, at
16 healthcare facilities as defined in section 321-15.2;
- 17 (4) The department of education on employees, prospective
18 employees, and teacher trainees in any public school
19 in positions that necessitate close proximity to
20 children as provided by section 302A-601.5;



- 1 (5) The counties on employees and prospective employees
2 who may be in positions that place them in close
3 proximity to children in recreation or child care
4 programs and services;
- 5 (6) The county liquor commissions on applicants for liquor
6 licenses as provided by section 281-53.5;
- 7 (7) The county liquor commissions on employees and
8 prospective employees involved in liquor
9 administration, law enforcement, and liquor control
10 investigations;
- 11 (8) The department of human services on operators and
12 employees of child caring institutions, child placing
13 organizations, and foster boarding homes as provided
14 by section 346-17;
- 15 (9) The department of human services on prospective
16 adoptive parents as established under section 346-
17 19.7;
- 18 (10) The department of human services or its designee on
19 applicants to operate child care facilities, household
20 members of the applicant, prospective employees of the
21 applicant, and new employees and household members of



1 the provider after registration or licensure as
2 provided by section 346-154, and persons subject to
3 section 346-152.5;

4 (11) The department of human services on persons exempt
5 pursuant to section 346-152 to be eligible to provide
6 child care and receive child care subsidies as
7 provided by section 346-152.5;

8 (12) The department of health on operators and employees of
9 home and community-based case management agencies and
10 operators and other adults, except for adults in care,
11 residing in community care foster family homes as
12 provided by section 321-15.2;

13 (13) The department of human services on staff members of
14 the Hawaii youth correctional facility as provided by
15 section 352-5.5;

16 (14) The department of human services on employees,
17 prospective employees, and volunteers of contracted
18 providers and subcontractors in positions that place
19 them in close proximity to youth when providing
20 services on behalf of the office or the Hawaii youth
21 correctional facility as provided by section 352D-4.3;



- 1 (15) The judiciary on employees and applicants at detention
2 and shelter facilities as provided by section 571-34;
- 3 (16) The department of public safety on employees and
4 prospective employees who are directly involved with
5 the treatment and care of persons committed to a
6 correctional facility or who possess police powers
7 including the power of arrest as provided by section
8 353C-5;
- 9 (17) The board of private detectives and guards on
10 applicants for private detective or private guard
11 licensure as provided by section 463-9;
- 12 (18) Private schools and designated organizations on
13 employees and prospective employees who may be in
14 positions that necessitate close proximity to
15 children; provided that private schools and designated
16 organizations receive only indications of the states
17 from which the national criminal history record
18 information was provided pursuant to section 302C-1;
- 19 (19) The public library system on employees and prospective
20 employees whose positions place them in close



- 1 proximity to children as provided by section 302A-
- 2 601.5;
- 3 (20) The State or any of its branches, political
- 4 subdivisions, or agencies on applicants and employees
- 5 holding a position that has the same type of contact
- 6 with children, vulnerable adults, or persons committed
- 7 to a correctional facility as other public employees
- 8 who hold positions that are authorized by law to
- 9 require criminal history record checks as a condition
- 10 of employment as provided by section 78-2.7;
- 11 (21) The department of health on licensed adult day care
- 12 center operators, employees, new employees,
- 13 subcontracted service providers and their employees,
- 14 and adult volunteers as provided by section 321-15.2;
- 15 (22) The department of human services on purchase of
- 16 service contracted and subcontracted service providers
- 17 and their employees serving clients of the adult
- 18 protective and community services branch, as provided
- 19 by section 346-97;
- 20 (23) The department of human services on foster grandparent
- 21 program, senior companion program, and respite



1 companion program participants as provided by section
2 346-97;

3 (24) The department of human services on contracted and
4 subcontracted service providers and their current and
5 prospective employees that provide home and community-
6 based services under section 1915(c) of the Social
7 Security Act, title 42 United States Code section
8 1396n(c), or under any other applicable section or
9 sections of the Social Security Act for the purposes
10 of providing home and community-based services, as
11 provided by section 346-97;

12 (25) The department of commerce and consumer affairs on
13 proposed directors and executive officers of a bank,
14 savings bank, savings and loan association, trust
15 company, and depository financial services loan
16 company as provided by section 412:3-201;

17 (26) The department of commerce and consumer affairs on
18 proposed directors and executive officers of a
19 nondepository financial services loan company as
20 provided by section 412:3-301;



1 (27) The department of commerce and consumer affairs on the
2 original chartering applicants and proposed executive
3 officers of a credit union as provided by section
4 412:10-103;

5 (28) The department of commerce and consumer affairs on:
6 (A) Each principal of every non-corporate applicant
7 for a money transmitter license;
8 (B) Each person who upon approval of an application
9 by a corporate applicant for a money transmitter
10 license will be a principal of the licensee; and
11 (C) Each person who upon approval of an application
12 requesting approval of a proposed change in
13 control of licensee will be a principal of the
14 licensee,
15 as provided by sections 489D-9 and 489D-15;

16 (29) The department of commerce and consumer affairs on
17 applicants for licensure and persons licensed under
18 title 24;

19 (30) The Hawaii health systems corporation on:
20 (A) Employees;
21 (B) Applicants seeking employment;



- 1 (C) Current or prospective members of the corporation
- 2 board or regional system board; or
- 3 (D) Current or prospective volunteers, providers, or
- 4 contractors,
- 5 in any of the corporation's health facilities as
- 6 provided by section 323F-5.5;
- 7 (31) The department of commerce and consumer affairs on:
- 8 (A) An applicant for a mortgage loan originator
- 9 license, or license renewal; and
- 10 (B) Each control person, executive officer, director,
- 11 general partner, and managing member of an
- 12 applicant for a mortgage loan originator company
- 13 license or license renewal,
- 14 as provided by chapter 454F;
- 15 (32) The state public charter school commission or public
- 16 charter schools on employees, teacher trainees,
- 17 prospective employees, and prospective teacher
- 18 trainees in any public charter school for any position
- 19 that places them in close proximity to children, as
- 20 provided in section 302D-33;



- 1 (33) The counties on prospective employees who work with
2 children, vulnerable adults, or senior citizens in
3 community-based programs;
- 4 (34) The counties on prospective employees for fire
5 department positions that involve contact with
6 children or vulnerable adults;
- 7 (35) The counties on prospective employees for emergency
8 medical services positions that involve contact with
9 children or vulnerable adults;
- 10 (36) The counties on prospective employees for emergency
11 management positions and community volunteers whose
12 responsibilities involve planning and executing
13 homeland security measures including viewing,
14 handling, and engaging in law enforcement or
15 classified meetings and assisting vulnerable citizens
16 during emergencies or crises;
- 17 (37) The State and counties on employees, prospective
18 employees, volunteers, and contractors whose position
19 responsibilities require unescorted access to secured
20 areas and equipment related to a traffic management
21 center;



1 (38) The State and counties on employees and prospective
2 employees whose positions involve the handling or use
3 of firearms for other than law enforcement purposes;

4 (39) The State and counties on current and prospective
5 systems analysts and others involved in an agency's
6 information technology operation whose position
7 responsibilities provide them with access to
8 proprietary, confidential, or sensitive information;

9 (40) The department of commerce and consumer affairs on:

10 (A) Applicants for real estate appraiser licensure or
11 certification as provided by chapter 466K;

12 (B) Each person who owns more than ten per cent of an
13 appraisal management company who is applying for
14 registration as an appraisal management company,
15 as provided by section 466L-7; and

16 (C) Each of the controlling persons of an applicant
17 for registration as an appraisal management
18 company, as provided by section 466L-7;

19 (41) The department of health or its designee on all
20 license applicants, licensees, employees, contractors,
21 and prospective employees of medical cannabis



1 dispensaries, and individuals permitted to enter and
2 remain in medical cannabis dispensary facilities as
3 provided under sections 329D-15(a)(4) and 329D-
4 16(a)(3);

5 (42) The department of commerce and consumer affairs on
6 applicants for nurse licensure or license renewal,
7 reactivation, or restoration as provided by sections
8 457-7, 457-8, 457-8.5, and 457-9;

9 (43) The county police departments on applicants for
10 permits to acquire firearms pursuant to section 134-2
11 and on individuals registering their firearms pursuant
12 to section 134-3;

13 (44) The department of commerce and consumer affairs on:
14 (A) Each of the controlling persons of the applicant
15 for licensure as an escrow depository, and each
16 of the officers, directors, and principals who
17 will be in charge of the escrow depository's
18 activities upon licensure; and

19 (B) Each of the controlling persons of an applicant
20 for proposed change in control of an escrow
21 depository licensee, and each of the officers,



1 directors, and principals who will be in charge
2 of the licensee's activities upon approval of the
3 application,

4 as provided by chapter 449;

5 (45) The department of taxation on current or prospective
6 employees or contractors who have access to federal
7 tax information in order to comply with requirements
8 of federal law, regulation, or procedure, as provided
9 by section 231-1.6;

10 (46) The department of labor and industrial relations on
11 current or prospective employees or contractors who
12 have access to federal tax information in order to
13 comply with requirements of federal law, regulation,
14 or procedure, as provided by section 383-110;

15 (47) The department of human services on current or
16 prospective employees or contractors who have access
17 to federal tax information in order to comply with
18 requirements of federal law, regulation, or procedure,
19 as provided by section 346-2.5;

20 (48) The child support enforcement agency on current or
21 prospective employees or contractors who have access



1 to federal tax information in order to comply with
2 federal law, regulation, or procedure, as provided by
3 section 576D-11.5;

4 (49) The department of the attorney general on current or
5 prospective employees or employees or agents of
6 contractors who have access to federal tax information
7 to comply with requirements of federal law,
8 regulation, or procedure, as provided by section 28-
9 17;

10 [+] (50) [+] The department of commerce and consumer affairs on
11 each control person, executive officer, director,
12 general partner, and managing member of an installment
13 loan licensee, or an applicant for an installment loan
14 license, as provided in chapter 480J;

15 [+] (51) [+] The University of Hawaii on current and prospective
16 employees and contractors whose duties include
17 ensuring the security of campus facilities and
18 persons; [~~and~~]

19 (52) The department of commerce and consumer affairs on
20 applicants for physician licensure through the



1 interstate medical licensure compact under
2 chapter ; and

3 ~~[(52)]~~ (53) Any other organization, entity, or the State, its
4 branches, political subdivisions, or agencies as may
5 be authorized by state law."

6 SECTION 3. There is appropriated out of the compliance
7 resolution fund the sum of \$ or so much thereof as may
8 be necessary for fiscal year 2023-2024 and the same sum or so
9 much thereof as may be necessary for fiscal year 2024-2025 for
10 the Hawaii medical board's implementation of the interstate
11 medical licensure compact, including internal database updates
12 and the establishment, recruitment, and hiring of staff.

13 The sums appropriated shall be expended by the department
14 of commerce and consumer affairs for the purposes of this Act.

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on December 31,
18 2050.



Report Title:

Interstate Medical Licensure Compact; Adoption; Department of Commerce and Consumer Affairs; Rules; Hawaii Medical Board; Appropriation

Description:

Adopts the interstate medical licensure compact. Permits the department of commerce and consumer affairs to adopt rules to implement and administer the compact. Authorizes the department of commerce and consumer affairs to conduct criminal history record checks on applicants for licensure under the compact. Appropriates funds. Effective 12/31/2050. (HD2)

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