

SENATE BILL NO. 303

May 14, 2025, Introduced by Senator HAUCK and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16189. (1) The interstate medical licensure compact is
2 enacted into law and entered into by this state as a party with all
3 jurisdictions that legally join in the compact, in the form
4 substantially as follows:

5 INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1. PURPOSE

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

SECTION 2. DEFINITIONS

In this compact:

(a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to Section 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to Section 11.

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a

1 plea of guilt or no contest to the charge by the offender. Evidence
2 of an entry of a conviction of a criminal offense by the court
3 shall be considered final for purposes of disciplinary action by a
4 member board.

5 (d) "Expedited License" means a full and unrestricted medical
6 license granted by a member state to an eligible physician through
7 the process set forth in the Compact.

8 (e) "Interstate Commission" means the interstate commission
9 created pursuant to Section 11.

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

13 (g) "Medical Practice Act" means laws and regulations
14 governing the practice of allopathic and osteopathic medicine
15 within a member state.

16 (h) "Member Board" means a state agency in a member state that
17 acts in the sovereign interests of the state by protecting the
18 public through licensure, regulation, and education of physicians
19 as directed by the state government.

20 (i) "Member State" means a state that has enacted the Compact.

21 (j) "Practice of medicine" means the diagnosis, treatment,
22 prevention, cure, or relieving of a human disease, ailment, defect,
23 complaint, or other physical or mental condition, by attendance,
24 advice, device, diagnostic test, or other means, or offering,
25 undertaking, attempting to do, or holding oneself out as able to
26 do, any of these acts.

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

28 (1) Is a graduate of a medical school accredited by the
29 Liaison Committee on Medical Education, the Commission on

1 Osteopathic College Accreditation, or a medical school listed in
2 the International Medical Education Directory or its equivalent;

3 (2) Passed each component of the United States Medical
4 Licensing Examination (USMLE) or the Comprehensive Osteopathic
5 Medical Licensing Examination (COMLEX-USA) within three attempts,
6 or any of its predecessor examinations accepted by a state medical
7 board as an equivalent examination for licensure purposes;

8 (3) Successfully completed graduate medical education approved
9 by the Accreditation Council for Graduate Medical Education or the
10 American Osteopathic Association;

11 (4) Holds specialty certification or a time-unlimited
12 specialty certificate recognized by the American Board of Medical
13 Specialties or the American Osteopathic Association's Bureau of
14 Osteopathic Specialists; however, the specialty certification or a
15 time-unlimited specialty certificate does not have to be maintained
16 once a physician is initially determined to be eligible for
17 expedited licensure through the Compact;

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

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

23 (7) Has never held a license authorizing the practice of
24 medicine subjected to discipline by a licensing agency in any
25 state, federal, or foreign jurisdiction, excluding any action
26 related to non-payment of fees related to a license;

27 (8) Has never had a controlled substance license or permit
28 suspended or revoked by a state or the United States Drug
29 Enforcement Administration; and

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

4 (l) "Offense" means a felony, high court misdemeanor, or crime
5 of moral turpitude.

6 (m) "Rule" means a written statement by the Interstate
7 Commission promulgated pursuant to Section 12 of the Compact that
8 is of general applicability, implements, interprets, or prescribes
9 a policy or provision of the Compact, or an organizational,
10 procedural, or practice requirement of the Interstate Commission,
11 and has the force and effect of statutory law in a member state, if
12 the rule is not inconsistent with the laws of the member state. The
13 term includes the amendment, repeal, or suspension of an existing
14 rule.

15 (n) "State" means any state, commonwealth, district, or
16 territory of the United States.

17 (o) "State of Principal License" means a member state where a
18 physician holds a license to practice medicine and which has been
19 designated as such by the physician for purposes of registration
20 and participation in the Compact.

21 SECTION 3. ELIGIBILITY

22 (a) A physician must meet the eligibility requirements as
23 defined in Section 2(k) to receive an expedited license under the
24 terms and provisions of the Compact.

25 (b) A physician who does not meet the requirements of Section
26 2(k) may obtain a license to practice medicine in a member state if
27 the individual complies with all laws and requirements, other than
28 the Compact, relating to the issuance of a license to practice
29 medicine in that state.

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

(1) the state of primary residence for the physician, or

(2) the state where at least 25% of the practice of medicine occurs, or

(3) the location of the physician's employer, or

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

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

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

SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate

1 Commission.

2 (i) Static qualifications, which include verification of
3 medical education, graduate medical education, results of any
4 medical or licensing examination, and other qualifications as
5 determined by the Interstate Commission through rule, shall not be
6 subject to additional primary source verification where already
7 primary source verified by the state of principal license.

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

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

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

23 (d) After receiving verification of eligibility under
24 subsection (b) and any fees under subsection (c), a member board
25 shall issue an expedited license to the physician. This license
26 shall authorize the physician to practice medicine in the issuing
27 state consistent with the Medical Practice Act and all applicable
28 laws and regulations of the issuing member board and member state.

29 (e) An expedited license shall be valid for a period

1 consistent with the licensure period in the member state and in the
2 same manner as required for other physicians holding a full and
3 unrestricted license within the member state.

4 (f) An expedited license obtained through the Compact shall be
5 terminated if a physician fails to maintain a license in the state
6 of principal licensure for a non-disciplinary reason, without
7 redesignation of a new state of principal licensure.

8 (g) The Interstate Commission is authorized to develop rules
9 regarding the application process, including payment of any
10 applicable fees, and the issuance of an expedited license.

11 SECTION 6. FEES FOR EXPEDITED LICENSURE

12 (a) A member state issuing an expedited license authorizing
13 the practice of medicine in that state, or the regulating authority
14 of the member state, may impose a fee for a license issued or
15 renewed through the Compact.

16 (b) The Interstate Commission is authorized to develop rules
17 regarding fees for expedited licenses. However, those rules shall
18 not limit the authority of a member state, or the regulating
19 authority of the member state, to impose and determine the amount
20 of a fee under subsection (a).

21 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

22 (a) A physician seeking to renew an expedited license granted
23 in a member state shall complete a renewal process with the
24 Interstate Commission if the physician:

25 (1) Maintains a full and unrestricted license in a state of
26 principal license;

27 (2) Has not been convicted, received adjudication, deferred
28 adjudication, community supervision, or deferred disposition for
29 any offense by a court of appropriate jurisdiction;

1 (3) Has not had a license authorizing the practice of medicine
2 subject to discipline by a licensing agency in any state, federal,
3 or foreign jurisdiction, excluding any action related to non-
4 payment 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 Interstate Commission shall collect any renewal fees
12 charged for the renewal of a license and distribute the fees to the
13 applicable member board.

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

16 (e) Physician information collected by the Interstate
17 Commission during the renewal process will be distributed to all
18 member boards.

19 (f) The Interstate Commission is authorized to develop rules
20 to address renewal of licenses obtained through the Compact.

21 SECTION 8. COORDINATED INFORMATION SYSTEM

22 (a) The Interstate Commission shall establish a database of
23 all physicians licensed, or who have applied for licensure, under
24 Section 5.

25 (b) Notwithstanding any other provision of law, member boards
26 shall report to the Interstate Commission any public action or
27 complaints against a licensed physician who has applied or received
28 an expedited license through the Compact.

29 (c) Member boards shall report disciplinary or investigatory

1 information determined as necessary and proper by rule of the
2 Interstate Commission.

3 (d) Member boards may report any non-public complaint,
4 disciplinary, or investigatory information not required by
5 subsection (c) to the Interstate Commission.

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

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

11 (g) The Interstate Commission is authorized to develop rules
12 for mandated or discretionary sharing of information by member
13 boards.

14 SECTION 9. JOINT INVESTIGATIONS

15 (a) Licensure and disciplinary records of physicians are
16 deemed investigative.

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

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

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

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

SECTION 10. DISCIPLINARY ACTIONS

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

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, 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.

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

(i) 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;

(ii) or pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or

1 suspended, then any license(s) issued to the physician by any other
2 member board(s) shall be suspended, automatically and immediately
3 without further action necessary by the other member board(s), for
4 ninety (90) days upon entry of the order by the disciplining board,
5 to permit the member board(s) to investigate the basis for the
6 action under the Medical Practice Act of that state. A member board
7 may terminate the automatic suspension of the license it issued
8 prior to the completion of the ninety (90) day suspension period in
9 a manner consistent with the Medical Practice Act of that state.

10 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

11 (a) The member states hereby create the "Interstate Medical
12 Licensure Compact Commission".

13 (b) The purpose of the Interstate Commission is the
14 administration of the Interstate Medical Licensure Compact, which
15 is a discretionary state function.

16 (c) The Interstate Commission shall be a body corporate and
17 joint agency of the member states and shall have all the
18 responsibilities, powers, and duties set forth in the Compact, and
19 such additional powers as may be conferred upon it by a subsequent
20 concurrent action of the respective legislatures of the member
21 states in accordance with the terms of the Compact.

22 (d) The Interstate Commission shall consist of two voting
23 representatives appointed by each member state who shall serve as
24 Commissioners. In states where allopathic and osteopathic
25 physicians are regulated by separate member boards, or if the
26 licensing and disciplinary authority is split between multiple
27 member boards within a member state, the member state shall appoint
28 one representative from each member board. A Commissioner shall be
29 a(n):

1 (1) Allopathic or osteopathic physician appointed to a member
2 board;

3 (2) Executive director, executive secretary, or similar
4 executive of a member board; or

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

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

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

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

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

29 (1) Relate solely to the internal personnel practices and

1 procedures of the Interstate Commission;

2 (2) Discuss matters specifically exempted from disclosure by
3 federal statute;

4 (3) Discuss trade secrets, commercial, or financial
5 information that is privileged or confidential;

6 (4) Involve accusing a person of a crime, or formally
7 censuring a person;

8 (5) Discuss information of a personal nature where disclosure
9 would constitute a clearly unwarranted invasion of personal
10 privacy;

11 (6) Discuss investigative records compiled for law enforcement
12 purposes; or

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

15 (i) The Interstate Commission shall keep minutes which shall
16 fully describe all matters discussed in a meeting and shall provide
17 a full and accurate summary of actions taken, including record of
18 any roll call votes.

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

22 (k) The Interstate Commission shall establish an executive
23 committee, which shall include officers, members, and others as
24 determined by the bylaws. The executive committee shall have the
25 power to act on behalf of the Interstate Commission, with the
26 exception of rulemaking, during periods when the Interstate
27 Commission is not in session. When acting on behalf of the
28 Interstate Commission, the executive committee shall oversee the
29 administration of the Compact including enforcement and compliance

1 with the provisions of the Compact, its bylaws and rules, and other
2 such duties as necessary.

3 (l) The Interstate Commission may establish other committees
4 for governance and administration of the Compact.

5 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

6 The Interstate Commission shall have the duty and power to:

7 (a) Oversee and maintain the administration of the Compact;

8 (b) Promulgate rules which shall be binding to the extent and
9 in the manner provided for in the Compact;

10 (c) Issue, upon the request of a member state or member board,
11 advisory opinions concerning the meaning or interpretation of the
12 Compact, its bylaws, rules, and actions;

13 (d) Enforce compliance with Compact provisions, the rules
14 promulgated by the Interstate Commission, and the bylaws, using all
15 necessary and proper means, including but not limited to the use of
16 judicial process;

17 (e) Establish and appoint committees including, but not
18 limited to, an executive committee as required by Section 11, which
19 shall have the power to act on behalf of the Interstate Commission
20 in carrying out its powers and duties;

21 (f) Pay, or provide for the payment of the expenses related to
22 the establishment, organization, and ongoing activities of the
23 Interstate Commission;

24 (g) Establish and maintain one or more offices;

25 (h) Borrow, accept, hire, or contract for services of
26 personnel;

27 (i) Purchase and maintain insurance and bonds;

28 (j) Employ an executive director who shall have such powers to
29 employ, select or appoint employees, agents, or consultants, and to

1 determine their qualifications, define their duties, and fix their
2 compensation;

3 (k) Establish personnel policies and programs relating to
4 conflicts of interest, rates of compensation, and qualifications of
5 personnel;

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

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

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

15 (o) Establish a budget and make expenditures;

16 (p) Adopt a seal and bylaws governing the management and
17 operation of the Interstate Commission;

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

23 (r) Coordinate education, training, and public awareness
24 regarding the Compact, its implementation, and its operation;

25 (s) Maintain records in accordance with the bylaws;

26 (t) Seek and obtain trademarks, copyrights, and patents; and

27 (u) Perform such functions as may be necessary or appropriate
28 to achieve the purposes of the Compact.

29 SECTION 13. FINANCE POWERS

1 (a) The Interstate Commission may levy on and collect an
2 annual assessment from each member state to cover the cost of the
3 operations and activities of the Interstate Commission and its
4 staff. The total assessment, subject to appropriation, must be
5 sufficient to cover the annual budget approved each year for which
6 revenue is not provided by other sources. The aggregate annual
7 assessment amount shall be allocated upon a formula to be
8 determined by the Interstate Commission, which shall promulgate a
9 rule binding upon all member states.

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

12 (c) The Interstate Commission shall not pledge the credit of
13 any of the member states, except by, and with the authority of, the
14 member state.

15 (d) The Interstate Commission shall be subject to a yearly
16 financial audit conducted by a certified or licensed public
17 accountant and the report of the audit shall be included in the
18 annual report of the Interstate Commission.

19 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

20 (a) The Interstate Commission shall, by a majority of
21 Commissioners present and voting, adopt bylaws to govern its
22 conduct as may be necessary or appropriate to carry out the
23 purposes of the Compact within twelve (12) months of the first
24 Interstate Commission meeting.

25 (b) The Interstate Commission shall elect or appoint annually
26 from among its Commissioners a chairperson, a vice-chairperson, and
27 a treasurer, each of whom shall have such authority and duties as
28 may be specified in the bylaws. The chairperson, or in the
29 chairperson's absence or disability, the vice-chairperson, shall

1 preside at all meetings of the Interstate Commission.

2 (c) Officers selected in subsection (b) shall serve without
3 remuneration from the Interstate Commission.

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

15 (1) The liability of the executive director and employees of
16 the Interstate Commission or representatives of the Interstate
17 Commission, acting within the scope of such person's employment or
18 duties for acts, errors, or omissions occurring within such
19 person's state, may not exceed the limits of liability set forth
20 under the constitution and laws of that state for state officials,
21 employees, and agents. The Interstate Commission is considered to
22 be an instrumentality of the states for the purposes of any such
23 action. Nothing in this subsection shall be construed to protect
24 such person from suit or liability for damage, loss, injury, or
25 liability caused by the intentional or willful and wanton
26 misconduct of such person.

27 (2) The Interstate Commission shall defend the executive
28 director, its employees, and subject to the approval of the
29 attorney general or other appropriate legal counsel of the member

1 state represented by an Interstate Commission representative, shall
2 defend such Interstate Commission representative in any civil
3 action seeking to impose liability arising out of an actual or
4 alleged act, error or omission that occurred within the scope of
5 Interstate Commission employment, duties or responsibilities, or
6 that the defendant had a reasonable basis for believing occurred
7 within the scope of Interstate Commission employment, duties, or
8 responsibilities, provided that the actual or alleged act, error,
9 or omission did not result from intentional or willful and wanton
10 misconduct on the part of such person.

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

23 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

24 (a) The Interstate Commission shall promulgate reasonable
25 rules in order to effectively and efficiently achieve the purposes
26 of the Compact. Notwithstanding the foregoing, in the event the
27 Interstate Commission exercises its rulemaking authority in a
28 manner that is beyond the scope of the purposes of the Compact, or
29 the powers granted hereunder, then such an action by the Interstate

1 Commission shall be invalid and have no force or effect.

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

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

19 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

27 (b) All courts shall take judicial notice of the Compact and
28 the rules in any judicial or administrative proceeding in a member
29 state pertaining to the subject matter of the Compact which may

1 affect the powers, responsibilities or actions of the Interstate
2 Commission.

3 (c) The Interstate Commission shall be entitled to receive all
4 service of process in any such proceeding, and shall have standing
5 to intervene in the proceeding for all purposes. Failure to provide
6 service of process to the Interstate Commission shall render a
7 judgment or order void as to the Interstate Commission, the
8 Compact, or promulgated rules.

9 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

10 (a) The Interstate Commission, in the reasonable exercise of
11 its discretion, shall enforce the provisions and rules of the
12 Compact.

13 (b) The Interstate Commission may, by majority vote of the
14 Commissioners, initiate legal action in the United States District
15 Court for the District of Columbia, or, at the discretion of the
16 Interstate Commission, in the federal district where the Interstate
17 Commission has its principal offices, to enforce compliance with
18 the provisions of the Compact, and its promulgated rules and
19 bylaws, against a member state in default. The relief sought may
20 include both injunctive relief and damages. In the event judicial
21 enforcement is necessary, the prevailing party shall be awarded all
22 costs of such litigation including reasonable attorney's fees.

23 (c) The remedies herein shall not be the exclusive remedies of
24 the Interstate Commission. The Interstate Commission may avail
25 itself of any other remedies available under state law or the
26 regulation of a profession.

27 SECTION 18. DEFAULT PROCEDURES

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

1 responsibilities imposed upon it by the Compact, or the rules and
2 bylaws of the Interstate Commission promulgated under the Compact.

3 (b) If the Interstate Commission determines that a member
4 state has defaulted in the performance of its obligations or
5 responsibilities under the Compact, or the bylaws or promulgated
6 rules, the Interstate Commission shall:

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

12 (2) Provide remedial training and specific technical
13 assistance regarding the default.

14 (c) If the defaulting state fails to cure the default, the
15 defaulting state shall be terminated from the Compact upon an
16 affirmative vote of a majority of the Commissioners and all rights,
17 privileges, and benefits conferred by the Compact shall terminate
18 on the effective date of termination. A cure of the default does
19 not relieve the offending state of obligations or liabilities
20 incurred during the period of the default.

21 (d) Termination of membership in the Compact shall be imposed
22 only after all other means of securing compliance have been
23 exhausted. Notice of intent to terminate shall be given by the
24 Interstate Commission to the governor, the majority and minority
25 leaders of the defaulting state's legislature, and each of the
26 member states.

27 (e) The Interstate Commission shall establish rules and
28 procedures to address licenses and physicians that are materially
29 impacted by the termination of a member state, or the withdrawal of

1 a member state.

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

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

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

18 SECTION 19. DISPUTE RESOLUTION

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

22 (b) The Interstate Commission shall promulgate rules providing
23 for both mediation and binding dispute resolution as appropriate.

24 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

25 (a) Any state is eligible to become a member state of the
26 Compact.

27 (b) The Compact shall become effective and binding upon
28 legislative enactment of the Compact into law by no less than seven
29 (7) states. Thereafter, it shall become effective and binding on a

1 state upon enactment of the Compact into law by that state.

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

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

11 SECTION 21. WITHDRAWAL

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

16 (b) Withdrawal from the Compact shall be by the enactment of a
17 statute repealing the same, but shall not take effect until one (1)
18 year after the effective date of such statute and until written
19 notice of the withdrawal has been given by the withdrawing state to
20 the governor of each other member state.

21 (c) The withdrawing state shall immediately notify the
22 chairperson of the Interstate Commission in writing upon the
23 introduction of legislation repealing the Compact in the
24 withdrawing state.

25 (d) The Interstate Commission shall notify the other member
26 states of the withdrawing state's intent to withdraw within sixty
27 (60) days of its receipt of notice provided under subsection (c).

28 (e) The withdrawing state is responsible for all dues,
29 obligations and liabilities incurred through the effective date of

1 withdrawal, including obligations, the performance of which extend
2 beyond the effective date of withdrawal.

3 (f) Reinstatement following withdrawal of a member state shall
4 occur upon the withdrawing state reenacting the Compact or upon
5 such later date as determined by the Interstate Commission.

6 (g) The Interstate Commission is authorized to develop rules
7 to address the impact of the withdrawal of a member state on
8 licenses granted in other member states to physicians who
9 designated the withdrawing member state as the state of principal
10 license.

11 SECTION 22. DISSOLUTION

12 (a) The Compact shall dissolve effective upon the date of the
13 withdrawal or default of the member state which reduces the
14 membership in the Compact to one (1) member state.

15 (b) Upon the dissolution of the Compact, the Compact becomes
16 null and void and shall be of no further force or effect, and the
17 business and affairs of the Interstate Commission shall be
18 concluded and surplus funds shall be distributed in accordance with
19 the bylaws.

20 SECTION 23. SEVERABILITY AND CONSTRUCTION

21 (a) The provisions of the Compact shall be severable, and if
22 any phrase, clause, sentence, or provision is deemed unenforceable,
23 the remaining provisions of the Compact shall be enforceable.

24 (b) The provisions of the Compact shall be liberally construed
25 to effectuate its purposes.

26 (c) Nothing in the Compact shall be construed to prohibit the
27 applicability of other interstate compacts to which the states are
28 members.

29 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

15 (2) Subsection (1) may be known as the "interstate medical
16 licensure compact".