

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2502

AN ACT

AMENDING SECTION 32-1403, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1438 AND 32-1439; AMENDING TITLE 32, CHAPTER 17, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1834 AND 32-1835; AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; APPROPRIATING MONIES; RELATING TO MEDICAL LICENSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1403, Arizona Revised Statutes, is amended to
3 read:
4 32-1403. Powers and duties of the board; compensation;
5 immunity; committee on executive director selection
6 and retention
7 A. The primary duty of the board is to protect the public from
8 unlawful, incompetent, unqualified, impaired or unprofessional practitioners
9 of allopathic medicine through licensure, regulation and rehabilitation of
10 the profession in this state. The powers and duties of the board include:
11 1. Ordering and evaluating physical, psychological, psychiatric and
12 competency testing of licensed physicians and candidates for licensure as may
13 be determined necessary by the board.
14 2. Initiating investigations and determining on its own motion if a
15 doctor of medicine has engaged in unprofessional conduct or provided
16 incompetent medical care or is mentally or physically unable to engage in the
17 practice of medicine.
18 3. Developing and recommending standards governing the profession.
19 4. Reviewing the credentials and the abilities of applicants whose
20 professional records or physical or mental capabilities may not meet the
21 requirements for licensure or registration as prescribed in article 2 of this
22 chapter in order for the board to make a final determination as to whether
23 the applicant meets the requirements for licensure pursuant to this chapter.
24 5. Disciplining and rehabilitating physicians.
25 6. Engaging in a full exchange of information with the licensing and
26 disciplinary boards and medical associations of other states and
27 jurisdictions of the United States and foreign countries and the Arizona
28 medical association and its components.
29 7. Directing the preparation and circulation of educational material
30 the board determines is helpful and proper for licensees.
31 8. Adopting rules regarding the regulation and the qualifications of
32 doctors of medicine.
33 9. Establishing fees and penalties as provided pursuant to section
34 32-1436.
35 10. Delegating to the executive director the board's authority pursuant
36 to section 32-1405 or 32-1451. The board shall adopt substantive policy
37 statements pursuant to section 41-1091 for each specific licensing and
38 regulatory authority the board delegates to the executive director.
39 B. The board may appoint one of its members to the jurisdiction
40 arbitration panel pursuant to section 32-2907, subsection B.
41 C. There shall be no monetary liability on the part of and no cause of
42 action shall arise against the executive director or such other permanent or
43 temporary personnel or professional medical investigators for any act done or
44 proceeding undertaken or performed in good faith and in furtherance of the
45 purposes of this chapter.

1 D. In conducting its investigations pursuant to subsection A,
2 paragraph 2 of this section, the board may receive and review staff reports
3 relating to complaints and malpractice claims.

4 E. The board shall establish a program that is reasonable and
5 necessary to educate doctors of medicine regarding the uses and advantages of
6 autologous blood transfusions.

7 F. The board may make statistical information on doctors of medicine
8 and applicants for licensure under this article available to academic and
9 research organizations.

10 G. The committee on executive director selection and retention is
11 established consisting of the Arizona medical board and the chairperson and
12 vice-chairperson of the Arizona regulatory board of physician assistants.
13 The committee is a public body and is subject to the requirements of title
14 38, chapter 3, article 3.1. The committee is responsible for the appointment
15 of the executive director pursuant to section 32-1405. All members of the
16 committee are voting members of the committee. The committee shall elect a
17 chairperson and a vice-chairperson when the committee meets but no more
18 frequently than once a year. The chairperson shall call meetings of the
19 committee as necessary, and the vice-chairperson may call meetings of the
20 committee that are necessary if the chairperson is not available. The
21 presence of eight members of the committee at a meeting constitutes a quorum.
22 The committee meetings may be held using ~~communication~~ COMMUNICATIONS
23 equipment that allows all members ~~that~~ WHO are participating in the meeting
24 to hear each other. If any discussions occur in an executive session of the
25 committee, notwithstanding the requirement that discussions made at an
26 executive session be kept confidential as specified in section 38-431.03, the
27 chairperson and vice-chairperson of the Arizona regulatory board of physician
28 assistants may discuss this information with the Arizona regulatory board of
29 physician assistants in executive session. This disclosure of executive
30 session information to the Arizona regulatory board of physician assistants
31 does not constitute a waiver of confidentiality or any privilege, including
32 the attorney-client privilege.

33 H. The officers of the Arizona medical board and the Arizona
34 regulatory board of physician assistants shall meet twice a year to discuss
35 matters of mutual concern and interest.

36 I. THE BOARD MAY ACCEPT AND EXPEND GRANTS, GIFTS, DEVISES AND OTHER
37 CONTRIBUTIONS FROM ANY PUBLIC OR PRIVATE SOURCE, INCLUDING THE FEDERAL
38 GOVERNMENT. MONIES RECEIVED UNDER THIS SUBSECTION DO NOT REVERT TO THE STATE
39 GENERAL FUND AT THE END OF A FISCAL YEAR.

40 Sec. 2. Title 32, chapter 13, article 2, Arizona Revised Statutes, is
41 amended by adding sections 32-1438 and 32-1439, to read:

42 32-1438. Temporary licensure; requirements; fee

43 A. BEGINNING JULY 1, 2017, THE BOARD MAY ISSUE A TEMPORARY LICENSE,
44 WHICH MAY NOT BE RENEWED OR EXTENDED, TO ALLOW A PHYSICIAN WHO IS NOT A

1 LICENSEE TO PRACTICE IN THIS STATE FOR A TOTAL OF UP TO TWO HUNDRED FIFTY
2 CONSECUTIVE DAYS IF THE PHYSICIAN MEETS ALL OF THE FOLLOWING REQUIREMENTS:

3 1. HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN A
4 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

5 2. HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR SURRENDERED A
6 LICENSE FOR DISCIPLINARY REASONS.

7 3. IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT.

8 4. HAS APPLIED FOR A LICENSE PURSUANT TO SECTION 32-1422.

9 5. HAS PAID ANY APPLICABLE FEES.

10 B. THE PHYSICIAN SHALL SUBMIT TO THE BOARD A NOTARIZED AFFIDAVIT
11 ATTESTING THAT THE PHYSICIAN MEETS THE REQUIREMENTS OF SUBSECTION A,
12 PARAGRAPHS 1, 2 AND 3 OF THIS SECTION. THE PHYSICIAN SHALL NOTIFY THE BOARD
13 IMMEDIATELY IF ANY CIRCUMSTANCE SPECIFIED IN SUBSECTION A, PARAGRAPHS 1, 2
14 AND 3 OF THIS SECTION CHANGES DURING THE APPLICATION PERIOD FOR A TEMPORARY
15 LICENSE OR WHILE HOLDING A TEMPORARY LICENSE, AT WHICH TIME THE BOARD MAY
16 DENY OR REVOKE THE TEMPORARY LICENSE.

17 C. THE BOARD SHALL APPROVE OR DENY AN APPLICATION UNDER THIS SECTION
18 WITHIN THIRTY DAYS AFTER AN APPLICANT FILES A COMPLETE APPLICATION. THE
19 APPROVAL OF A TEMPORARY LICENSE PURSUANT TO THIS SECTION ALLOWS THE PHYSICIAN
20 TO PRACTICE IN THIS STATE WITHOUT RESTRICTION.

21 D. IF GRANTED, THE PHYSICIAN'S TEMPORARY LICENSE EXPIRES THE EARLIER
22 OF TWO HUNDRED FIFTY DAYS AFTER THE DATE THE TEMPORARY LICENSE IS GRANTED OR
23 ON APPROVAL OR DENIAL OF THE PHYSICIAN'S LICENSE APPLICATION SUBMITTED
24 PURSUANT TO SECTION 32-1422.

25 E. FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS
26 SECTION, AN APPLICANT SHALL PROVIDE THE BOARD THE NAME OF EACH STATE,
27 TERRITORY OR POSSESSION OF THE UNITED STATES IN WHICH THE PERSON IS LICENSED
28 OR HAS HELD A LICENSE AND THE BOARD SHALL VERIFY WITH THE APPLICABLE
29 REGULATORY BOARD THAT THE APPLICANT HOLDS AN ACTIVE AND UNRESTRICTED LICENSE
30 TO PRACTICE MEDICINE, HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR
31 SURRENDERED A LICENSE FOR DISCIPLINARY REASONS AND IS NOT THE SUBJECT OF AN
32 UNRESOLVED COMPLAINT. THE BOARD MAY ACCEPT THE VERIFICATION OF THIS
33 INFORMATION FROM EACH OTHER REGULATORY BOARD VERBALLY, WHICH SHALL BE
34 FOLLOWED BY EITHER AN ELECTRONIC OR HARD COPY BEFORE THE PHYSICIAN'S
35 PERMANENT LICENSE IS GRANTED. IF THE BOARD IS UNABLE TO VERIFY THE
36 INFORMATION WITHIN THE INITIAL THIRTY DAYS AS REQUIRED BY SUBSECTION C OF
37 THIS SECTION, THE BOARD MAY EXTEND THE TIME FRAME BY AN ADDITIONAL THIRTY
38 DAYS TO RECEIVE THE NECESSARY VERIFICATION.

39 F. THE BOARD MAY ESTABLISH A FEE IN RULE FOR TEMPORARY LICENSURE UNDER
40 THIS SECTION.

41 32-1439. Specialty certification; prohibited requirement for
42 licensure; definition

43 A. THE BOARD MAY NOT REQUIRE AN APPLICANT FOR LICENSURE PURSUANT TO
44 THIS ARTICLE TO HOLD OR MAINTAIN A SPECIALTY CERTIFICATION AS A CONDITION OF
45 LICENSURE IN THIS STATE. THIS SUBSECTION DOES NOT PROHIBIT THE BOARD FROM

1 CONSIDERING AN APPLICANT'S SPECIALTY CERTIFICATION AS A FACTOR IN WHETHER TO
2 GRANT A LICENSE TO THE APPLICANT.

3 B. FOR THE PURPOSES OF THIS SECTION, "SPECIALTY CERTIFICATION" MEANS
4 CERTIFICATION BY A BOARD THAT SPECIALIZES IN ONE PARTICULAR AREA OF MEDICINE
5 AND THAT MAY REQUIRE EXAMINATIONS IN ADDITION TO THOSE REQUIRED BY THIS STATE
6 TO BE LICENSED TO PRACTICE MEDICINE.

7 Sec. 3. Title 32, chapter 17, article 2, Arizona Revised Statutes, is
8 amended by adding sections 32-1834 and 32-1835, to read:

9 32-1834. Temporary licensure; requirements; fee

10 A. BEGINNING JULY 1, 2017, THE BOARD MAY ISSUE A TEMPORARY LICENSE,
11 WHICH MAY NOT BE RENEWED OR EXTENDED, TO ALLOW A PHYSICIAN WHO IS NOT A
12 LICENSEE TO PRACTICE IN THIS STATE FOR A TOTAL OF UP TO TWO HUNDRED FIFTY
13 CONSECUTIVE DAYS IF THE PHYSICIAN MEETS ALL OF THE FOLLOWING REQUIREMENTS:

- 14 1. HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN A
15 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.
- 16 2. HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR SURRENDERED A
17 LICENSE FOR DISCIPLINARY REASONS.
- 18 3. IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT.
- 19 4. HAS APPLIED FOR A LICENSE PURSUANT TO SECTION 32-1822.
- 20 5. HAS PAID ANY APPLICABLE FEES.

21 B. THE PHYSICIAN SHALL SUBMIT TO THE BOARD A NOTARIZED AFFIDAVIT
22 ATTESTING THAT THE PHYSICIAN MEETS THE REQUIREMENTS OF SUBSECTION A,
23 PARAGRAPHS 1, 2 AND 3 OF THIS SECTION. THE PHYSICIAN SHALL NOTIFY THE BOARD
24 IMMEDIATELY IF ANY CIRCUMSTANCE SPECIFIED IN SUBSECTION A, PARAGRAPHS 1, 2
25 AND 3 OF THIS SECTION CHANGES DURING THE APPLICATION PERIOD FOR A TEMPORARY
26 LICENSE OR WHILE HOLDING A TEMPORARY LICENSE, AT WHICH TIME THE BOARD MAY
27 DENY OR REVOKE THE TEMPORARY LICENSE.

28 C. THE BOARD SHALL APPROVE OR DENY AN APPLICATION UNDER THIS SECTION
29 WITHIN THIRTY DAYS AFTER AN APPLICANT FILES A COMPLETE APPLICATION. THE
30 APPROVAL OF A TEMPORARY LICENSE PURSUANT TO THIS SECTION ALLOWS THE PHYSICIAN
31 TO PRACTICE IN THIS STATE WITHOUT RESTRICTION.

32 D. IF GRANTED, THE PHYSICIAN'S TEMPORARY LICENSE EXPIRES THE EARLIER
33 OF TWO HUNDRED FIFTY DAYS AFTER THE DATE THE TEMPORARY LICENSE IS GRANTED OR
34 ON APPROVAL OR DENIAL OF THE PHYSICIAN'S LICENSE APPLICATION SUBMITTED
35 PURSUANT TO SECTION 32-1822.

36 E. FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS
37 SECTION, AN APPLICANT SHALL PROVIDE THE BOARD THE NAME OF EACH STATE,
38 TERRITORY OR POSSESSION OF THE UNITED STATES IN WHICH THE PERSON IS LICENSED
39 OR HAS HELD A LICENSE AND THE BOARD SHALL VERIFY WITH THE APPLICABLE
40 REGULATORY BOARD THAT THE APPLICANT HOLDS AN ACTIVE AND UNRESTRICTED LICENSE
41 TO PRACTICE MEDICINE, HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR
42 SURRENDERED A LICENSE FOR DISCIPLINARY REASONS AND IS NOT THE SUBJECT OF AN
43 UNRESOLVED COMPLAINT. THE BOARD MAY ACCEPT THE VERIFICATION OF THIS
44 INFORMATION FROM EACH OTHER REGULATORY BOARD VERBALLY, WHICH SHALL BE
45 FOLLOWED BY EITHER AN ELECTRONIC OR HARD COPY BEFORE THE PHYSICIAN'S

1 PERMANENT LICENSE IS GRANTED. IF THE BOARD IS UNABLE TO VERIFY THE
2 INFORMATION WITHIN THE INITIAL THIRTY DAYS AS REQUIRED BY SUBSECTION C OF
3 THIS SECTION, THE BOARD MAY EXTEND THE TIME FRAME BY AN ADDITIONAL THIRTY
4 DAYS TO RECEIVE THE NECESSARY VERIFICATION.

5 F. THE BOARD MAY ESTABLISH A FEE IN RULE FOR TEMPORARY LICENSURE UNDER
6 THIS SECTION.

7 32-1835. Specialty certification; prohibited requirement for
8 licensure; definition

9 A. THE BOARD MAY NOT REQUIRE AN APPLICANT FOR LICENSURE PURSUANT TO
10 THIS ARTICLE TO HOLD OR MAINTAIN A SPECIALTY CERTIFICATION AS A CONDITION OF
11 LICENSURE IN THIS STATE. THIS SUBSECTION DOES NOT PROHIBIT THE BOARD FROM
12 CONSIDERING AN APPLICANT'S SPECIALTY CERTIFICATION AS A FACTOR IN WHETHER TO
13 GRANT A LICENSE TO THE APPLICANT.

14 B. FOR THE PURPOSES OF THIS SECTION, "SPECIALTY CERTIFICATION" MEANS
15 CERTIFICATION BY A BOARD THAT SPECIALIZES IN ONE PARTICULAR AREA OF MEDICINE
16 AND THAT MAY REQUIRE EXAMINATIONS IN ADDITION TO THOSE REQUIRED BY THIS STATE
17 TO BE LICENSED TO PRACTICE MEDICINE.

18 Sec. 4. Title 32, chapter 32, Arizona Revised Statutes, is amended by
19 adding article 3, to read:

20 ARTICLE 3. MEDICAL LICENSURE COMPACT

21 32-3241. Medical licensure compact

22 THE MEDICAL LICENSURE COMPACT IS ENACTED INTO LAW AS FOLLOWS:

23 SECTION 1. PURPOSE

24 IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION OF THE
25 ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER STATES OF THE INTERSTATE
26 MEDICAL LICENSURE COMPACT HAVE ALLIED IN COMMON PURPOSE TO DEVELOP A
27 COMPREHENSIVE PROCESS THAT COMPLEMENTS THE EXISTING LICENSING AND REGULATORY
28 AUTHORITY OF STATE MEDICAL BOARDS AND PROVIDES A STREAMLINED PROCESS THAT
29 ALLOWS PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES, THEREBY ENHANCING
30 THE PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE SAFETY OF PATIENTS.
31 THIS COMPACT CREATES ANOTHER PATHWAY FOR LICENSURE AND DOES NOT OTHERWISE
32 CHANGE A STATE'S EXISTING MEDICAL PRACTICE ACT. THIS COMPACT ALSO ADOPTS THE
33 PREVAILING STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF MEDICINE
34 OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE PHYSICIAN-PATIENT
35 ENCOUNTER, AND THEREFORE, REQUIRES THE PHYSICIAN TO BE UNDER THE JURISDICTION
36 OF THE STATE MEDICAL BOARD WHERE THE PATIENT IS LOCATED. STATE MEDICAL BOARDS
37 THAT PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO IMPOSE AN ADVERSE
38 ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN THAT STATE ISSUED TO A
39 PHYSICIAN THROUGH THE PROCEDURES IN THE COMPACT.

40 SECTION 2. DEFINITIONS

41 AS USED IN THIS COMPACT:

42 1. "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE INTERSTATE
43 COMMISSION PURSUANT TO SECTION 11 OF THIS COMPACT FOR ITS GOVERNANCE, OR FOR
44 DIRECTING AND CONTROLLING ITS ACTIONS AND CONDUCT.

1 2. "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE APPOINTED BY EACH
2 MEMBER BOARD PURSUANT TO SECTION 11 OF THIS COMPACT.

3 3. "CONVICTED" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL IS GUILTY
4 OF A CRIMINAL OFFENSE THROUGH ADJUDICATION OR ENTRY OF A PLEA OF GUILT OR NO
5 CONTEST TO THE CHARGE BY THE OFFENDER. EVIDENCE OF AN ENTRY OF A CONVICTION
6 OF A CRIMINAL OFFENSE BY THE COURT SHALL BE CONSIDERED FINAL FOR PURPOSES OF
7 DISCIPLINARY ACTION BY A MEMBER BOARD.

8 4. "EXPEDITED LICENSE" MEANS A FULL AND UNRESTRICTED MEDICAL LICENSE
9 GRANTED BY A MEMBER STATE TO AN ELIGIBLE PHYSICIAN THROUGH THE PROCESS SET
10 FORTH IN THIS COMPACT.

11 5. "INTERSTATE COMMISSION" MEANS THE INTERSTATE MEDICAL LICENSURE
12 COMPACT COMMISSION CREATED PURSUANT TO SECTION 11 OF THIS COMPACT.

13 6. "LICENSE" MEANS AUTHORIZATION BY A STATE FOR A PHYSICIAN TO ENGAGE
14 IN THE PRACTICE OF MEDICINE, WHICH WOULD BE UNLAWFUL WITHOUT THE
15 AUTHORIZATION.

16 7. "MEDICAL PRACTICE ACT" MEANS LAWS AND REGULATIONS GOVERNING THE
17 PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE WITHIN A MEMBER STATE.

18 8. "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER STATE THAT ACTS IN
19 THE SOVEREIGN INTERESTS OF THE STATE BY PROTECTING THE PUBLIC THROUGH
20 LICENSURE, REGULATION AND EDUCATION OF PHYSICIANS AS DIRECTED BY THE STATE
21 GOVERNMENT.

22 9. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.

23 10. "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR OR CRIME OF MORAL
24 TURPITUDE.

25 11. "PHYSICIAN" MEANS ANY PERSON WHO:

26 (a) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE LIAISON
27 COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON OSTEOPATHIC COLLEGE
28 ACCREDITATION OR A MEDICAL SCHOOL LISTED IN THE INTERNATIONAL MEDICAL
29 EDUCATION DIRECTORY OR ITS EQUIVALENT.

30 (b) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL LICENSING
31 EXAMINATION (USMLE) OR THE COMPREHENSIVE OSTEOPATHIC MEDICAL LICENSING
32 EXAMINATION (COMLEX-USA) WITHIN THREE ATTEMPTS, OR ANY OF ITS PREDECESSOR
33 EXAMINATIONS ACCEPTED BY A STATE MEDICAL BOARD AS AN EQUIVALENT EXAMINATION
34 FOR LICENSURE PURPOSES.

35 (c) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION APPROVED BY THE
36 ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN
37 OSTEOPATHIC ASSOCIATION.

38 (d) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED SPECIALTY
39 CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE
40 AMERICAN OSTEOPATHIC ASSOCIATION'S BUREAU OF OSTEOPATHIC SPECIALISTS.

41 (e) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN THE
42 PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD.

43 (f) HAS NEVER BEEN CONVICTED, RECEIVED ADJUDICATION, DEFERRED
44 ADJUDICATION OR COMMUNITY SUPERVISION OR DEFERRED DISPOSITION FOR ANY OFFENSE
45 BY A COURT OF APPROPRIATE JURISDICTION.

1 (g) HAS NEVER HAD A LICENSE AUTHORIZING THE PRACTICE OF MEDICINE
2 SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE, FEDERAL OR
3 FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF FEES
4 RELATED TO A LICENSE.

5 (h) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT SUSPENDED
6 OR REVOKED BY A STATE OR THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION.

7 (i) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY OR LAW
8 ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL OR FOREIGN JURISDICTION.

9 12. "PRACTICE OF MEDICINE" MEANS THE CLINICAL PREVENTION, DIAGNOSIS OR
10 TREATMENT OF HUMAN DISEASE, INJURY OR CONDITION REQUIRING A PHYSICIAN TO
11 OBTAIN AND MAINTAIN A LICENSE IN COMPLIANCE WITH THE MEDICAL PRACTICE ACT OF
12 A MEMBER STATE.

13 13. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION
14 PROMULGATED PURSUANT TO SECTION 12 OF THIS COMPACT THAT IS OF GENERAL
15 APPLICABILITY, THAT IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR
16 PROVISION OF THIS COMPACT OR AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE
17 REQUIREMENT OF THE INTERSTATE COMMISSION, AND THAT HAS THE FORCE AND EFFECT
18 OF STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL OR
19 SUSPENSION OF AN EXISTING RULE.

20 14. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
21 THE UNITED STATES.

22 15. "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE WHERE A
23 PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND THAT HAS BEEN DESIGNATED
24 AS SUCH BY THE PHYSICIAN FOR PURPOSES OF REGISTRATION AND PARTICIPATION IN
25 THE COMPACT.

26 SECTION 3. ELIGIBILITY

27 A. A PHYSICIAN MUST MEET THE ELIGIBILITY REQUIREMENTS AS PRESCRIBED IN
28 SECTION 2, PARAGRAPH 11 OF THIS COMPACT TO RECEIVE AN EXPEDITED LICENSE UNDER
29 THE TERMS AND PROVISIONS OF THIS COMPACT.

30 B. A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 2,
31 PARAGRAPH 11 OF THIS COMPACT MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A
32 MEMBER STATE IF THE INDIVIDUAL COMPLIES WITH ALL LAWS AND REQUIREMENTS, OTHER
33 THAN THE COMPACT, RELATING TO THE ISSUANCE OF A LICENSE TO PRACTICE MEDICINE
34 IN THAT STATE.

35 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

36 A. A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF
37 PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR EXPEDITED LICENSURE
38 THROUGH THE COMPACT IF THE PHYSICIAN POSSESSES A FULL AND UNRESTRICTED
39 LICENSE TO PRACTICE MEDICINE IN THAT STATE AND THE STATE IS ONE OF THE
40 FOLLOWING:

- 41 1. THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN.
- 42 2. THE STATE WHERE AT LEAST TWENTY-FIVE PERCENT OF THE PHYSICIAN'S
43 PRACTICE OF MEDICINE OCCURS.
- 44 3. THE LOCATION OF THE PHYSICIAN'S EMPLOYER.

1 4. IF NO STATE QUALIFIES UNDER PARAGRAPH 1, 2 OR 3 OF THIS SUBSECTION,
2 THE STATE DESIGNATED AS STATE OF RESIDENCE FOR PURPOSE OF FEDERAL INCOME TAX.

3 B. A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS STATE OF PRINCIPAL
4 LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE REQUIREMENTS IN
5 SUBSECTION A OF THIS SECTION.

6 C. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO
7 FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF PRINCIPAL
8 LICENSE.

9 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

10 A. A PHYSICIAN SEEKING LICENSURE THROUGH THE COMPACT SHALL FILE AN
11 APPLICATION FOR AN EXPEDITED LICENSE WITH THE MEMBER BOARD OF THE STATE
12 SELECTED BY THE PHYSICIAN AS THE STATE OF PRINCIPAL LICENSE.

13 B. ON RECEIPT OF AN APPLICATION FOR AN EXPEDITED LICENSE, THE MEMBER
14 BOARD WITHIN THE STATE SELECTED AS THE STATE OF PRINCIPAL LICENSE SHALL
15 EVALUATE WHETHER THE PHYSICIAN IS ELIGIBLE FOR EXPEDITED LICENSURE AND ISSUE
16 A LETTER OF QUALIFICATION VERIFYING OR DENYING THE PHYSICIAN'S ELIGIBILITY TO
17 THE INTERSTATE COMMISSION AS FOLLOWS:

18 1. STATIC QUALIFICATIONS, WHICH INCLUDE VERIFICATION OF MEDICAL
19 EDUCATION, GRADUATE MEDICAL EDUCATION, RESULTS OF ANY MEDICAL OR LICENSING
20 EXAMINATION AND OTHER QUALIFICATIONS AS DETERMINED BY THE INTERSTATE
21 COMMISSION THROUGH RULE, SHALL NOT BE SUBJECT TO ADDITIONAL PRIMARY SOURCE
22 VERIFICATION WHERE ALREADY PRIMARY SOURCE VERIFIED BY THE STATE OF PRINCIPAL
23 LICENSE.

24 2. THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF
25 PRINCIPAL LICENSE IN THE COURSE OF VERIFYING ELIGIBILITY SHALL PERFORM A
26 CRIMINAL BACKGROUND CHECK OF AN APPLICANT, INCLUDING THE USE OF THE RESULTS
27 OF FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS
28 OF THE FEDERAL BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF FEDERAL
29 EMPLOYEES WHO HAVE SUITABILITY DETERMINATION IN ACCORDANCE WITH 5 CODE OF
30 FEDERAL REGULATIONS SECTION 731.202.

31 3. APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL BE MADE TO THE
32 MEMBER STATE WHERE THE APPLICATION WAS FILED AND SHALL BE SUBJECT TO THE LAW
33 OF THAT STATE.

34 C. ON VERIFICATION IN SUBSECTION B OF THIS SECTION, PHYSICIANS WHO ARE
35 ELIGIBLE FOR AN EXPEDITED LICENSE SHALL COMPLETE THE REGISTRATION PROCESS
36 ESTABLISHED BY THE INTERSTATE COMMISSION TO RECEIVE A LICENSE IN A MEMBER
37 STATE SELECTED PURSUANT TO SUBSECTION A OF THIS SECTION, INCLUDING THE
38 PAYMENT OF ANY APPLICABLE FEES.

39 D. AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER SUBSECTION B OF
40 THIS SECTION AND PAYMENT OF ANY FEES UNDER SUBSECTION C OF THIS SECTION, A
41 MEMBER BOARD SHALL ISSUE AN EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE
42 SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING STATE
43 CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL APPLICABLE LAWS AND
44 REGULATIONS OF THE ISSUING MEMBER BOARD AND MEMBER STATE.

1 E. AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD CONSISTENT WITH
2 THE LICENSURE PERIOD IN THE MEMBER STATE AND IN THE SAME MANNER AS REQUIRED
3 FOR OTHER PHYSICIANS HOLDING A FULL AND UNRESTRICTED LICENSE WITHIN THE
4 MEMBER STATE.

5 F. AN EXPEDITED LICENSE OBTAINED THROUGH THE COMPACT SHALL BE
6 TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN THE STATE OF
7 PRINCIPAL LICENSE FOR A NONDISCIPLINARY REASON, WITHOUT REDESIGNATION OF A
8 NEW STATE OF PRINCIPAL LICENSE.

9 G. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES REGARDING
10 THE APPLICATION PROCESS, INCLUDING PAYMENT OF ANY APPLICABLE FEES, AND THE
11 ISSUANCE OF AN EXPEDITED LICENSE.

12 SECTION 6. FEES FOR EXPEDITED LICENSURE

13 A. A MEMBER STATE ISSUING AN EXPEDITED LICENSE AUTHORIZING THE
14 PRACTICE OF MEDICINE IN THAT 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 REGARDING
17 FEES FOR EXPEDITED LICENSES.

18 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

19 A. A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE GRANTED IN A
20 MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS WITH THE INTERSTATE COMMISSION
21 IF THE PHYSICIAN:

22 1. MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A STATE OF PRINCIPAL
23 LICENSE.

24 2. HAS NOT BEEN CONVICTED, RECEIVED ADJUDICATION, DEFERRED
25 ADJUDICATION OR COMMUNITY SUPERVISION OR DEFERRED DISPOSITION FOR ANY OFFENSE
26 BY A COURT OF APPROPRIATE JURISDICTION.

27 3. HAS NOT HAD A LICENSE AUTHORIZING THE PRACTICE OF MEDICINE SUBJECT
28 TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE, FEDERAL OR FOREIGN
29 JURISDICTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF FEES RELATED TO A
30 LICENSE.

31 4. HAS NOT HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT SUSPENDED OR
32 REVOKED BY A STATE OR THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION.

33 B. PHYSICIANS SHALL COMPLY WITH ALL CONTINUING PROFESSIONAL
34 DEVELOPMENT OR CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR RENEWAL OF A
35 LICENSE ISSUED BY A MEMBER STATE.

36 C. THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL FEES CHARGED
37 FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES TO THE APPLICABLE MEMBER
38 BOARD.

39 D. ON RECEIPT OF ANY RENEWAL FEES COLLECTED PURSUANT TO SUBSECTION C
40 OF THIS SECTION, A MEMBER BOARD SHALL RENEW THE PHYSICIAN'S LICENSE.

41 E. PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE COMMISSION DURING
42 THE RENEWAL PROCESS WILL BE DISTRIBUTED TO ALL MEMBER BOARDS.

43 F. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS
44 RENEWAL OF LICENSES OBTAINED THROUGH THE COMPACT.

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SECTION 8. COORDINATED INFORMATION SYSTEM

A. THE INTERSTATE COMMISSION SHALL ESTABLISH A DATABASE OF ALL PHYSICIANS WHO ARE LICENSED OR WHO HAVE APPLIED FOR LICENSURE UNDER SECTION 5 OF THIS COMPACT.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MEMBER BOARDS SHALL REPORT TO THE INTERSTATE COMMISSION ANY PUBLIC ACTION OR COMPLAINTS AGAINST A LICENSED PHYSICIAN WHO HAS APPLIED OR RECEIVED AN EXPEDITED LICENSE THROUGH THE COMPACT.

C. MEMBER BOARDS SHALL REPORT DISCIPLINARY OR INVESTIGATORY INFORMATION DETERMINED AS NECESSARY AND PROPER BY RULE OF THE INTERSTATE COMMISSION.

D. MEMBER BOARDS MAY REPORT ANY NONPUBLIC COMPLAINT OR DISCIPLINARY OR INVESTIGATORY INFORMATION NOT REQUIRED BY SUBSECTION C OF THIS SECTION TO THE INTERSTATE COMMISSION.

E. MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY INFORMATION ABOUT A PHYSICIAN ON REQUEST OF ANOTHER MEMBER BOARD.

F. ALL INFORMATION PROVIDED TO THE INTERSTATE COMMISSION OR DISTRIBUTED BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED UNDER SEAL AND USED ONLY FOR INVESTIGATORY OR DISCIPLINARY MATTERS.

G. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES FOR MANDATED OR DISCRETIONARY SHARING OF INFORMATION BY MEMBER BOARDS.

SECTION 9. JOINT INVESTIGATIONS

A. LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE DEEMED INVESTIGATIVE.

B. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER BOARD BY ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE STATE LAW, A MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER BOARDS IN JOINT INVESTIGATIONS OF PHYSICIANS LICENSED BY THE MEMBER BOARDS.

C. A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE ENFORCEABLE IN OTHER MEMBER STATES.

D. MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE, LITIGATION OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

E. ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE IN ANY OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE.

SECTION 10. DISCIPLINARY ACTIONS

A. ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD AGAINST A PHYSICIAN LICENSED THROUGH THIS COMPACT SHALL BE DEEMED UNPROFESSIONAL CONDUCT THAT 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

1 MEMBER BOARD, ON THE SAME STATUS. IF THE MEMBER BOARD IN THE STATE OF
2 PRINCIPAL LICENSE SUBSEQUENTLY REINSTATES THE PHYSICIAN'S LICENSE, A LICENSE
3 ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD SHALL REMAIN ENCUMBERED
4 UNTIL THAT RESPECTIVE MEMBER BOARD TAKES ACTION TO REINSTATE THE LICENSE IN A
5 MANNER CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.

6 C. IF DISCIPLINARY ACTION IS TAKEN AGAINST A PHYSICIAN BY A MEMBER
7 BOARD NOT IN THE STATE OF PRINCIPAL LICENSE, ANY OTHER MEMBER BOARD MAY DEEM
8 THE ACTION CONCLUSIVE AS TO MATTER OF LAW AND FACT DECIDED, AND EITHER:

9 1. IMPOSE THE SAME OR LESSER SANCTIONS AGAINST THE PHYSICIAN SO LONG
10 AS SUCH SANCTIONS ARE CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.

11 2. PURSUE SEPARATE DISCIPLINARY ACTION AGAINST THE PHYSICIAN UNDER ITS
12 RESPECTIVE MEDICAL PRACTICE ACT, REGARDLESS OF THE ACTION TAKEN IN OTHER
13 MEMBER STATES.

14 D. IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD IS REVOKED,
15 SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, ANY LICENSE
16 ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD SHALL BE SUSPENDED,
17 AUTOMATICALLY AND IMMEDIATELY WITHOUT FURTHER ACTION NECESSARY BY THE OTHER
18 MEMBER BOARD, FOR NINETY DAYS ON ENTRY OF THE ORDER BY THE DISCIPLINING
19 BOARD, TO PERMIT THE MEMBER BOARD TO INVESTIGATE THE BASIS FOR THE ACTION
20 UNDER THE MEDICAL PRACTICE ACT OF THAT STATE. A MEMBER BOARD MAY TERMINATE
21 THE AUTOMATIC SUSPENSION OF THE LICENSE IT ISSUED BEFORE THE COMPLETION OF
22 THE NINETY-DAY SUSPENSION PERIOD IN A MANNER CONSISTENT WITH THE MEDICAL
23 PRACTICE ACT OF THAT STATE.

24 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

25 A. THE MEMBER STATES HEREBY CREATE THE INTERSTATE MEDICAL LICENSURE
26 COMPACT COMMISSION.

27 B. THE PURPOSE OF THE INTERSTATE COMMISSION IS THE ADMINISTRATION OF
28 THE INTERSTATE MEDICAL LICENSURE COMPACT, WHICH IS A DISCRETIONARY STATE
29 FUNCTION.

30 C. THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE AND JOINT
31 AGENCY OF THE MEMBER STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS
32 AND DUTIES SET FORTH IN THIS COMPACT, AND SUCH ADDITIONAL POWERS AS MAY BE
33 CONFERRED ON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE
34 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF THE
35 COMPACT.

36 D. THE INTERSTATE COMMISSION SHALL CONSIST OF TWO VOTING
37 REPRESENTATIVES APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE AS
38 COMMISSIONERS. IN STATES WHERE ALLOPATHIC AND OSTEOPATHIC PHYSICIANS ARE
39 REGULATED BY SEPARATE MEMBER BOARDS, OR IF THE LICENSING AND DISCIPLINARY
40 AUTHORITY IS SPLIT BETWEEN MULTIPLE MEMBER BOARDS WITHIN A MEMBER STATE, THE
41 MEMBER STATE SHALL APPOINT ONE REPRESENTATIVE FROM EACH MEMBER BOARD. A
42 COMMISSIONER SHALL BE ONE OF THE FOLLOWING:

43 1. AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO A MEMBER BOARD.

44 2. AN EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY OR SIMILAR EXECUTIVE OF
45 A MEMBER BOARD.

1 3. A MEMBER OF THE PUBLIC APPOINTED TO A MEMBER BOARD.
2 E. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR
3 YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS MEETING TO ADDRESS SUCH
4 MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION, INCLUDING THE ELECTION OF
5 OFFICERS. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL A
6 MEETING ON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.
7 F. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE COMMISSION TO
8 BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.
9 G. EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE INTERSTATE
10 COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF COMMISSIONERS SHALL
11 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM
12 IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION. A COMMISSIONER SHALL
13 NOT DELEGATE A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS
14 COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY FOR A SPECIFIED
15 MEETING TO ANOTHER PERSON FROM THAT STATE WHO MEETS THE REQUIREMENTS OF
16 SUBSECTION D OF THIS SECTION.
17 H. THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF ALL
18 MEETINGS, AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE INTERSTATE
19 COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PART, IF IT DETERMINES BY A
20 TWO-THIRDS VOTE OF THE COMMISSIONERS PRESENT THAT AN OPEN MEETING WOULD BE
21 LIKELY TO DO ANY OF THE FOLLOWING:
22 1. RELATE SOLELY TO THE INTERNAL PERSONNEL PRACTICES AND PROCEDURES OF
23 THE INTERSTATE COMMISSION.
24 2. DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
25 STATUTE.
26 3. DISCUSS TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT
27 IS PRIVILEGED OR CONFIDENTIAL.
28 4. INVOLVE ACCUSING A PERSON OF A CRIME OR FORMALLY CENSURING A
29 PERSON.
30 5. DISCUSS INFORMATION OF A PERSONAL NATURE FOR WHICH DISCLOSURE WOULD
31 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.
32 6. DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
33 PURPOSES.
34 7. SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION OR OTHER
35 LEGAL PROCEEDING.
36 I. THE INTERSTATE COMMISSION SHALL KEEP MINUTES THAT SHALL FULLY
37 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
38 ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING A RECORD OF ANY ROLL CALL VOTES.
39 J. THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL
40 RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THIS COMPACT OR BY THE
41 COMMISSION'S RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.
42 K. THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE COMMITTEE,
43 WHICH SHALL INCLUDE OFFICERS, MEMBERS AND OTHERS AS DETERMINED BY THE BYLAWS.
44 THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF THE
45 INTERSTATE COMMISSION, WITH THE EXCEPTION OF RULEMAKING, DURING PERIODS WHEN

1 THE INTERSTATE COMMISSION IS NOT IN SESSION. WHEN ACTING ON BEHALF OF THE
2 INTERSTATE COMMISSION, THE EXECUTIVE COMMITTEE SHALL OVERSEE THE
3 ADMINISTRATION OF THIS COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE
4 PROVISIONS OF THIS COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES AS
5 NECESSARY.

6 L. THE INTERSTATE COMMISSION MAY ESTABLISH OTHER COMMITTEES FOR
7 GOVERNANCE AND ADMINISTRATION OF THIS COMPACT.

8 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

9 THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

10 1. OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT.

11 2. PROMULGATE RULES THAT ARE BINDING TO THE EXTENT AND IN THE MANNER
12 PROVIDED FOR IN THIS COMPACT.

13 3. ISSUE, ON THE REQUEST OF A MEMBER STATE OR MEMBER BOARD, ADVISORY
14 OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THIS COMPACT, ITS
15 BYLAWS, RULES AND ACTIONS.

16 4. ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES PROMULGATED
17 BY THE INTERSTATE COMMISSION AND THE BYLAWS, USING ALL NECESSARY AND PROPER
18 MEANS, INCLUDING THE USE OF JUDICIAL PROCESS.

19 5. ESTABLISH AND APPOINT COMMITTEES, INCLUDING AN EXECUTIVE COMMITTEE
20 AS REQUIRED BY SECTION 11 OF THIS COMPACT, WHICH SHALL HAVE THE POWER TO ACT
21 ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES.

22 6. PAY, OR PROVIDE FOR THE PAYMENT OF, THE EXPENSES RELATED TO THE
23 ESTABLISHMENT, ORGANIZATION AND ONGOING ACTIVITIES OF THE INTERSTATE
24 COMMISSION.

25 7. ESTABLISH AND MAINTAIN ONE OR MORE OFFICES.

26 8. BORROW, ACCEPT, HIRE OR CONTRACT FOR SERVICES OF PERSONNEL.

27 9. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

28 10. EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH POWERS TO EMPLOY,
29 SELECT OR APPOINT EMPLOYEES, AGENTS OR CONSULTANTS AND TO DETERMINE THEIR
30 QUALIFICATIONS, DEFINE THEIR DUTIES AND FIX THEIR COMPENSATION.

31 11. ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF
32 INTEREST, RATES OF COMPENSATION AND QUALIFICATIONS OF PERSONNEL.

33 12. ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,
34 MATERIALS AND SERVICES AND RECEIVE, UTILIZE AND DISPOSE OF THESE IN A MANNER
35 CONSISTENT WITH THE CONFLICT OF INTEREST POLICIES ESTABLISHED BY THE
36 INTERSTATE COMMISSION.

37 13. LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
38 OTHERWISE OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL, OR MIXED.

39 14. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
40 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

41 15. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

42 16. ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION OF
43 THE INTERSTATE COMMISSION.

44 17. REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE MEMBER
45 STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE

1 PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF FINANCIAL AUDITS
2 AND ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
3 COMMISSION.

4 18. COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING THE
5 COMPACT AND ITS IMPLEMENTATION AND OPERATION.

6 19. MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS.

7 20. SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS AND PATENTS.

8 21. PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
9 ACHIEVE THE PURPOSES OF THIS COMPACT.

10 SECTION 13. FINANCE POWERS

11 A. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
12 ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND
13 ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF. THE TOTAL ASSESSMENT
14 MUST BE SUFFICIENT TO COVER THE ANNUAL BUDGET APPROVED EACH YEAR FOR WHICH
15 REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT
16 AMOUNT SHALL BE ALLOCATED ON A FORMULA TO BE DETERMINED BY THE INTERSTATE
17 COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER STATES.

18 B. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
19 BEFORE SECURING THE FUNDS ADEQUATE TO MEET THE SAME.

20 C. THE INTERSTATE COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY OF THE
21 MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE MEMBER STATE.

22 D. THE INTERSTATE COMMISSION SHALL BE SUBJECT TO A YEARLY FINANCIAL
23 AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT
24 OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE INTERSTATE
25 COMMISSION.

26 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

27 A. THE INTERSTATE COMMISSION, BY A MAJORITY OF COMMISSIONERS PRESENT
28 AND VOTING, SHALL ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR
29 APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS COMPACT WITHIN TWELVE MONTHS
30 AFTER THE FIRST INTERSTATE COMMISSION MEETING.

31 B. THE INTERSTATE COMMISSION SHALL ELECT OR APPOINT ANNUALLY FROM
32 AMONG ITS COMMISSIONERS A CHAIRPERSON, A VICE CHAIRPERSON AND A TREASURER,
33 EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE
34 BYLAWS. THE CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE
35 VICE CHAIRPERSON SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.

36 C. OFFICERS SELECTED PURSUANT TO SUBSECTION B OF THIS SECTION SHALL
37 SERVE WITHOUT REMUNERATION FROM THE INTERSTATE COMMISSION.

38 D. THE OFFICERS AND EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE
39 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
40 CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR
41 OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF, OR RELATING TO, AN ACTUAL OR
42 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
43 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE
44 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, EXCEPT THAT SUCH A PERSON
45 SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR

1 LIABILITY CAUSED BY THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT
2 AS FOLLOWS:

3 1. THE LIABILITY OF THE EXECUTIVE DIRECTOR AND AN EMPLOYEE OF THE
4 INTERSTATE COMMISSION OR A REPRESENTATIVE OF THE INTERSTATE COMMISSION,
5 ACTING WITHIN THE SCOPE OF THAT PERSON'S EMPLOYMENT OR DUTIES FOR ACTS,
6 ERRORS OR OMISSIONS OCCURRING WITHIN THAT PERSON'S STATE, MAY NOT EXCEED THE
7 LIMITS OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE
8 FOR STATE OFFICIALS, EMPLOYEES AND AGENTS. THE INTERSTATE COMMISSION IS
9 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF ANY
10 SUCH ACTION. THIS SUBSECTION DOES NOT PROTECT SUCH A PERSON FROM SUIT OR
11 LIABILITY FOR DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE PERSON'S
12 INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

13 2. THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR AND
14 THE COMMISSION'S EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY
15 GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY
16 AN INTERSTATE COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH AN INTERSTATE
17 COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY
18 ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
19 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
20 RESPONSIBILITIES OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING
21 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
22 RESPONSIBILITIES, IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT
23 RESULT FROM THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

24 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, THE MEMBER STATE
25 OR THE INTERSTATE COMMISSION, A REPRESENTATIVE OR EMPLOYEE OF THE INTERSTATE
26 COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT,
27 INCLUDING ATTORNEY FEES AND COSTS, OBTAINED AGAINST THAT PERSON ARISING OUT
28 OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE
29 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES OR THAT THE
30 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
31 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE ACTUAL
32 OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE PERSON'S
33 INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

34 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

35 A. THE INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
36 ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT.
37 NOTWITHSTANDING THE FOREGOING, IF THE INTERSTATE COMMISSION EXERCISES ITS
38 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF
39 THIS COMPACT, OR THE POWERS GRANTED HEREUNDER, SUCH AN ACTION BY THE
40 INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

41 B. RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE INTERSTATE
42 COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTANTIALLY
43 CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT OF 2010, AND
44 SUBSEQUENT AMENDMENTS THERETO.

1 C. NOT LATER THAN THIRTY DAYS AFTER A RULE IS PROMULGATED, ANY PERSON
2 MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE IN THE UNITED STATES
3 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
4 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, PROVIDED THAT THE FILING OF
5 SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING
6 EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL
7 LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE
8 INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE
9 RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE
10 AUTHORITY GRANTED TO THE INTERSTATE COMMISSION.

11 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

12 A. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
13 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL TAKE ALL
14 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
15 INTENT. THE PROVISIONS OF THE COMPACT AND THE RULES PROMULGATED UNDER THE
16 COMPACT SHALL HAVE STANDING AS STATUTORY LAW BUT SHALL NOT OVERRIDE EXISTING
17 STATE AUTHORITY TO REGULATE THE PRACTICE OF MEDICINE.

18 B. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES
19 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO
20 THE SUBJECT MATTER OF THE COMPACT THAT MAY AFFECT THE POWERS,
21 RESPONSIBILITIES OR ACTIONS OF THE INTERSTATE COMMISSION.

22 C. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE
23 OF PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN THE
24 PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE
25 INTERSTATE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE
26 INTERSTATE COMMISSION, THE COMPACT OR PROMULGATED RULES.

27 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

28 A. THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
29 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

30 B. THE INTERSTATE COMMISSION, BY MAJORITY VOTE OF THE COMMISSIONERS,
31 MAY INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE
32 DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION, IN
33 THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL
34 OFFICES TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND ITS
35 PROMULGATED RULES AND BYLAWS AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF
36 SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL
37 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF
38 SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

39 C. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
40 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF OF ANY
41 OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

42 SECTION 18. DEFAULT PROCEDURES

43 A. THE GROUNDS FOR DEFAULT INCLUDE FAILURE OF A MEMBER STATE TO
44 PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES IMPOSED ON IT BY THIS COMPACT OR

1 THE RULES AND BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THIS
2 COMPACT.

3 B. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS
4 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER
5 THIS COMPACT OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE COMMISSION
6 SHALL:

7 1. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
8 STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING THE DEFAULT AND ANY
9 ACTION TAKEN BY THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION SHALL
10 SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT.

11 2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
12 REGARDING THE DEFAULT.

13 C. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE DEFAULTING
14 STATE SHALL BE TERMINATED FROM THIS COMPACT ON AN AFFIRMATIVE VOTE OF A
15 MAJORITY OF THE COMMISSIONERS, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS
16 CONFERRED BY THIS COMPACT SHALL TERMINATE ON THE EFFECTIVE DATE OF
17 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
18 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

19 D. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE IMPOSED ONLY
20 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF
21 INTENT TO TERMINATE SHALL BE GIVEN BY THE INTERSTATE COMMISSION TO THE
22 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
23 LEGISLATURE AND EACH OF THE MEMBER STATES.

24 E. THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND PROCEDURES TO
25 ADDRESS LICENSES AND PHYSICIANS THAT ARE MATERIALLY IMPACTED BY THE
26 TERMINATION OF A MEMBER STATE OR THE WITHDRAWAL OF A MEMBER STATE.

27 F. THE MEMBER STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
28 DUES, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
29 TERMINATION, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND
30 THE EFFECTIVE DATE OF TERMINATION.

31 G. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO ANY
32 STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM
33 THIS COMPACT, UNLESS OTHERWISE MUTUALLY AGREED ON IN WRITING BETWEEN THE
34 INTERSTATE COMMISSION AND THE DEFAULTING STATE.

35 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE
36 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
37 OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS
38 PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
39 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

40 SECTION 19. DISPUTE RESOLUTION

41 A. THE INTERSTATE COMMISSION SHALL ATTEMPT, ON THE REQUEST OF A MEMBER
42 STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO THIS COMPACT AND THAT MAY
43 ARISE AMONG MEMBER STATES OR MEMBER BOARDS.

44 B. THE INTERSTATE COMMISSION SHALL PROMULGATE RULES PROVIDING FOR BOTH
45 MEDIATION AND BINDING DISPUTE RESOLUTION AS APPROPRIATE.

1 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

2 A. ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THIS COMPACT.

3 B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING ON LEGISLATIVE
4 ENACTMENT OF THIS COMPACT INTO LAW BY NO LESS THAN SEVEN STATES. THEREAFTER,
5 IT SHALL BECOME EFFECTIVE AND BINDING ON A STATE ON ENACTMENT OF THIS COMPACT
6 INTO LAW BY THAT STATE.

7 C. THE GOVERNORS OF NONMEMBER STATES, OR THEIR DESIGNEES, SHALL BE
8 INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A
9 NONVOTING BASIS BEFORE ADOPTION OF THIS COMPACT BY ALL STATES.

10 D. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THIS COMPACT
11 FOR ENACTMENT BY THE MEMBER STATES. AN AMENDMENT SHALL NOT BECOME EFFECTIVE
12 AND BINDING ON THE INTERSTATE COMMISSION AND THE MEMBER STATES UNLESS AND
13 UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

14 SECTION 21. WITHDRAWAL

15 A. ONCE EFFECTIVE, THIS COMPACT SHALL CONTINUE IN FORCE AND REMAIN
16 BINDING ON EACH AND EVERY MEMBER STATE, EXCEPT THAT A MEMBER STATE MAY
17 WITHDRAW FROM THIS COMPACT BY SPECIFICALLY REPEALING THE STATUTE THAT ENACTED
18 THIS COMPACT INTO LAW.

19 B. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE
20 REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL ONE YEAR AFTER THE
21 EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS
22 BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER
23 STATE.

24 C. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF
25 THE INTERSTATE COMMISSION IN WRITING ON THE INTRODUCTION OF LEGISLATION
26 REPEALING THIS COMPACT IN THE WITHDRAWING STATE.

27 D. THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES OF
28 THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT
29 OF NOTICE PROVIDED UNDER SUBSECTION C OF THIS SECTION.

30 E. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES, OBLIGATIONS AND
31 LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF WITHDRAWAL, INCLUDING
32 OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF
33 WITHDRAWAL.

34 F. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR ON
35 THE WITHDRAWING STATE REENACTING THIS COMPACT OR ON SUCH LATER DATE AS
36 DETERMINED BY THE INTERSTATE COMMISSION.

37 G. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS
38 THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE ON LICENSES GRANTED IN OTHER
39 MEMBER STATES TO PHYSICIANS WHO DESIGNATED THE WITHDRAWING MEMBER STATE AS
40 THE STATE OF PRINCIPAL LICENSE.

41 SECTION 22. DISSOLUTION

42 A. THIS COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE WITHDRAWAL
43 OR DEFAULT OF THE MEMBER STATE THAT REDUCES THE MEMBERSHIP IN THE COMPACT TO
44 ONE MEMBER STATE.

1 B. ON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES VOID AND
2 SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND AFFAIRS OF THE
3 INTERSTATE COMMISSION SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE
4 DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

5 SECTION 23. SEVERABILITY AND CONSTRUCTION

6 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY
7 PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING
8 PROVISIONS OF THIS COMPACT SHALL BE ENFORCEABLE.

9 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO
10 EFFECTUATE ITS PURPOSES.

11 C. THIS COMPACT SHALL NOT BE CONSTRUED TO PROHIBIT THE APPLICABILITY
12 OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

13 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

14 A. NOTHING IN THIS COMPACT PREVENTS THE ENFORCEMENT OF ANY OTHER LAW
15 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

16 B. ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THIS COMPACT ARE
17 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

18 C. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL
19 RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE MEMBER
20 STATES.

21 D. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER
22 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

23 E. IF ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS
24 IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH PROVISION SHALL BE
25 INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL PROVISION
26 IN QUESTION IN THAT MEMBER STATE.

27 32-3242. Subpoenas from member boards or courts in member
28 states

29 A SUBPOENA ISSUED PURSUANT TO SECTION 32-3241, SECTION 9 FOR THE
30 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM THIS
31 STATE SHALL BE ENFORCED BY ANY COURT OF COMPETENT JURISDICTION IN THIS STATE
32 ACCORDING TO THAT COURT'S PRACTICE AND PROCEDURE IN CONSIDERING SUBPOENAS
33 ISSUED IN THE COURT'S OWN PROCEEDINGS.

34 32-3243. Participation in compact as condition of employment:
35 prohibition

36 AN EMPLOYER MAY NOT REQUIRE A PHYSICIAN TO SEEK LICENSURE THROUGH THE
37 MEDICAL LICENSURE COMPACT ENACTED BY SECTION 32-3241 AS A CONDITION OF
38 INITIAL OR CONTINUED EMPLOYMENT AS AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN IN
39 THIS STATE. AN EMPLOYER MAY REQUIRE THAT A PHYSICIAN OBTAIN AND MAINTAIN A
40 LICENSE TO PRACTICE ALLOPATHIC OR OSTEOPATHIC MEDICINE IN MULTIPLE STATES, IF
41 THE PHYSICIAN IS FREE TO OBTAIN AND MAINTAIN THE LICENSES BY ANY MEANS
42 AUTHORIZED BY THE LAWS OF THE RESPECTIVE STATES.

1 32-3244. Open meeting requirements

2 IF A MEETING, OR A PORTION OF A MEETING, OF THE INTERSTATE COMMISSION
3 IS CLOSED PURSUANT TO SECTION 32-3241, SECTION 11, SUBSECTION H, THE
4 COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE
5 CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION CONSISTENT WITH
6 TITLE 38, CHAPTER 3, ARTICLE 3.1. THE COMMISSION SHALL KEEP MINUTES THAT
7 FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN THE MEETING AND SHALL
8 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN AND THE REASONS FOR
9 THOSE ACTIONS, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS
10 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN THESE MINUTES.
11 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL,
12 SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR AN ORDER OF A
13 COURT OF COMPETENT JURISDICTION.

14 32-3245. Arizona medical board; Arizona board of osteopathic
15 examiners in medicine and surgery; notice of
16 commission actions; expenditure of certain monies
17 prohibited

18 THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC
19 EXAMINERS IN MEDICINE AND SURGERY:

20 1. WITHIN THIRTY DAYS AFTER AN INTERSTATE COMMISSION ACTION SHALL POST
21 ON THE BOARD'S PUBLIC WEBSITE NOTICE OF ANY COMMISSION ACTION THAT MAY AFFECT
22 A PHYSICIAN'S LICENSE.

23 2. MAY NOT SPEND ANY MONIES RECEIVED FROM PHYSICIANS OR APPLICANTS FOR
24 LICENSURE WHO ARE NOT APPLYING FOR LICENSURE THROUGH THIS COMPACT ON ANY
25 ACTIVITIES, OBLIGATIONS OR DUTIES REQUIRED BY THIS COMPACT.

26 32-3246. Conditional repeal; notification; withdrawal from
27 compact; request for review

28 A. THIS ARTICLE IS REPEALED IF EITHER OF THE FOLLOWING OCCURS:

29 1. THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION CREATED
30 PURSUANT TO SECTION 32-3241, SECTION 11 ISSUES A RULE OR DECISION THAT WOULD
31 CHANGE THE SCOPE OF PRACTICE OF OR THE DEFINITION OF UNPROFESSIONAL CONDUCT
32 FOR A PHYSICIAN LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE
33 INCONSISTENT WITH TITLE 36, CHAPTER 20, ARTICLE 1 OR ANY OTHER STATUTE
34 RELATING TO ABORTION AS DEFINED IN SECTION 36-2151.

35 2. A COURT ISSUES A RULING RELATING TO THE ENFORCEMENT OF THE MEDICAL
36 LICENSURE COMPACT ENACTED BY SECTION 32-3241 THAT WOULD CHANGE THE SCOPE OF
37 PRACTICE OF OR THE DEFINITION OF UNPROFESSIONAL CONDUCT FOR A PHYSICIAN
38 LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE INCONSISTENT WITH TITLE
39 36, CHAPTER 20, ARTICLE 1 OR ANY OTHER STATUTE RELATING TO ABORTION AS
40 DEFINED IN SECTION 36-2151.

41 B. THE ATTORNEY GENERAL SHALL NOTIFY IN WRITING THE DIRECTOR OF THE
42 ARIZONA LEGISLATIVE COUNCIL OF THE DATE ON WHICH EITHER OF THE ACTIONS
43 DESCRIBED IN SUBSECTION A OF THIS SECTION OCCURS.

44 C. THE REPEAL OF THIS ARTICLE PURSUANT TO THIS SECTION CONSTITUTES
45 THIS STATE'S IMMEDIATE WITHDRAWAL FROM THE MEDICAL LICENSURE COMPACT ENACTED

1 BY SECTION 32-3241. THE ATTORNEY GENERAL SHALL SEND WRITTEN NOTIFICATION TO
2 THE GOVERNOR OF EACH OTHER STATE THAT HAS ENACTED THIS COMPACT.

3 D. ANY RESIDENT OF THIS STATE OR MEMBER OF THE LEGISLATURE MAY REQUEST
4 IN WRITING THAT THE ATTORNEY GENERAL REVIEW THE ACTIONS OF THE INTERSTATE
5 MEDICAL LICENSURE COMPACT COMMISSION OR A COURT RULING RELATING TO THE
6 ENFORCEMENT OF THE MEDICAL LICENSURE COMPACT ENACTED BY SECTION 32-3241
7 CONSISTENT WITH THIS SECTION.

8 Sec. 5. Arizona medical board; Arizona board of osteopathic
9 examiners in medicine and surgery; expedited
10 licensure; report; delayed repeal

11 A. The Arizona medical board and the Arizona board of osteopathic
12 examiners in medicine and surgery shall each create a proposal for the
13 expedited licensure of a physician who is licensed in at least one other
14 state, whose license is in good standing and who chooses to not be licensed
15 through the medical licensure compact established by title 32, chapter 32,
16 article 3, Arizona Revised Statutes, as added by this act. The proposals
17 shall include recommended statutory changes to implement expedited licensure.
18 On or before December 1, 2017, each board shall submit a report to the senate
19 health and human services committee and the house of representatives health
20 committee, or their successor committees, for review.

21 B. This section is repealed from and after September 30, 2018.

22 Sec. 6. Rulemaking exemption

23 For the purposes of sections 32-1438 and 32-1834, Arizona Revised
24 Statutes, as added by this act, the Arizona medical board and Arizona board
25 of osteopathic examiners in medicine and surgery are exempt from the
26 rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for
27 one year after the effective date of this act.

28 Sec. 7. Appropriation; Arizona medical board; licensure;
29 exemption

30 A. The sum of \$50,000 and 3 FTE positions are appropriated from the
31 Arizona medical board fund established by section 32-1406, Arizona Revised
32 Statutes, in fiscal year 2016-2017 to the Arizona medical board for
33 licensure.

34 B. The appropriation made in subsection A of this section is exempt
35 from the provisions of section 35-190, Arizona Revised Statutes, relating to
36 lapsing of appropriations.