



1 in common purpose to develop a comprehensive process that  
 2 complements the existing licensing and regulatory authority of  
 3 state medical boards, provides a streamlined process that allows  
 4 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 a. "Bylaws" means those bylaws established by the
- 21 Interstate Commission pursuant to Section 11.



- 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



- 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.    "Offense" means a felony, gross misdemeanor, or crime
- 15                   of moral turpitude.
- 16    m.    "Rule" means a written statement by the Interstate
- 17                   Commission promulgated pursuant to Section 12 of the
- 18                   Compact that is of general applicability, implements,
- 19                   interprets, or prescribes a policy or provision of the
- 20                   Compact, or an organizational, procedural, or practice
- 21                   requirement 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 o. "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 **SECTION 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 **SECTION 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.





1 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

2 a. A physician seeking licensure through the Compact  
3 shall file an application for an expedited license  
4 with the member board of the state selected by the  
5 physician as the state of principal license.

6 b. Upon receipt of an application for an expedited  
7 license, the member board within the state selected as  
8 the state of principal license shall evaluate whether  
9 the physician is eligible for expedited licensure and  
10 issue a letter of qualification, verifying or denying  
11 the physician's eligibility, to the Interstate  
12 Commission.

13 1. Static qualifications, which include verification  
14 of medical education, graduate medical education,  
15 results of any medical or licensing examination,  
16 and other qualifications as determined by the  
17 Interstate Commission through rule, shall not be  
18 subject to additional primary source verification  
19 where already primary source verified by the  
20 state of principal license.



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                   eligible for an expedited license shall complete the  
17                   registration process established by the Interstate  
18                   Commission to receive a license in a member state  
19                   selected pursuant to subsection (a), including the  
20                   payment of any applicable fees.



- 1           d.    After receiving verification of eligibility under  
2                subsection (b) and any fees under subsection (c), a  
3                member board shall issue an expedited license to the  
4                physician. This license shall authorize the physician  
5                to practice medicine in the issuing state consistent  
6                with the Medical Practice Act and all applicable laws  
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.
- 14           f.    An expedited license obtained through the Compact  
15               shall be terminated if a physician fails to maintain a  
16               license in the state of principal licensure for a non-  
17               disciplinary reason, without redesignation of a new  
18               state of principal licensure.
- 19           g.    The Interstate Commission is authorized to develop  
20               rules regarding the application process, including



1 payment of any applicable fees, and the issuance of an  
2 expedited license.

3 **SECTION 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 **SECTION 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;



- 1           3.    Has not had a license authorizing the practice of
- 2            medicine subject to discipline by a licensing
- 3            agency in any state, federal, or foreign
- 4            jurisdiction; excluding any action related to
- 5            non-payment of fees related to a license; and
- 6           4.    Has not had a controlled substance license or
- 7            permit suspended or revoked by a state or the
- 8            United States Drug Enforcement Administration.
- 9        b.    Physicians shall comply with all continuing
- 10        professional development or continuing medical
- 11        education requirements for renewal of a license issued
- 12        by a member state.
- 13        c.    The Interstate Commission shall collect any renewal
- 14        fees charged for the renewal of a license and
- 15        distribute the fees to the applicable member board.
- 16        d.    Upon receipt of any renewal fees collected in
- 17        subsection (c), a member board shall renew the
- 18        physician's license.
- 19        e.    Physician information collected by the Interstate
- 20        Commission during the renewal process will be
- 21        distributed to all member boards.



1 f. The Interstate Commission is authorized to develop  
2 rules to address renewal of licenses obtained through  
3 the Compact.

4 **SECTION 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 **SECTION 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 **SECTION 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





1 of principal license subsequently reinstates the  
2 physician's license, a license issued to the physician  
3 by any other member board shall remain encumbered  
4 until that respective member board takes action to  
5 reinstate the license in a manner consistent with the  
6 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:

- 11 1. Impose the same or lesser sanction(s) against the  
12 physician so long as such sanctions are  
13 consistent with the Medical Practice Act of that  
14 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  
 2 suspended, automatically and immediately without  
 3 further action necessary by the other member board(s),  
 4 for ninety (90) days upon entry of the order by the  
 5 disciplining board, to permit the member board(s) to  
 6 investigate the basis for the action under the Medical  
 7 Practice Act of that state. A member board may  
 8 terminate the automatic suspension of the license it  
 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.

12 **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT**

13 **COMMISSION**

- 14 a. The member states hereby create the "Interstate  
 15 Medical Licensure Compact Commission".
- 16 b. The purpose of the Interstate Commission is the  
 17 administration of the Interstate Medical Licensure  
 18 Compact, which is a discretionary state function.
- 19 c. The Interstate Commission shall be a body corporate  
 20 and joint agency of the member states and shall have  
 21 all the responsibilities, powers, and duties set forth



1 in the Compact, and such additional powers as may be  
2 conferred upon it by a subsequent concurrent action of  
3 the respective legislatures of the member states in  
4 accordance with the terms of the Compact.

5 d. The Interstate Commission shall consist of two voting  
6 representatives appointed by each member state who  
7 shall serve as Commissioners. In states where  
8 allopathic and osteopathic physicians are regulated by  
9 separate member boards, or if the licensing and  
10 disciplinary authority is split between separate  
11 member boards, or if the licensing and disciplinary  
12 authority is split between multiple member boards  
13 within a member state, the member state shall appoint  
14 one representative from each member board. A  
15 Commissioner shall be a(n):

- 16 1. Allopathic or osteopathic physician appointed to  
17 a member board;
- 18 2. Executive director, executive secretary, or  
19 similar executive of a member board; or
- 20 3. Member of the public appointed to a member board.



- 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 g. Each Commissioner participating at a meeting of the  
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).



- 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        **SECTION 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



- 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      l.    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       o.    Establish a budget and make expenditures;
- 8       p.    Adopt a seal and bylaws governing the management and  
9            operation of the Interstate Commission;
- 10      q.    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 **SECTION 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       **SECTION 14.   ORGANIZATION AND OPERATION OF THE INTERSTATE**  
7       **COMMISSION**

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.



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



1 constitution and laws of that state for state  
2 officials, employees, and agents. The Interstate  
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,  
7 loss, injury, or liability caused by the intentional  
8 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  
11 of the attorney general or other appropriate legal  
12 counsel of the member state represented by an  
13 Interstate Commission representative, shall defend  
14 such Interstate Commission representative in any civil  
15 action seeking to impose liability arising out of an  
16 actual or alleged act, error or omission that occurred  
17 within the scope of Interstate Commission employment,  
18 duties or responsibilities, or that the defendant had  
19 a reasonable basis for believing occurred within the  
20 scope of Interstate Commission employment, duties, or  
21 responsibilities, provided that the actual or alleged



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



- 1 a. The Interstate Commission shall promulgate reasonable  
2 rules in order to effectively and efficiently achieve  
3 the purpose of the Compact. Notwithstanding the  
4 foregoing, in the event the Interstate Commission  
5 exercises its rulemaking authority in a manner that is  
6 beyond the scope of the purposes of the Compact, or  
7 the powers granted hereunder, then such an action by  
8 the Interstate Commission shall be invalid and have no  
9 force or effect.
- 10 b. Rules deemed appropriate for the operations of the  
11 Interstate Commission shall be made pursuant to a  
12 rulemaking process that substantially conforms to the  
13 "Model State Administrative Procedure Act" of 2010,  
14 and subsequent amendments thereto.
- 15 c. Not later than thirty (30) days after a rule is  
16 promulgated, any person may file a petition for  
17 judicial review of the rule in the United States  
18 District Court for the District of Columbia or the  
19 federal district where the Interstate Commission has  
20 its principal offices, provided that the filing of  
21 such a petition shall not stay or otherwise prevent



1 the rule from becoming effective unless the court  
 2 finds that the petitioner has a substantial likelihood  
 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  
 7 of the authority granted to the Interstate Commission.

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

9 a. The executive, legislative, and judicial branches of  
 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  
 19 proceeding in a member state pertaining to the subject  
 20 matter of the Compact which may affect the powers,





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 **SECTION 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 **SECTION 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



1 to the governor, the majority and minority leaders of  
2 the defaulting state's legislature, and each of the  
3 member states.

4 e. The Interstate Commission shall establish rules and  
5 procedures to address licenses and physicians that are  
6 materially impacted by the termination of a member  
7 state, or the withdrawal of a member state.

8 f. The member state which has been terminated is  
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 g. The Interstate Commission shall not bear any costs  
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  
21 District Court for the District of Columbia or the



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 **SECTION 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 **SECTION 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.



1 c. The governors of non-member states, or their  
2 designees, shall be invited to participate in the  
3 activities of the Interstate Commission on a non-  
4 voting basis prior to adoption of the Compact by all  
5 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.

12 **SECTION 21. WITHDRAWAL**

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

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



- 1 withdrawal has been given by the withdrawing state to  
2 the governor of each other member state.
- 3 c. The withdrawing state shall immediately notify the  
4 chairperson of the Interstate Commission in writing  
5 upon the introduction of legislation repealing the  
6 Compact in the withdrawing state.
- 7 d. The Interstate Commission shall notify the other  
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 e. The withdrawing state is responsible for all dues,  
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  
19 Interstate Commission.
- 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 **SECTION 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 **SECTION 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 **SECTION 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 c. 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.



1           §   -3 Rules. The department of commerce and consumer  
2 affairs shall adopt rules pursuant to chapter 91 for the  
3 purposes of implementing and administering this chapter."

4           SECTION 2. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$                    or so  
6 much thereof as may be necessary for fiscal year 2023-2024 and  
7 the same sum or so much thereof as may be necessary for fiscal  
8 year 2024-2025 for the Hawaii medical board's implementation of  
9 the Interstate Medical Licensure Compact, including internal  
10 database updates and the establishment, recruitment, and hiring  
11 of staff.

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

14           SECTION 3. This Act shall take effect on December 31,  
15 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 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. Appropriates funds for the implementation of the Compact. Effective 12/31/2050. (SD1)

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