
SENATE BILL NO. 251—SENATORS HARDY, ROBERSON, BROWER,
FARLEY, HARRIS; FORD, GOICOECHEA AND GUSTAVSON

MARCH 11, 2015

JOINT SPONSORS: ASSEMBLYMEN OSCARSON AND TITUS

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Ratifies the Interstate Medical Licensure Compact.
(BDR 54-576)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; ratifying the Interstate Medical
Licensure Compact; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally provides for the regulation of physicians and osteopathic
2 physicians in this State. (Chapters 630 and 633 of NRS) This bill ratifies the
3 Interstate Medical Licensure Compact. If a physician or osteopathic physician is
4 licensed in this State, the Compact provides for reciprocal licensure for that
5 physician or osteopathic physician in all other member states of the Compact. The
6 Compact regulates the licensure and discipline of physicians and osteopathic
7 physicians holding reciprocal licenses through the Compact. The Compact becomes
8 effective upon ratification by seven states. Currently, no state has yet ratified the
9 Compact.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to read as follows:
3 *The Interstate Medical Licensure Compact is hereby ratified*
4 *and entered into with all other jurisdictions legally joining the*
5 *Compact, in substantially the form set forth in this chapter:*



1 **INTERSTATE MEDICAL LICENSURE COMPACT**

2
3 **ARTICLE 1. PURPOSE**

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

24
25 **ARTICLE 2. DEFINITIONS**

26
27 *In this Compact:*

28 (a) *“Bylaws” means those bylaws established by the Interstate*
29 *Commission pursuant to Article 11 for its governance, or for*
30 *directing and controlling its actions and conduct.*

31 (b) *“Commissioner” means the voting representative appointed*
32 *by each member board pursuant to Article 11.*

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

39 (d) *“Expedited license” means a full and unrestricted medical*
40 *license granted by a member state to an eligible physician through*
41 *the process set forth in the Compact.*

42 (e) *“Interstate Commission” means the Interstate Medical*
43 *Licensure Compact Commission created pursuant to Article 11.*



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

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

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

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

13 (j) "Practice of medicine" means the clinical prevention,
14 diagnosis or treatment of a human disease, injury or condition
15 requiring a physician to obtain and maintain a license in
16 compliance with the Medical Practice Act of a member state.

17 (k) "Physician" means any person who:

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

23 (2) Has passed each component of the United States
24 Medical Licensing Examination (USMLE) or the Comprehensive
25 Osteopathic Medical Licensing Examination (COMLEX-USA)
26 within three attempts, or any of its predecessor examinations
27 accepted by a state medical board as an equivalent examination
28 for licensure purposes;

29 (3) Has successfully completed graduate medical education
30 approved by the Accreditation Council for Graduate Medical
31 Education or the American Osteopathic Association;

32 (4) Holds specialty certification or a time-unlimited
33 specialty certificate recognized by the American Board of Medical
34 Specialties or the American Osteopathic Association's Bureau of
35 Osteopathic Specialists;

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

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

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



1 (3) *The location of the physician's employer; or*
2 (4) *If no state qualifies under paragraph (1), (2) or (3), the*
3 *state designated as the state of residence for the purpose of federal*
4 *income tax.*

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

8 (c) *The Interstate Commission is authorized to develop rules to*
9 *facilitate redesignation of another member state as the state of*
10 *principal license.*

11

12 **ARTICLE 5. APPLICATION AND ISSUANCE OF**
13 **EXPEDITED LICENSURE**

14

15 (a) *A physician seeking licensure through the Compact shall*
16 *file an application for an expedited license with the member board*
17 *of the state selected by the physician as the state of principal*
18 *license.*

19

20 (b) *Upon receipt of an application for an expedited license, the*
21 *member board within the state selected as the state of principal*
22 *license shall evaluate whether the physician is eligible for*
23 *expedited licensure and issue a letter of qualification, verifying or*
24 *denying the physician's eligibility, to the Interstate Commission.*
25 *For purposes of this subsection:*

26

27 (1) *Static qualifications, which include verification of*
28 *medical education, graduate medical education, results of any*
29 *medical or licensing examination and other qualifications as*
30 *determined by the Interstate Commission through rule, shall not*
31 *be subject to additional primary source verification where the*
32 *primary source has already been verified by the state of principal*
33 *license.*

34

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

42

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

45

46 (c) *Upon verification in subsection (b), physicians eligible for*
47 *an expedited license shall complete the registration process*
48 *established by the Interstate Commission to receive a license in a*



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

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

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

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

17 *(g) The Board of Medical Examiners and the State Board of*
18 *Osteopathic Medicine, in conjunction with the Interstate*
19 *Commission, are authorized to develop rules regarding the*
20 *application process, including payment of any applicable fees and*
21 *the issuance of an expedited license.*

22
23 **ARTICLE 6. FEES FOR EXPEDITED LICENSURE**

24
25 *(a) A member state issuing an expedited license authorizing*
26 *the practice of medicine in that state may impose a fee for a*
27 *license issued or renewed through the Compact.*

28 *(b) The Board of Medical Examiners and the State Board of*
29 *Osteopathic Medicine, in conjunction with the Interstate*
30 *Commission, are authorized to develop rules regarding fees for*
31 *expedited licenses.*

32
33 **ARTICLE 7. RENEWAL AND CONTINUED**
34 **PARTICIPATION**

35
36 *(a) A physician seeking to renew an expedited license granted*
37 *in a member state shall complete a renewal process with the Board*
38 *of Medical Examiners or the State Board of Osteopathic Medicine,*
39 *as applicable, in conjunction with the Interstate Commission, if*
40 *the physician:*

41 *(1) Maintains a full and unrestricted license in a state of*
42 *principal license;*

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



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

5 (4) *Has not had a controlled substance license or permit*
6 *suspended or revoked by a state or the United States Drug*
7 *Enforcement Administration.*

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

11 (c) *The Board of Medical Examiners and the State Board of*
12 *Osteopathic Medicine, as applicable, shall collect any renewal fees*
13 *charged for the renewal of a license and distribute the fees to the*
14 *Interstate Commission.*

15 (d) *Subject to the renewal requirements in this Article and*
16 *those specific to license renewal by the Board of Medical*
17 *Examiners or the State Board of Osteopathic Medicine, as*
18 *applicable, and upon receipt of any renewal fees collected in*
19 *subsection (c), a member board shall renew the physician's*
20 *license.*

21 (e) *Physician information collected by the Interstate*
22 *Commission during the renewal process will be distributed to all*
23 *member boards.*

24 (f) *The Board of Medical Examiners and the State Board of*
25 *Osteopathic Medicine, in conjunction with the Interstate*
26 *Commission, are authorized to develop rules to address renewal of*
27 *licenses obtained through the Compact.*

28
29 **ARTICLE 8. COORDINATED INFORMATION SYSTEM**
30

31 (a) *The Interstate Commission shall establish a database of all*
32 *physicians licensed, or who have applied for licensure, pursuant to*
33 *Article 5.*

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

38 (c) *Member boards shall report disciplinary or investigatory*
39 *information determined as necessary and proper by rule of the*
40 *Interstate Commission.*

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



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

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

7 (g) The Interstate Commission is authorized to develop rules
8 for mandatory or discretionary sharing of information by member
9 boards.

10
11 **ARTICLE 9. JOINT INVESTIGATIONS**

12
13 (a) Licensure and disciplinary records of physicians are
14 deemed investigative.

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

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

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

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

28
29 **ARTICLE 10. DISCIPLINARY ACTIONS**

30
31 (a) Any disciplinary action taken by any member board against
32 a physician licensed through the Compact shall be deemed
33 unprofessional conduct which may be subject to discipline by
34 other member boards, in addition to any violation of the Medical
35 Practice Act or regulations in that state.

36 (b) If a license granted to a physician by the member board in
37 the state of principal license is revoked, surrendered or
38 relinquished in lieu of discipline, or suspended, then all licenses
39 issued to the physician by member boards shall automatically be
40 placed, without further action necessary by any member board, on
41 the same status. If the member board in the state of principal
42 license subsequently reinstates the physician's license, a license
43 issued to the physician by any other member board shall remain
44 encumbered until that respective member board takes action to



1 *reinstate the license in a manner consistent with the Medical*
2 *Practice Act of that state.*

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

7 *(1) Impose the same or lesser sanctions against the*
8 *physician so long as such sanctions are consistent with the*
9 *Medical Practice Act of that state; or*

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

13 *(d) If a license granted to a physician by a member board is*
14 *revoked, surrendered or relinquished in lieu of discipline, or*
15 *suspended, then any license issued to the physician by any other*
16 *member board shall be suspended, automatically and immediately*
17 *without further action necessary by the other member board, for*
18 *90 days upon entry of the order by the disciplining board, to*
19 *permit the member board to investigate the basis for the action*
20 *under the Medical Practice Act of that state. A member board may*
21 *terminate the automatic suspension of the license it issued prior to*
22 *the completion of the 90 day suspension period in a manner*
23 *consistent with the Medical Practice Act of that state.*

24
25 **ARTICLE II. INTERSTATE MEDICAL LICENSURE**
26 **COMPACT COMMISSION**
27

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

30 *(b) The purpose of the Interstate Commission is the*
31 *administration of the Interstate Medical Licensure Compact,*
32 *which is a discretionary state function.*

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

39 *(d) The Interstate Commission shall consist of two voting*
40 *representatives appointed by each member state who shall serve as*
41 *Commissioners. In states where allopathic and osteopathic*
42 *physicians are regulated by separate member boards, or if the*
43 *licensing and disciplinary authority is split between multiple*
44 *member boards within a member state, the member state shall*



1 *appoint one representative from each member board. A*
2 *Commissioner shall be:*

3 *(1) An allopathic or osteopathic physician appointed to a*
4 *member board;*

5 *(2) An executive director, executive secretary or similar*
6 *executive of a member board; or*

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

8 *(e) The Interstate Commission shall meet at least once each*
9 *calendar year. A portion of this meeting shall be a business*
10 *meeting to address such matters as may properly come before the*
11 *Commission, including the election of officers. The Chairperson*
12 *may call additional meetings and shall call for a meeting upon the*
13 *request of a majority of the member states.*

14 *(f) The bylaws may provide for meetings of the Interstate*
15 *Commission to be conducted by telecommunication or electronic*
16 *communication.*

17 *(g) Each Commissioner participating at a meeting of the*
18 *Interstate Commission is entitled to one vote. A majority of*
19 *Commissioners shall constitute a quorum for the transaction of*
20 *business, unless a larger quorum is required by the bylaws of the*
21 *Interstate Commission. A Commissioner shall not delegate a vote*
22 *to another Commissioner. In the absence of its Commissioner, a*
23 *member state may delegate voting authority for a specified*
24 *meeting to another person from that state who meets the*
25 *requirements of subsection (d).*

26 *(h) The Interstate Commission shall provide public notice of*
27 *all meetings, and all meetings must be open to the public. The*
28 *Interstate Commission may close a meeting, in full or in portion,*
29 *where it determines by a two-thirds vote of the Commissioners*
30 *present that an open meeting would be likely to:*

31 *(1) Relate solely to the internal personnel practices and*
32 *procedures of the Interstate Commission;*

33 *(2) Discuss matters specifically exempted from disclosure*
34 *by a federal statute;*

35 *(3) Discuss trade secrets, commercial or financial*
36 *information that is privileged or confidential;*

37 *(4) Involve accusing a person of a crime or formally*
38 *censuring a person;*

39 *(5) Discuss information of a personal nature where*
40 *disclosure would constitute a clearly unwarranted invasion of*
41 *personal privacy;*

42 *(6) Discuss investigative records compiled for law*
43 *enforcement purposes; or*

44 *(7) Specifically relate to the participation in a civil action or*
45 *other legal proceeding.*



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

5 (j) *The Interstate Commission shall make its information and*
6 *official records, to the extent not otherwise designated in the*
7 *Compact or by its rules, available to the public for inspection.*

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

18 (l) *The Interstate Commission may establish other committees*
19 *for governance and administration of the Compact.*

20
21 **ARTICLE 12. POWERS AND DUTIES OF THE**
22 **INTERSTATE COMMISSION**

23
24 *The Interstate Commission shall have the duty and power to:*

25 (a) *Oversee and maintain the administration of the Compact;*

26 (b) *Promulgate rules which shall be binding to the extent and*
27 *in the manner provided for in the Compact;*

28 (c) *Issue, upon the request of a member state or member*
29 *board, advisory opinions concerning the meaning or interpretation*
30 *of the Compact, its bylaws, rules and actions;*

31 (d) *Enforce compliance with Compact provisions, the rules*
32 *promulgated by the Interstate Commission and the bylaws, using*
33 *all necessary and proper means, including, but not limited to, the*
34 *use of judicial process;*

35 (e) *Establish and appoint committees, including, but not*
36 *limited to, an Executive Committee as required by Article II,*
37 *which shall have the power to act on behalf of the Interstate*
38 *Commission in carrying out its powers and duties;*

39 (f) *Pay, or provide for the payment of, the expenses related to*
40 *the establishment, organization and ongoing activities of the*
41 *Interstate Commission;*

42 (g) *Establish and maintain one or more offices;*

43 (h) *Borrow, accept, hire or contract for services of personnel;*

44 (i) *Purchase and maintain insurance and bonds;*



1 (j) *Employ an Executive Director who shall have such powers*
2 *to employ, select or appoint employees, agents or consultants, and*
3 *to determine their qualifications, define their duties and fix their*
4 *compensation;*

5 (k) *Establish personnel policies and programs relating to*
6 *conflicts of interest, rates of compensation and qualifications of*
7 *personnel;*

8 (l) *Accept donations and grants of money, equipment, supplies,*
9 *materials and services, and to receive, utilize and dispose of it in a*
10 *manner consistent with the conflict of interest policies established*
11 *by the Interstate Commission;*

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

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

17 (o) *Establish a budget and make expenditures;*

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

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

25 (r) *Coordinate education, training and public awareness*
26 *regarding the Compact, its implementation and its operation;*

27 (s) *Maintain records in accordance with the bylaws;*

28 (t) *Seek and obtain trademarks, copyrights and patents; and*

29 (u) *Perform such functions as may be necessary or*
30 *appropriate to achieve the purposes of the Compact.*

31
32 **ARTICLE 13. FINANCE POWERS**

33
34 (a) *The Interstate Commission may levy on and collect an*
35 *annual assessment from each member state to cover the cost of the*
36 *operations and activities of the Interstate Commission and its staff.*
37 *The total assessment must be sufficient to cover the annual budget*
38 *approved each year for which revenue is not provided by other*
39 *sources. The aggregate annual assessment amount shall be*
40 *allocated upon a formula to be determined by the Interstate*
41 *Commission, which shall promulgate a rule binding upon all*
42 *member states.*

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



1 (c) *The Interstate Commission shall not pledge the credit of*
2 *any of the member states, except by, and with the authority of, the*
3 *member state.*

4 (d) *The Interstate Commission shall be subject to a yearly*
5 *financial audit conducted by a certified or licensed public*
6 *accountant and the report of the audit shall be included in the*
7 *annual report of the Interstate Commission.*

8
9 **ARTICLE 14. ORGANIZATION AND OPERATION**
10 **OF THE INTERSTATE COMMISSION**
11

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

17 (b) *The Interstate Commission shall elect or appoint annually*
18 *from among its Commissioners a Chairperson, a Vice*
19 *Chairperson and a Treasurer, each of whom shall have such*
20 *authority and duties as may be specified in the bylaws. The*
21 *Chairperson, or in the Chairperson's absence or disability, the*
22 *Vice Chairperson, shall preside at all meetings of the Interstate*
23 *Commission.*

24 (c) *Officers selected in subsection (b) shall serve without*
25 *remuneration from the Interstate Commission.*

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

37 (1) *The liability of the Executive Director and employees of*
38 *the Interstate Commission or representatives of the Interstate*
39 *Commission, acting within the scope of such person's employment*
40 *or duties for acts, errors or omissions occurring within such*
41 *person's state, may not exceed the limits of liability set forth under*
42 *the constitution and laws of that state for state officials, employees*
43 *and agents. The Interstate Commission is considered to be an*
44 *instrumentality of the states for the purposes of any such action.*
45 *Nothing in this paragraph shall be construed to protect such*



1 *person from suit or liability for damage, loss, injury or liability*
2 *caused by the intentional or willful and wanton misconduct of*
3 *such person.*

4 (2) *The Interstate Commission shall defend the Executive*
5 *Director, its employees and, subject to the approval of the attorney*
6 *general or other appropriate legal counsel of the member state*
7 *represented by an Interstate Commission representative, such*
8 *Interstate Commission representative in any civil action seeking to*
9 *impose liability arising out of an actual or alleged act, error or*
10 *omission that occurred within the scope of Interstate Commission*
11 *employment, duties or responsibilities, or that the defendant had a*
12 *reasonable basis for believing occurred within the scope of*
13 *Interstate Commission employment, duties or responsibilities,*
14 *provided that the actual or alleged act, error or omission did not*
15 *result from intentional or willful and wanton misconduct on the*
16 *part of such person.*

17 (3) *To the extent not covered by the state involved, the*
18 *member state or the Interstate Commission, the representatives or*
19 *employees of the Interstate Commission shall be held harmless in*
20 *the amount of a settlement or judgment, including attorney's fees*
21 *and costs, obtained against such persons arising out of an actual*
22 *or alleged act, error or omission that occurred within the scope of*
23 *Interstate Commission employment, duties or responsibilities, or*
24 *that such persons had a reasonable basis for believing occurred*
25 *within the scope of Interstate Commission employment, duties or*
26 *responsibilities, provided that the actual or alleged act, error or*
27 *omission did not result from intentional or willful and wanton*
28 *misconduct on the part of such persons.*

29
30 **ARTICLE 15. RULEMAKING FUNCTIONS OF THE**
31 **INTERSTATE COMMISSION**
32

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

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



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

12
13 **ARTICLE 16. OVERSIGHT OF INTERSTATE COMPACT**
14

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

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

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

33
34 **ARTICLE 17. ENFORCEMENT OF INTERSTATE**
35 **COMPACT**
36

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

40 (b) *The Interstate Commission may, by majority vote of the*
41 *Commissioners, initiate legal action in the United States District*
42 *Court for the District of Columbia or, at the discretion of the*
43 *Interstate Commission, in the federal district where the Interstate*
44 *Commission has its principal offices, to enforce compliance with*
45 *the provisions of the Compact, and its promulgated rules and*



1 *bylaws, against a member state in default. The relief sought may*
2 *include both injunctive relief and damages. In the event judicial*
3 *enforcement is necessary, the prevailing party shall be awarded all*
4 *costs of such litigation, including reasonable attorney's fees.*

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

9
10 **ARTICLE 18. DEFAULT PROCEDURES**

11
12 *(a) The grounds for default include, but are not limited to,*
13 *failure of a member state to perform such obligations or*
14 *responsibilities imposed upon it by the Compact, or the rules and*
15 *bylaws of the Interstate Commission promulgated under the*
16 *Compact.*

17 *(b) If the Interstate Commission determines that a member*
18 *state has defaulted in the performance of its obligations or*
19 *responsibilities under the Compact, or the bylaws or promulgated*
20 *rules, the Interstate Commission shall:*

21 *(1) Provide written notice to the defaulting state and other*
22 *member states of the nature of the default, the means of curing the*
23 *default and any action taken by the Interstate Commission. The*
24 *Interstate Commission shall specify the conditions by which the*
25 *defaulting state must cure its default; and*

26 *(2) Provide remedial training and specific technical*
27 *assistance regarding the default.*

28 *(c) If the defaulting state fails to cure the default, the*
29 *defaulting state shall be terminated from the Compact upon an*
30 *affirmative vote of a majority of the Commissioners and all rights,*
31 *privileges and benefits conferred by the Compact shall terminate*
32 *on the effective date of the termination. A cure of the default does*
33 *not relieve the offending state of obligations or liabilities incurred*
34 *during the period of the default.*

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

41 *(e) The Interstate Commission shall establish rules and*
42 *procedures to address licenses and physicians that are materially*
43 *impacted by the termination of a member state, or the withdrawal*
44 *of a member state.*



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

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

11 (h) *The defaulting state may appeal the action of the Interstate*
12 *Commission by petitioning the United States District Court for the*
13 *District of Columbia or the federal district where the Interstate*
14 *Commission has its principal offices. The prevailing party shall be*
15 *awarded all costs of such litigation, including reasonable*
16 *attorney's fees.*

17
18 **ARTICLE 19. DISPUTE RESOLUTION**

19
20 (a) *The Interstate Commission shall attempt, upon the request*
21 *of a member state, to resolve disputes which are subject to the*
22 *Compact and which may arise among member states or member*
23 *boards.*

24 (b) *The Interstate Commission shall promulgate rules*
25 *providing for both mediation and binding dispute resolution as*
26 *appropriate.*

27
28 **ARTICLE 20. MEMBER STATES, EFFECTIVE DATE AND**
29 **AMENDMENT**

30
31 (a) *Any state is eligible to become a member state of the*
32 *Compact.*

33 (b) *The Compact shall become effective and binding upon*
34 *legislative enactment of the Compact into law by no less than*
35 *seven states. Thereafter, it shall become effective and binding on a*
36 *state upon enactment of the Compact into law by that state.*

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

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



1 *unenforceable, the remaining provisions of the Compact shall be*
2 *enforceable.*

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

5 *(c) Nothing in the Compact shall be construed to prohibit the*
6 *applicability of other interstate compacts to which the states are*
7 *members.*

8
9 **ARTICLE 24. BINDING EFFECT OF COMPACT AND**
10 **OTHER LAWS**

11
12 *(a) Nothing herein prevents the enforcement of any other law*
13 *of a member state that is not inconsistent with the Compact.*

14 *(b) All laws in a member state in conflict with the Compact are*
15 *superseded to the extent of the conflict.*

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

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

21 *(e) In the event any provision of the Compact exceeds the*
22 *constitutional limits imposed on the legislature of any member*
23 *state, such provisions shall be ineffective to the extent of the*
24 *conflict with the constitutional provision in question in that*
25 *member state.*

