S.B. NO. ⁶⁷⁴ ^{S.D. 1} ^{H.D. 2}

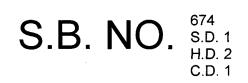
C.D. 1

A BILL FOR AN ACT

RELATING TO THE INTERSTATE MEDICAL LICENSURE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Hawaii Revised Statutes is amended by
adding a new chapter to be appropriately designated and to read
as follows:
"CHAPTER
INTERSTATE MEDICAL LICENSURE COMPACT
§ -1 Short title. This chapter may be cited as the
Interstate Medical Licensure Compact.
§ -2 Terms and provisions of compact; authorization;
governor. The legislature hereby authorizes the governor to
enter into a compact on behalf of the State of Hawaii with any
other state legally joining therein, in the form substantially
as follows:
INTERSTATE MEDICAL LICENSURE COMPACT
SECTION 1. PURPOSE
In order to strengthen access to health care, and in recognition
In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member
of the advances in the delivery of health care, the member



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

17 SECTION 2. DEFINITIONS

18 In this compact:

a. "Bylaws" means those bylaws established by theInterstate Commission pursuant to Section 11.

2023-2888 SB674 CD1 SMA-2.docx

Page 3

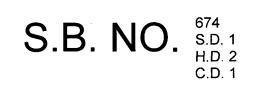


1	b.	"Commissioner" means the voting representative
2		appointed by each member board pursuant to Section 11.
3	c.	"Conviction" means a finding by a court that an
4		individual is guilty of a criminal offense through
5		adjudication, or entry of a plea of guilt or no
6		contest to the charge by the offender. Evidence of an
7		entry of a conviction of a criminal offense by the
8		court shall be considered final for purposes of
9		disciplinary action by a member board.
10	d.	"Expedited License" means a full and unrestricted
11		medical license granted by a member state to an
12		eligible physician through the process set forth in
13		the Compact.
14	e.	"Interstate Commission" means the interstate
15		commission created pursuant to Section 11.
16	f.	"License" means authorization by a member state for a
17		physician to engage in the practice of medicine, which
18		would be unlawful without authorization.
19	g.	"Medical Practice Act" means laws and regulations
20		governing the practice of allopathic and osteopathic
21		medicine within a member state.

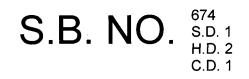


1	h.	"Member Board" means a state agency in a member state
2		that acts in the sovereign interests of the state by
3		protecting the public through licensure, regulation,
4		and education of physicians as directed by the state
5		government.
6	i.	"Member State" means a state that has enacted the
7		Compact.
8	j.	"Practice of Medicine" means that clinical prevention,
9		diagnosis, or treatment of human disease, injury, or
10		condition requiring a physician to obtain and maintain
11		a license in compliance with the Medical Practice Act
12		of a member state.
13	k.	"Physician" means any person who:
14		1. Is a graduate of a medical school accredited by
15		the Liaison Committee on Medical Education, the
16		Commission on Osteopathic College Accreditation,
17		or a medical school listed in the International
18		Medical Education Directory or its equivalent;
19		2. Passed each component of the United States
20		Medical Licensing Examination (USMLE) or the
21		Comprehensive Osteopathic Medical Licensing

2023-2888 SB674 CD1 SMA-2.docx



1		Examination (COMLEX-USA) within three attempts,
2		or any of its predecessor examinations accepted
3		by a state medical board as an equivalent
4		examination for licensure purposes;
5	3.	Successfully completed graduate medical education
6		approved by the Accreditation Council for
7		Graduate Medical Education or the American
8		Osteopathic Association;
9	4.	Holds specialty certification or a time-unlimited
10		specialty certificate recognized by the American
11		Board of Medical Specialties or the American
12		Osteopathic Association's Bureau of Osteopathic
13		Specialists;
14	5.	Possesses a full and unrestricted license to
15		engage in the practice of medicine issued by a
16		member board;
17	6.	Has never been convicted, received adjudication,
18		deferred adjudication, community supervision, or
19		deferred disposition for any offense by a court
20		of appropriate jurisdiction;

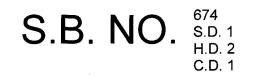


1		7.	Has never held a license authorizing the practice
2			of medicine subjected to discipline by a
3			licensing agency in any state, federal, or
4			foreign jurisdiction, excluding any action
5			related to non-payment of fees related to a
6			license;
7		8.	Has never had a controlled substance license or
8			permit suspended or revoked by a state or the
9			United States Drug Enforcement Administration;
10			and
11		9.	Is not under active investigation by a licensing
12			agency or law enforcement authority in any state,
13			federal, or foreign jurisdiction.
14	1.	"Off	ense" means a felony, gross misdemeanor, or crime
15		of m	oral turpitude.
16	m.	"Rul	e" means a written statement by the Interstate
17		Comm	ission promulgated pursuant to Section 12 of the
18		Comp	act that is of general applicability, implements,
19		inte	rprets, or prescribes a policy or provision of the
20		Comp	act, or an organizational, procedural, or practice
21		requ	irement of the Interstate Commission, and has the





1		force and effect of statutory law in a member state,
2		and includes the amendment, repeal, or suspension of
3		an existing rule.
4	n.	"State" means any state, commonwealth, district, or
5		territory of the United States.
6	ο.	"State of Principal License" means a member state
7		where a physician holds a license to practice medicine
8		and which has been designated as such by the physician
9		for purposes of registration and participation in the
10		Compact.
11	SECI	TION 3. ELIGIBILITY
12	a.	A physician must meet the eligibility requirements as
13		defined in Section 2(k) to receive an expedited
14		license under the terms and provisions of the Compact.
15	b.	A physician who does not meet the requirements of
16		Section 2(k) may obtain a license to practice medicine
17		in a member state if the individual complies with all
18		laws and requirements, other than the Compact,
19		relating to the issuance of a license to practice
20		medicine in that state.
21	SECI	CION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE



1	a.	A physician shall designate a member state as the
2		state of principal license for purposes of
3		registration for expedited licensure through the
4		Compact if the physician possesses a full and
5		unrestricted license to practice medicine in that
6		state, and the state is:
7		1. The state of principal residence for the
8		physician, or
9		2. The state where at least 25% of the practice of
10		medicine occurs, or
11		3. The location of the physician's employer, or
12		4. If no state qualifies under subsection (1),
13		subsection (2), or subsection (3), the state
14		designated as state of residence for purpose of
15		federal income tax.
16	b.	A physician may redesignate a member state as state of
17		principal license at any time, as long as the state
18		meets the requirements of subsection (a).
19	c.	The Interstate Commission is authorized to develop
20		rules to facilitate redesignation of another member
21		state as the state of principal license.

2023-2888 SB674 CD1 SMA-2.docx



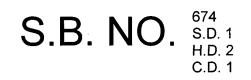
1 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE A physician seeking licensure through the Compact 2 a. shall file an application for an expedited license 3 with the member board of the state selected by the 4 5 physician as the state of principal license. Upon receipt of an application for an expedited 6 b. license, the member board within the state selected as 7 8 the state of principal license shall evaluate whether 9 the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying 10 11 the physician's eligibility, to the Interstate 12 Commission. Static qualifications, which include verification 13 1. of medical education, graduate medical education, 14 15 results of any medical or licensing examination, and other gualifications as determined by the 16 17 Interstate Commission through rule, shall not be subject to additional primary source verification 18 19 where already primary source verified by the 20 state of principal license.

2023-2888 SB674 CD1 SMA-2.docx



1		2.	The member board within the state selected as the
2			state of principal license shall, in the course
3			of verifying eligibility, perform a criminal
4			background check of an applicant, including the
5			use of the results of fingerprint or other
6			biometric data checks compliant with the
7			requirements of the Federal Bureau of
8			Investigation, with the exception of federal
9			employees who have suitability determination in
10			accordance with 5 C.F.R. §731.202.
11		3.	Appeal on the determination of eligibility shall
12			be made to the member state where the application
13			was filed and shall be subject to the law of that
14			state.
15	c.	Upon	verification in subsection (b), physicians
16		elig	ible for an expedited license shall complete the
17		regi	stration process established by the Interstate
18		Comm	ission to receive a license in a member state
19		sele	cted pursuant to subsection (a), including the
20		paym	ent of any applicable fees.

Page 11



After receiving verification of eligibility under 1 d. 2 subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the 3 physician. This license shall authorize the physician 4 to practice medicine in the issuing state consistent 5 with the Medical Practice Act and all applicable laws 6 7 and regulations of the issuing member board and member 8 state.

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

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

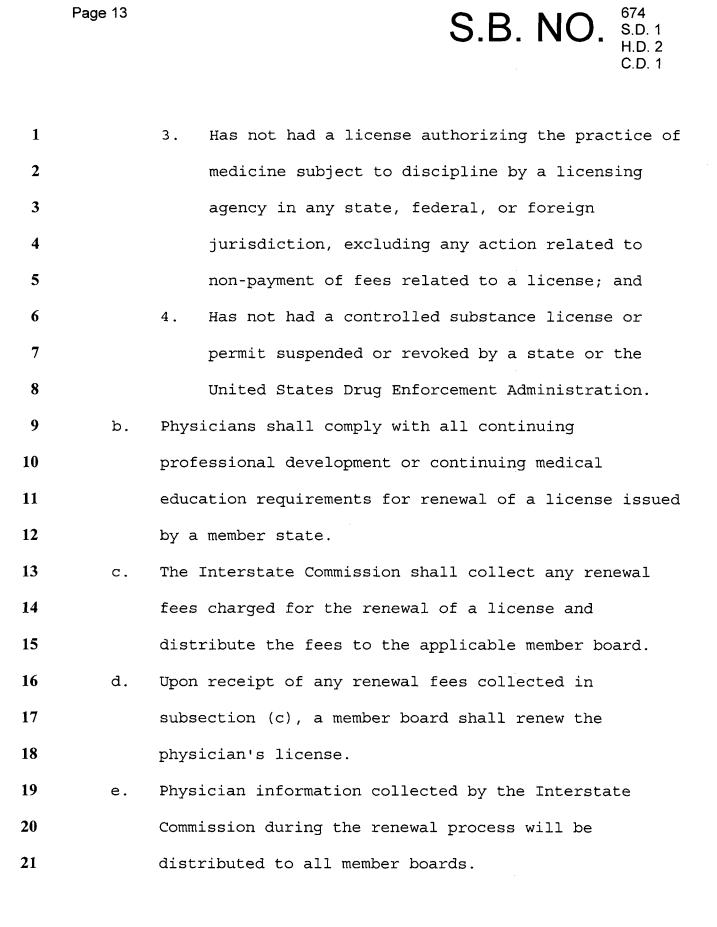
19 g. The Interstate Commission is authorized to develop20 rules regarding the application process, including

2023-2888 SB674 CD1 SMA-2.docx



1		payment of any applicable fees, and the issuance of an
2		expedited license.
3	SECT	ION 6. FEES FOR EXPEDITED LICENSURE
4	a.	A member state issuing an expedited license
5		authorizing the practice of medicine in that state may
6		impose a fee for a license issued or renewed through
7		the Compact.
8	b.	The Interstate Commission is authorized to develop
9		rules regarding fees for expedited licenses.
10	SECT	ION 7. RENEWAL AND CONTINUED PARTICIPATION
11	a.	A physician seeking to renew an expedited license
12		granted in a member state shall complete a renewal
13		process with the Interstate Commission if the
14		physician:
15		1. Maintains a full and unrestricted license in a
16		state of principal license;
17		2. Has not been convicted, received adjudication,
18		deferred adjudication, community supervision, or
19		deferred disposition for any offense by a court
20		of appropriate jurisdiction;

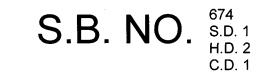
Page 13







1	f.	The Interstate Commission is authorized to develop
2		rules to address renewal of licenses obtained through
3		the Compact.
4	SECI	TION 8. COORDINATED INFORMATION SYSTEM
5	a.	The Interstate Commission shall establish a database
6		of all physicians licensed, or who have applied for
7		licensure, under Section 5.
8	b.	Notwithstanding any other provision of law, member
9		boards shall report to the Interstate Commission any
10		public action or complaints against a licensed
11		physician who has applied or received an expedited
12		license through the Compact.
13	c.	Member boards shall report disciplinary or
14		investigatory information determined as necessary and
15		proper by rule of the Interstate Commission.
16	d.	Member boards may report any non-public complaint,
17		disciplinary, or investigatory information not
18		required by subsection (c) to the Interstate
19		Commission.



1	e.	Member boards shall share complaint or disciplinary
2		information about a physician upon request of another
3		member board.
4	f.	All information provided to the Interstate Commission
5		or distributed by member boards shall be confidential,
6		filed under seal, and used only for investigatory or
7		disciplinary matters.
8	g.	The Interstate Commission is authorized to develop
9		rules for mandated or discretionary sharing of
10		information by member boards.
11	SECT	ION 9. JOINT INVESTIGATIONS
12	a.	Licensure and disciplinary records of physicians are
13		deemed investigative.
14	b.	In addition to the authority granted to a member board
15		by its respective Medical Practice Act or other
16		applicable state law, a member board may participate
17		with other member boards in joint investigations of
18		physicians licensed by the member boards.
19	c.	A subpoena issued by a member state shall be
20		enforceable in other member states.



1	d.	Member boards may share any investigative, litigation,
2		or compliance materials in furtherance of any joint or
3		individual investigation initiated under the Compact.
4	e.	Any member state may investigate actual or alleged
5		violations of the statutes authorizing the practice of
6		medicine in any other member state in which a
7		physician holds a license to practice medicine.
8	SECT	ION 10. DISCIPLINARY ACTIONS
9	a.	Any disciplinary action taken by any member board
10		against a physician licensed through the Compact shall
11		be deemed unprofessional conduct which may be subject
12		to discipline by other member boards, in addition to
13		any violation of the Medical Practice Act or
14		regulations in that state.
15	b.	If a license granted to a physician by the member
16		board in the state of principal license is revoked,
17		surrendered or relinquished in lieu of discipline, or
18		suspended, then all licenses issued to the physician
19		by member boards shall automatically be placed,
20		without further action necessary by any member board,
21		on the same status. If the member board in the state





of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

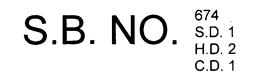
7 c. If disciplinary action is taken against a physician by
8 a member board not in the state of principal license,
9 any other member board may deem the action conclusive
10 as to matter of law and fact decided, and:

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

15 2. Pursue separate disciplinary action against the
16 physician under its respective Medical Practice
17 Act, regardless of the action taken in other
18 member states.

19 d. If a license granted to a physician by a member board
20 is revoked, surrendered or relinquished in lieu of
21 discipline, or suspended, then any license(s) issued





1 to the physician by any other member board(s) shall be suspended, automatically and immediately without 2 3 further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the 4 disciplining board, to permit the member board(s) to 5 investigate the basis for the action under the Medical 6 7 Practice Act of that state. A member board may terminate the automatic suspension of the license it 8 9 issued prior to the completion of the ninety (90) day 10 suspension period in a manner consistent with the 11 Medical Practice Act of that state. SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT 12 13 COMMISSION 14 The member states hereby create the "Interstate a. Medical Licensure Compact Commission". 15 16 The purpose of the Interstate Commission is the b. administration of the Interstate Medical Licensure 17 18 Compact, which is a discretionary state function. The Interstate Commission shall be a body corporate 19 c. 20 and joint agency of the member states and shall have 21 all the responsibilities, powers, and duties set forth

2023-2888 SB674 CD1 SMA-2.docx

S.B. NO. ⁶⁷⁴ S.D. 1 H.D. 2 C.D. 1

in the Compact, and such additional powers as may be 1 2 conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in 3 4 accordance with the terms of the Compact. The Interstate Commission shall consist of two voting 5 d. representatives appointed by each member state who 6 shall serve as Commissioners. In states where 7 allopathic and osteopathic physicians are regulated by 8 separate member boards, or if the licensing and 9 disciplinary authority is split between separate 10 11 member boards, or if the licensing and disciplinary authority is split between multiple member boards 12 within a member state, the member state shall appoint 13 14 one representative from each member board. A 15 Commissioner shall be a(n): Allopathic or osteopathic physician appointed to 16 1. 17 a member board; 18 2. Executive director, executive secretary, or similar executive of a member board; or 19 20 Member of the public appointed to a member board. 3.

2023-2888 SB674 CD1 SMA-2.docx

S.B. NO. ⁶⁷⁴ ^{S.D. 1} ^{H.D. 2} ^{C.D. 1}

1 e. The Interstate Commission shall meet at least once 2 each calendar year. A portion of this meeting shall 3 be a business meeting to address such matters as may 4 properly come before the Commission, including the 5 election of officers. The chairperson may call 6 additional meetings and shall call for a meeting upon 7 the request of a majority of the member states. 8 f. The bylaws may provide for meetings of the Interstate 9 Commission to be conducted by telecommunication or 10 electronic communication. 11 Each Commissioner participating at a meeting of the q. 12 Interstate Commission is entitled to one vote. A 13 majority of Commissioners shall constitute a quorum 14 for the transaction of business, unless a larger 15 quorum is required by the bylaws of the Interstate 16 Commission. A Commissioner shall not delegate a vote 17 to another Commissioner. In the absence of its

18 Commissioner, a member state may delegate voting
19 authority for a specified meeting to another person
20 from that state who shall meet the requirements of
21 subsection (d).

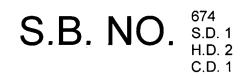


Page 21



1	h.	The Interstate Commission shall provide public notice
2		of all meetings and all meetings shall be open to the
3		public. The Interstate Commission may close a
4		meeting, in full or in portion, where it determines by
5		a two-thirds vote of the Commissioners present that an
6		open meeting would be likely to:
7		1. Relate solely to the internal personnel practice
8		and procedures of the Interstate Commission;
9		2. Discuss matters specifically exempted from
10		disclosure by federal statute;
11		3. Discuss trade secrets, commercial, or financial
12		information that is privileged or confidential;
13		4. Involve accusing a person of a crime, or formally
14		censuring a person;
15		5. Discuss information of a personal nature where
16		disclosure would constitute a clearly unwarranted
17		invasion of personal privacy;
18		6. Discuss investigative records compiled for law
19		enforcement purposes; or
20		7. Specifically relate to the participation in a
21		civil action or other legal proceeding.





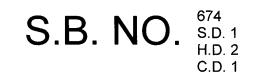
1	i.	The Interstate Commission shall keep minutes which
2		shall fully describe all matters discussed in a
3		meeting and shall provide a full and accurate summary
4		of actions taken, including record of any roll call
5		votes.
6	j.	The Interstate Commission shall make its information
7		and official records, to the extent not otherwise
8		designated in the Compact or by its rules, available
9		to the public for inspection.
10	k.	The Interstate Commission shall establish an executive
11		committee, which shall include officers, members, and
12		others as determined by the bylaws. The executive
13		committee shall have the power to act on behalf of the
14		Interstate Commission, with the exception of
15		rulemaking, during periods when the Interstate
16		Commission is not in session. When acting on behalf
17		of the Interstate Commission, the executive committee
18		shall oversee the administration of the Compact
19		including enforcement and compliance with the
20		provisions of the Compact, its bylaws and rules, and
21		other such duties as necessary.





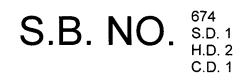
1	1.	The Interstate Commission shall establish other
2		committees for governance and administration of the
3		Compact.
4	SECT:	ION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION
5	a.	Oversee and maintain the administration of the
6		Compact;
7	b.	Promulgate rules which shall be binding to the extent
8		and in the manner provided for in the Compact;
9	c.	Issue, upon the request of a member state or member
10		board, advisory opinions concerning the meaning or
11		interpretation of the Compact, its bylaws, rules, and
12		actions;
13	d.	Enforce compliance with Compact provisions, the rules
14		promulgated by the Interstate Commission, and the
15		bylaws, using all necessary and proper means,
16		including but not limited to the use of judicial
17		process;
18	e.	Establish and appoint committees including, but not
19		limited to, an executive committee as required by
20		Section 11, which shall have the power to act on

2023-2888 SB674 CD1 SMA-2.docx



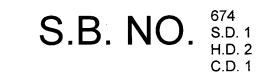
1		behalf of the Interstate Commission in carrying out
2		its powers and duties;
3	f.	Pay, or provide for the payment of the expenses
4		related to the establishment, organization, and
5		ongoing activities of the Interstate Commission;
6	g.	Establish and maintain one or more offices;
7	h.	Borrow, accept, hire, or contract for services of
8		personnel;
9	i.	Purchase and maintain insurance and bonds;
10	j.	Employ an executive director who shall have such
11		powers to employ, select or appoint employees, agents,
12		or consultants, and to determine their qualifications,
13		define their duties, and fix their compensation;
14	k.	Establish personnel policies and programs relating to
15		conflicts of interest, rates of compensation, and
16		qualifications of personnel;
17	1.	Accept donations and grants of money, equipment,
18		supplies, materials, and services and to receive,
19		utilize, and dispose of it in a manner consistent with
20		the conflict of interest policies established by the
21		Interstate Commission;





1	m.	Lease, purchase, accept contributions or donations of,
2		or otherwise to own, hold, improve or use, any
3		property, real, personal, or mixed;
4	n.	Sell, convey, mortgage, pledge, lease, exchange,
5		abandon, or otherwise dispose of any property, real,
6		personal, or mixed;
7	ο.	Establish a budget and make expenditures;
8	p.	Adopt a seal and bylaws governing the management and
9		operation of the Interstate Commission;
10	đ٠	Report annually to the legislatures and governors of
11		the member states concerning the activities of the
12		Interstate Commission during the preceding year. Such
13		reports shall also include reports of financial audits
14		and any recommendations that may have been adopted by
15		the Interstate Commission;
16	r.	Coordinate education, training, and public awareness
17		regarding the Compact, its implementation, and its
18		operation;
19	s.	Maintain records in accordance with the bylaws;
20	t.	Seek and obtain trademarks, copyrights, and patents;
21		and



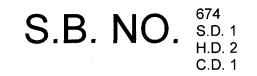


1	u.	Perform such functions as may be necessary or
2		appropriate to achieve the purpose of the Compact.
3	SECT	ION 13. FINANCE POWERS
4	a.	The Interstate Commission may levy on and collect an
5		annual assessment from each member state to cover the
6		cost of the operations and activities of the
7		Interstate Commission and its staff. The total
8		assessment must be sufficient to cover the annual
9		budget approved each year for which revenue is not
10		provided by other sources. The aggregate annual
11		assessment amount shall be allocated upon a formula to
12		be determined by the Interstate Commission, which
13		shall promulgate a rule binding upon all member
14		states.
15	b.	The Interstate Commission shall not incur obligations
16		of any kind prior to securing the funds adequate to
17		meet the same.
18	c.	The Interstate Commission shall not pledge the credit
19		of any of the member states, except by, and with the
20		authority of, the member state.



1	d.	The Interstate Commission shall be subject to a yearly
2		financial audit conducted by a certified or licensed
3		accountant and the report of the audit shall be
4		included in the annual report of the Interstate
5		Commission.
6	SECT	ION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
7	COMM	ISSION
8	a.	The Interstate Commission shall, by a majority of
9		Commissioners present and voting, adopt bylaws to
10		govern its conduct as may be necessary or appropriate
11		to carry out the purposes of the Compact within twelve
12		(12) months of the first Interstate Commission
13		meeting.
14	b.	The Interstate Commission shall elect or appoint
15		annually from among its Commissioners a chairperson, a
16		vice-chairperson, and a treasurer, each of whom shall
17		have such authority and duties as may be specified in
18		the bylaws. The chairperson, or in the chairperson's
19		absence or disability, the vice-chairperson, shall
20		preside at all meetings of the Interstate Commission.

2023-2888 SB674 CD1 SMA-2.docx



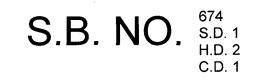
Officers selected in subsection (b) shall serve 1 c. 2 without remuneration for the Interstate Commission. The officers and employees of the Interstate 3 d. Commission shall be immune from suit and liability, 4 either personally or in their official capacity, for a 5 claim for damage to or loss of property or personal 6 7 injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, 8 9 or omission that occurred, or that such person had a reasonable basis for believing occurred, within the 10 scope of Interstate Commission employment, duties, or 11 responsibilities; provided that such person shall not 12 13 be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or 14 15 willful and wanton misconduct of such person. The liability of the executive director and employees 16 e. of the Interstate Commission or representatives of the 17 Interstate Commission, acting within the scope of such 18 19 person's employment or duties for acts, errors, or omissions occurring within such person's state, may 20 not exceed the limits of liability set forth under the 21

2023-2888 SB674 CD1 SMA-2.docx



constitution and laws of that state for state 1 officials, employees, and agents. The Interstate 2 3 Commission is considered to be an instrumentality of 4 the states for the purpose of any such action. 5 Nothing in this subsection shall be construed to 6 protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional 7 or willful and wanton misconduct of such person. 8 The Interstate Commission shall defend the executive 9 f. director, its employees, and subject to the approval 10 of the attorney general or other appropriate legal 11 12 counsel of the member state represented by an 13 Interstate Commission representative, shall defend such Interstate Commission representative in any civil 14 action seeking to impose liability arising out of an 15 16 actual or alleged act, error or omission that occurred 17 within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had 18 19 a reasonable basis for believing occurred within the 20 scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged 21





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

20 COMMISSION





The Interstate Commission shall promulgate reasonable 1 a. 2 rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the 3 foregoing, in the event the Interstate Commission 4 exercises its rulemaking authority in a manner that is 5 beyond the scope of the purposes of the Compact, or 6 the powers granted hereunder, then such an action by 7 8 the Interstate Commission shall be invalid and have no 9 force or effect.

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

c. Not later than thirty (30) days after a rule is
promulgated, any person may file a petition for
judicial review of the rule in the United States
District Court for the District of Columbia or the
federal district where the Interstate Commission has
its principal offices, provided that the filing of
such a petition shall not stay or otherwise prevent

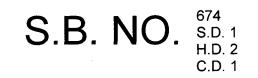
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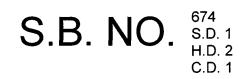
the rule from becoming effective unless the court 1 finds that the petitioner has a substantial likelihood 2 3 of success. The court shall give deference to the 4 actions of the Interstate Commission consistent with 5 applicable law and shall not find the rule to be 6 unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission. 7 8 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT 9 The executive, legislative, and judicial branches of a. 10 state government in each member state shall enforce 11 the Compact and shall take all actions necessary and 12 appropriate to effectuate the Compact's purposes and 13 intent. The provisions of the Compact and the rules 14 promulgated hereunder shall have standing as statutory 15 law but shall not override existing state authority to 16 regulate the practice of medicine. 17 b. All courts shall take judicial notice of the Compact 18 and the rules in any judicial or administrative

proceeding in a member state pertaining to the subject
matter of the Compact which may affect the powers,

2023-2888 SB674 CD1 SMA-2.docx



1		responsibilities or actions of the Interstate
2		Commission.
3	c.	The Interstate Commission shall be entitled to receive
4		all services of process in any such proceeding, and
5		shall have standing to intervene in the proceeding for
6		all purposes. Failure to provide service of process
7		to the Interstate Commission shall render a judgment
8		or order void as to the Interstate Commission, the
9		Compact, or promulgated rules.
10	SECT	ION 17. ENFORCEMENT OF INTERSTATE COMPACT
11	a.	The Interstate Commission, in the reasonable exercise
12		of its discretion, shall enforce the provisions and
13		rules of the Compact.
14	b.	The Interstate Commission may, by majority vote of the
15		Commissioners, initiate legal action in the United
16		States Court for the District of Columbia, or, at the
17		discretion of the Interstate Commission, in the
18		federal district where the Interstate Commission has
19		its principal offices, to enforce compliance with the
20		provisions of the Compact, and its promulgated rules
21		and bylaws, against a member state in default. The



1		relief sought may include both injunctive relief and
2		damages. In the event judicial enforcement is
3		necessary, the prevailing party shall be awarded all
4		costs of such litigation including reasonable
5		attorney's fees.
6	c.	The remedies herein shall not be the exclusive
7		remedies of the Interstate Commission. The Interstate
8		Commission may avail itself of any other remedies
9		available under state law or regulation of a
10		profession.
11	SECT	ION 18. DEFAULT PROCEDURES
12	a.	The grounds for default include, but are not limited
13		to, failure of a member state to perform such
14		obligations or responsibilities imposed upon it by the
15		Compact, or the rules and bylaws of the Interstate
16		Commission promulgated under the Compact.
17	b.	If the Interstate Commission determines that a member
18		state has defaulted in the performance of its
19		obligations or responsibilities under the Compact, or
20		the bylaws or promulgated rules, the Interstate
21		Commission shall:



1		1. Provide written notice to the defaulting state
2		and other member states, of the nature of the
3		default, the means of curing the default, and any
4		action taken by the Interstate Commission. The
5		Interstate Commission shall specify the
6		conditions by which the defaulting state must
7		cure its default; and
8		2. Provide remedial training and specific technical
9		assistance regarding the default.
10	c.	If the defaulting state fails to cure the default, the
11		defaulting state shall be terminated from the Compact
12		upon an affirmative vote of a majority of the
13		Commissioners and all rights, privileges, and benefits
14		conferred by the Compact shall terminate on the
15		effective date of termination. A cure of the default
16		does not relieve the offending state of obligations or
17		liabilities incurred during the period of the default.
18	d.	Termination of membership in the Compact shall be
19		imposed only after all other means of securing
20		compliance have been exhausted. Notice of intent to
21		terminate shall be given by the Interstate Commission

S.B. NO. ⁶⁷⁴ S.D. 1 H.D. 2 C.D. 1

to the governor, the majority and minority leaders of 1 2 the defaulting state's legislature, and each of the 3 member states. The Interstate Commission shall establish rules and 4 e. procedures to address licenses and physicians that are 5 6 materially impacted by the termination of a member 7 state, or the withdrawal of a member state. The member state which has been terminated is 8 f. 9 responsible for all dues, obligations, and liabilities 10 incurred through the effective date of termination 11 including obligations, the performance of which 12 extends beyond the effective date of termination. 13 The Interstate Commission shall not bear any costs g. 14 relating to any state that has been found to be in 15 default or which has been terminated from the Compact, 16 unless otherwise mutually agreed upon in writing 17 between the Interstate Commission and the defaulting 18 state. 19 h. The defaulting state may appeal the action of the 20 Interstate Commission by petitioning the United States

District Court for the District of Columbia or the

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2023-2888 SB674 CD1 SMA-2.docx



1		federal district where the Interstate Commission has
2		its principal offices. The prevailing party shall be
3		awarded all costs of such litigation including
4		reasonable attorney's fees.
5	SECT	ION 19. DISPUTE RESOLUTION
6	a.	The Interstate Commission shall attempt, upon the
7		request of a member state, to resolve disputes which
8		are subject to the Compact and which may arise among
9		member states or member boards.
10	b.	The Interstate Commission shall promulgate rules
11		providing for both mediation and binding dispute
12		resolution as appropriate.
13	SECT	ION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT
14	a.	Any state is eligible to become a member of the
15		Compact.
16	b.	The Compact shall become effective and binding upon
17		legislative enactment of the Compact into law by no
18		less than seven (7) states. Thereafter, it shall
19		become effective and binding on a state upon enactment
20		of the Compact into law by that state.

2023-2888 SB674 CD1 SMA-2.docx



c. The governors of non-member states, or their
 designees, shall be invited to participate in the
 activities of the Interstate Commission on a non voting basis prior to adoption of the Compact by all
 states.

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

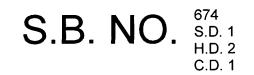
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SECTION 21. WITHDRAWAL

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

b. Withdrawal from the Compact shall be by the enactment
of a statute repealing the same, but shall not take
effect until one (1) year after the effective date of
such statute and until written notice of the





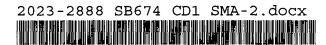
withdrawal has been given by the withdrawing state to 1 the governor of each other member state. 2 The withdrawing state shall immediately notify the 3 c. 4 chairperson of the Interstate Commission in writing 5 upon the introduction of legislation repealing the 6 Compact in the withdrawing state. The Interstate Commission shall notify the other 7 d. 8 member states of the withdrawing state's intent to 9 withdraw within sixty (60) days of its receipt of 10 notice provided under subsection (c). 11 The withdrawing state is responsible for all dues, e. 12 obligations and liabilities incurred through the 13 effective date of withdrawal, including obligations, 14 the performance of which extend beyond the effective 15 date of withdrawal. 16 f. Reinstatement following withdrawal of a member state 17 shall occur upon the withdrawing state reenacting the 18 Compact or upon such later date as determined by the Interstate Commission. 19

20 g. The Interstate Commission is authorized to develop
21 rules to address the impact of the withdrawal of a





1		member state on licenses granted in other member
2		states to physicians who designated the withdrawing
3		member state as the state of principal license.
4	SECT	ION 22. DISSOLUTION
5	a.	The Compact shall dissolve effective upon the date of
6		the withdrawal or default of the member state which
7		reduces the membership of the Compact to one (1)
8		member state.
9	b.	Upon the dissolution of the Compact, the Compact
10		becomes null and void and shall be of no further force
11		or effect, and the business and affairs of the
12		Interstate Commission shall be concluded, and surplus
13		funds shall be distributed in accordance with the
14		bylaws.
15	SECT	ION 23. SEVERABILITY AND CONSTRUCTION
16	a.	The provisions of the Compact shall be severable, and
17		if any phrase, clause, sentence, or provision is
18		deemed unenforceable, the remaining provisions of the
19		Compact shall be enforceable.
20	b.	The provisions of the Compact shall be liberally
21		construed to effectuate its purposes.





1	c.	Nothing in the Compact shall be construed to prohibit
2		the applicability of other interstate compacts to
3		which the member states are members.
4	SECT	ION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS
5	a.	Nothing herein prevents the enforcement of any other
6		law of a member state that is not inconsistent with
7		the Compact.
8	b.	All laws in a member state in conflict with the
9		Compact are superseded to the extent of the conflict.
10	с.	All lawful actions of the Interstate Commission,
11		including all rules and bylaws promulgated by the
12		Commission, are binding upon the member states.
13	d.	All agreements between the Interstate Commission and
14		the member states are binding in accordance with their
15		terms.
16	e.	In the event any provision of the Compact exceeds the
17		constitutional limits imposed on the legislature of
18		any member state, such provision shall be ineffective
19		to the extent of the conflict with the constitutional
20		provision in question in that member state.

2023-2888 SB674 CD1 SMA-2.docx



§ -3 Rules. The department of commerce and consumer
 affairs shall adopt rules pursuant to chapter 91 for the
 purposes of implementing and administering this chapter."
 SECTION 2. This Act shall take effect upon its approval;
 provided that section 1 of this Act shall take effect on
 January 1, 2025.



Report Title:

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

Description:

Adopts the Interstate Medical Licensure Compact to create a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

