

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

HOUSE BILL 2502

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;
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. Title 32, chapter 32, Arizona Revised Statutes, is amended
3 by adding article 3, to read:

4 ARTICLE 3. MEDICAL LICENSURE COMPACT

5 32-3241. Medical licensure compact

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

7 SECTION 1. PURPOSE

8 IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION OF THE
9 ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER STATES OF THE INTERSTATE
10 MEDICAL LICENSURE COMPACT HAVE ALLIED IN COMMON PURPOSE TO DEVELOP A
11 COMPREHENSIVE PROCESS THAT COMPLEMENTS THE EXISTING LICENSING AND REGULATORY
12 AUTHORITY OF STATE MEDICAL BOARDS AND PROVIDES A STREAMLINED PROCESS THAT
13 ALLOWS PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES, THEREBY ENHANCING
14 THE PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE SAFETY OF PATIENTS.
15 THIS COMPACT CREATES ANOTHER PATHWAY FOR LICENSURE AND DOES NOT OTHERWISE
16 CHANGE A STATE'S EXISTING MEDICAL PRACTICE ACT. THIS COMPACT ALSO ADOPTS THE
17 PREVAILING STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF MEDICINE
18 OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE PHYSICIAN-PATIENT
19 ENCOUNTER, AND THEREFORE, REQUIRES THE PHYSICIAN TO BE UNDER THE JURISDICTION
20 OF THE STATE MEDICAL BOARD WHERE THE PATIENT IS LOCATED. STATE MEDICAL BOARDS
21 THAT PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO IMPOSE AN ADVERSE
22 ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN THAT STATE ISSUED TO A
23 PHYSICIAN THROUGH THE PROCEDURES IN THE COMPACT.

24 SECTION 2. DEFINITIONS

25 AS USED IN THIS COMPACT:

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

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

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

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

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

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

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

1 8. "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER STATE THAT ACTS IN
2 THE SOVEREIGN INTERESTS OF THE STATE BY PROTECTING THE PUBLIC THROUGH
3 LICENSURE, REGULATION AND EDUCATION OF PHYSICIANS AS DIRECTED BY THE STATE
4 GOVERNMENT.

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

6 10. "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR OR CRIME OF MORAL
7 TURPITUDE.

8 11. "PHYSICIAN" MEANS ANY PERSON WHO:

9 (a) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE LIAISON
10 COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON OSTEOPATHIC COLLEGE
11 ACCREDITATION OR A MEDICAL SCHOOL LISTED IN THE INTERNATIONAL MEDICAL
12 EDUCATION DIRECTORY OR ITS EQUIVALENT.

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

18 (c) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION APPROVED BY THE
19 ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN
20 OSTEOPATHIC ASSOCIATION.

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

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

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

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

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

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

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

41 13. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION
42 PROMULGATED PURSUANT TO SECTION 12 OF THIS COMPACT THAT IS OF GENERAL
43 APPLICABILITY, THAT IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR
44 PROVISION OF THIS COMPACT OR AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE
45 REQUIREMENT OF THE INTERSTATE COMMISSION, AND THAT HAS THE FORCE AND EFFECT

1 OF STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL OR
2 SUSPENSION OF AN EXISTING RULE.

3 14. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
4 THE UNITED STATES.

5 15. "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE WHERE A
6 PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND THAT HAS BEEN DESIGNATED
7 AS SUCH BY THE PHYSICIAN FOR PURPOSES OF REGISTRATION AND PARTICIPATION IN
8 THE COMPACT.

9 SECTION 3. ELIGIBILITY

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

13 B. A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 2,
14 PARAGRAPH 11 OF THIS COMPACT MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A
15 MEMBER STATE IF THE INDIVIDUAL COMPLIES WITH ALL LAWS AND REQUIREMENTS, OTHER
16 THAN THE COMPACT, RELATING TO THE ISSUANCE OF A LICENSE TO PRACTICE MEDICINE
17 IN THAT STATE.

18 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

19 A. A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF
20 PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR EXPEDITED LICENSURE
21 THROUGH THE COMPACT IF THE PHYSICIAN POSSESSES A FULL AND UNRESTRICTED
22 LICENSE TO PRACTICE MEDICINE IN THAT STATE AND THE STATE IS ONE OF THE
23 FOLLOWING:

- 24 1. THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN.
- 25 2. THE STATE WHERE AT LEAST TWENTY-FIVE PERCENT OF THE PHYSICIAN'S
26 PRACTICE OF MEDICINE OCCURS.
- 27 3. THE LOCATION OF THE PHYSICIAN'S EMPLOYER.
- 28 4. IF NO STATE QUALIFIES UNDER PARAGRAPH 1, 2 OR 3 OF THIS SUBSECTION,
29 THE STATE DESIGNATED AS STATE OF RESIDENCE FOR PURPOSE OF FEDERAL INCOME TAX.

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

33 C. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO
34 FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF PRINCIPAL
35 LICENSE.

36 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

1 1. STATIC QUALIFICATIONS, WHICH INCLUDE VERIFICATION OF MEDICAL
2 EDUCATION, GRADUATE MEDICAL EDUCATION, RESULTS OF ANY MEDICAL OR LICENSING
3 EXAMINATION AND OTHER QUALIFICATIONS AS DETERMINED BY THE INTERSTATE
4 COMMISSION THROUGH RULE, SHALL NOT BE SUBJECT TO ADDITIONAL PRIMARY SOURCE
5 VERIFICATION WHERE ALREADY PRIMARY SOURCE VERIFIED BY THE STATE OF PRINCIPAL
6 LICENSE.

7 2. THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF
8 PRINCIPAL LICENSE IN THE COURSE OF VERIFYING ELIGIBILITY SHALL PERFORM A
9 CRIMINAL BACKGROUND CHECK OF AN APPLICANT, INCLUDING THE USE OF THE RESULTS
10 OF FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS
11 OF THE FEDERAL BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF FEDERAL
12 EMPLOYEES WHO HAVE SUITABILITY DETERMINATION IN ACCORDANCE WITH 5 CODE OF
13 FEDERAL REGULATIONS SECTION 731.202.

14 3. APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL BE MADE TO THE
15 MEMBER STATE WHERE THE APPLICATION WAS FILED AND SHALL BE SUBJECT TO THE LAW
16 OF THAT STATE.

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

22 D. AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER SUBSECTION B OF
23 THIS SECTION AND PAYMENT OF ANY FEES UNDER SUBSECTION C OF THIS SECTION, A
24 MEMBER BOARD SHALL ISSUE AN EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE
25 SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING STATE
26 CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL APPLICABLE LAWS AND
27 REGULATIONS OF THE ISSUING MEMBER BOARD AND MEMBER STATE.

28 E. AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD CONSISTENT WITH
29 THE LICENSURE PERIOD IN THE MEMBER STATE AND IN THE SAME MANNER AS REQUIRED
30 FOR OTHER PHYSICIANS HOLDING A FULL AND UNRESTRICTED LICENSE WITHIN THE
31 MEMBER STATE.

32 F. AN EXPEDITED LICENSE OBTAINED THROUGH THE COMPACT SHALL BE
33 TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN THE STATE OF
34 PRINCIPAL LICENSE FOR A NONDISCIPLINARY REASON, WITHOUT REDESIGNATION OF A
35 NEW STATE OF PRINCIPAL LICENSE.

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

39 SECTION 6. FEES FOR EXPEDITED LICENSURE

40 A. A MEMBER STATE ISSUING AN EXPEDITED LICENSE AUTHORIZING THE
41 PRACTICE OF MEDICINE IN THAT STATE MAY IMPOSE A FEE FOR A LICENSE ISSUED OR
42 RENEWED THROUGH THE COMPACT.

43 B. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES REGARDING
44 FEES FOR EXPEDITED LICENSES.

1 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

2 A. A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE GRANTED IN A
3 MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS WITH THE INTERSTATE COMMISSION
4 IF THE PHYSICIAN:

5 1. MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A STATE OF PRINCIPAL
6 LICENSE.

7 2. HAS NOT BEEN CONVICTED, RECEIVED ADJUDICATION, DEFERRED
8 ADJUDICATION OR COMMUNITY SUPERVISION OR DEFERRED DISPOSITION FOR ANY OFFENSE
9 BY A COURT OF APPROPRIATE JURISDICTION.

10 3. HAS NOT HAD A LICENSE AUTHORIZING THE PRACTICE OF MEDICINE SUBJECT
11 TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE, FEDERAL OR FOREIGN
12 JURISDICTION, EXCLUDING ANY ACTION RELATED TO NONPAYMENT OF FEES RELATED TO A
13 LICENSE.

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

16 B. PHYSICIANS SHALL COMPLY WITH ALL CONTINUING PROFESSIONAL
17 DEVELOPMENT OR CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR RENEWAL OF A
18 LICENSE ISSUED BY A MEMBER STATE.

19 C. THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL FEES CHARGED
20 FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES TO THE APPLICABLE MEMBER
21 BOARD.

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

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

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

28 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

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

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

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

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

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

6 SECTION 9. JOINT INVESTIGATIONS

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

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

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

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

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

21 SECTION 10. DISCIPLINARY ACTIONS

22 A. ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD AGAINST A
23 PHYSICIAN LICENSED THROUGH THIS COMPACT SHALL BE DEEMED UNPROFESSIONAL
24 CONDUCT THAT MAY BE SUBJECT TO DISCIPLINE BY OTHER MEMBER BOARDS, IN ADDITION
25 TO ANY VIOLATION OF THE MEDICAL PRACTICE ACT OR REGULATIONS IN THAT STATE.

26 B. IF A LICENSE GRANTED TO A PHYSICIAN BY THE MEMBER BOARD IN THE
27 STATE OF PRINCIPAL LICENSE IS REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF
28 DISCIPLINE, OR SUSPENDED, THEN ALL LICENSES ISSUED TO THE PHYSICIAN BY MEMBER
29 BOARDS SHALL AUTOMATICALLY BE PLACED, WITHOUT FURTHER ACTION NECESSARY BY ANY
30 MEMBER BOARD, ON THE SAME STATUS. IF THE MEMBER BOARD IN THE STATE OF
31 PRINCIPAL LICENSE SUBSEQUENTLY REINSTATES THE PHYSICIAN'S LICENSE, A LICENSE
32 ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD SHALL REMAIN ENCUMBERED
33 UNTIL THAT RESPECTIVE MEMBER BOARD TAKES ACTION TO REINSTATE THE LICENSE IN A
34 MANNER CONSISTENT WITH THE MEDICAL PRACTICE ACT OF THAT STATE.

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

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

40 2. PURSUE SEPARATE DISCIPLINARY ACTION AGAINST THE PHYSICIAN UNDER ITS
41 RESPECTIVE MEDICAL PRACTICE ACT, REGARDLESS OF THE ACTION TAKEN IN OTHER
42 MEMBER STATES.

43 D. IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD IS REVOKED,
44 SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, ANY LICENSE
45 ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD SHALL BE SUSPENDED,

1 AUTOMATICALLY AND IMMEDIATELY WITHOUT FURTHER ACTION NECESSARY BY THE OTHER
2 MEMBER BOARD, FOR NINETY DAYS ON ENTRY OF THE ORDER BY THE DISCIPLINING
3 BOARD, TO PERMIT THE MEMBER BOARD TO INVESTIGATE THE BASIS FOR THE ACTION
4 UNDER THE MEDICAL PRACTICE ACT OF THAT STATE. A MEMBER BOARD MAY TERMINATE
5 THE AUTOMATIC SUSPENSION OF THE LICENSE IT ISSUED BEFORE THE COMPLETION OF
6 THE NINETY-DAY SUSPENSION PERIOD IN A MANNER CONSISTENT WITH THE MEDICAL
7 PRACTICE ACT OF THAT STATE.

8 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

9 A. THE MEMBER STATES HEREBY CREATE THE INTERSTATE MEDICAL LICENSURE
10 COMPACT COMMISSION.

11 B. THE PURPOSE OF THE INTERSTATE COMMISSION IS THE ADMINISTRATION OF
12 THE INTERSTATE MEDICAL LICENSURE COMPACT, WHICH IS A DISCRETIONARY STATE
13 FUNCTION.

14 C. THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE AND JOINT
15 AGENCY OF THE MEMBER STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS
16 AND DUTIES SET FORTH IN THIS COMPACT, AND SUCH ADDITIONAL POWERS AS MAY BE
17 CONFERRED ON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE
18 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF THE
19 COMPACT.

20 D. THE INTERSTATE COMMISSION SHALL CONSIST OF TWO VOTING
21 REPRESENTATIVES APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE AS
22 COMMISSIONERS. IN STATES WHERE ALLOPATHIC AND OSTEOPATHIC PHYSICIANS ARE
23 REGULATED BY SEPARATE MEMBER BOARDS, OR IF THE LICENSING AND DISCIPLINARY
24 AUTHORITY IS SPLIT BETWEEN MULTIPLE MEMBER BOARDS WITHIN A MEMBER STATE, THE
25 MEMBER STATE SHALL APPOINT ONE REPRESENTATIVE FROM EACH MEMBER BOARD. A
26 COMMISSIONER SHALL BE ONE OF THE FOLLOWING:

- 27 1. AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO A MEMBER BOARD.
- 28 2. AN EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY OR SIMILAR EXECUTIVE OF
29 A MEMBER BOARD.
- 30 3. A MEMBER OF THE PUBLIC APPOINTED TO A MEMBER BOARD.

31 E. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR
32 YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS MEETING TO ADDRESS SUCH
33 MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION, INCLUDING THE ELECTION OF
34 OFFICERS. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL A
35 MEETING ON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.

36 F. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE COMMISSION TO
37 BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

38 G. EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE INTERSTATE
39 COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF COMMISSIONERS SHALL
40 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM
41 IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION. A COMMISSIONER SHALL
42 NOT DELEGATE A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS
43 COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY FOR A SPECIFIED
44 MEETING TO ANOTHER PERSON FROM THAT STATE WHO MEETS THE REQUIREMENTS OF
45 SUBSECTION D OF THIS SECTION.

1 H. THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF ALL
2 MEETINGS, AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE INTERSTATE
3 COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PART, IF IT DETERMINES BY A
4 TWO-THIRDS VOTE OF THE COMMISSIONERS PRESENT THAT AN OPEN MEETING WOULD BE
5 LIKELY TO DO ANY OF THE FOLLOWING:

6 1. RELATE SOLELY TO THE INTERNAL PERSONNEL PRACTICES AND PROCEDURES OF
7 THE INTERSTATE COMMISSION.

8 2. DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
9 STATUTE.

10 3. DISCUSS TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT
11 IS PRIVILEGED OR CONFIDENTIAL.

12 4. INVOLVE ACCUSING A PERSON OF A CRIME OR FORMALLY CENSURING A
13 PERSON.

14 5. DISCUSS INFORMATION OF A PERSONAL NATURE FOR WHICH DISCLOSURE WOULD
15 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

16 6. DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
17 PURPOSES.

18 7. SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION OR OTHER
19 LEGAL PROCEEDING.

20 I. THE INTERSTATE COMMISSION SHALL KEEP MINUTES THAT SHALL FULLY
21 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
22 ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING A RECORD OF ANY ROLL CALL VOTES.

23 J. THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL
24 RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THIS COMPACT OR BY THE
25 COMMISSION'S RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.

26 K. THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE COMMITTEE,
27 WHICH SHALL INCLUDE OFFICERS, MEMBERS AND OTHERS AS DETERMINED BY THE BYLAWS.
28 THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF THE
29 INTERSTATE COMMISSION, WITH THE EXCEPTION OF RULEMAKING, DURING PERIODS WHEN
30 THE INTERSTATE COMMISSION IS NOT IN SESSION. WHEN ACTING ON BEHALF OF THE
31 INTERSTATE COMMISSION, THE EXECUTIVE COMMITTEE SHALL OVERSEE THE
32 ADMINISTRATION OF THIS COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE
33 PROVISIONS OF THIS COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES AS
34 NECESSARY.

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

37 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

7 6. PAY, OR PROVIDE FOR THE PAYMENT OF, THE EXPENSES RELATED TO THE
8 ESTABLISHMENT, ORGANIZATION AND ONGOING ACTIVITIES OF THE INTERSTATE
9 COMMISSION.

10 7. ESTABLISH AND MAINTAIN ONE OR MORE OFFICES.

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

12 9. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

18 12. ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,
19 MATERIALS AND SERVICES AND RECEIVE, UTILIZE AND DISPOSE OF THESE IN A MANNER
20 CONSISTENT WITH THE CONFLICT OF INTEREST POLICIES ESTABLISHED BY THE
21 INTERSTATE COMMISSION.

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

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

26 15. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

27 16. ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION OF
28 THE INTERSTATE COMMISSION.

29 17. REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE MEMBER
30 STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE
31 PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF FINANCIAL AUDITS
32 AND ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
33 COMMISSION.

34 18. COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING THE
35 COMPACT AND ITS IMPLEMENTATION AND OPERATION.

36 19. MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS.

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

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

40 SECTION 13. FINANCE POWERS

41 A. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
42 ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND
43 ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF. THE TOTAL ASSESSMENT
44 MUST BE SUFFICIENT TO COVER THE ANNUAL BUDGET APPROVED EACH YEAR FOR WHICH
45 REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT

1 AMOUNT SHALL BE ALLOCATED ON A FORMULA TO BE DETERMINED BY THE INTERSTATE
2 COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER STATES.

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

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

7 D. THE INTERSTATE COMMISSION SHALL BE SUBJECT TO A YEARLY FINANCIAL
8 AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT
9 OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE INTERSTATE
10 COMMISSION.

11 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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

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

23 D. THE OFFICERS AND EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE
24 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
25 CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR
26 OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF, OR RELATING TO, AN ACTUAL OR
27 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
28 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE
29 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, EXCEPT THAT SUCH A PERSON
30 SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR
31 LIABILITY CAUSED BY THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT
32 AS FOLLOWS:

33 1. THE LIABILITY OF THE EXECUTIVE DIRECTOR AND AN EMPLOYEE OF THE
34 INTERSTATE COMMISSION OR A REPRESENTATIVE OF THE INTERSTATE COMMISSION,
35 ACTING WITHIN THE SCOPE OF THAT PERSON'S EMPLOYMENT OR DUTIES FOR ACTS,
36 ERRORS OR OMISSIONS OCCURRING WITHIN THAT PERSON'S STATE, MAY NOT EXCEED THE
37 LIMITS OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE
38 FOR STATE OFFICIALS, EMPLOYEES AND AGENTS. THE INTERSTATE COMMISSION IS
39 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF ANY
40 SUCH ACTION. THIS SUBSECTION DOES NOT PROTECT SUCH A PERSON FROM SUIT OR
41 LIABILITY FOR DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE PERSON'S
42 INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

43 2. THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR AND
44 THE COMMISSION'S EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY
45 GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY

1 AN INTERSTATE COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH AN INTERSTATE
2 COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY
3 ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
4 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
5 RESPONSIBILITIES OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING
6 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
7 RESPONSIBILITIES, IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT
8 RESULT FROM THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

9 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, THE MEMBER STATE
10 OR THE INTERSTATE COMMISSION, A REPRESENTATIVE OR EMPLOYEE OF THE INTERSTATE
11 COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT,
12 INCLUDING ATTORNEY FEES AND COSTS, OBTAINED AGAINST THAT PERSON ARISING OUT
13 OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE
14 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES OR THAT THE
15 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
16 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE ACTUAL
17 OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE PERSON'S
18 INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

19 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

20 A. THE INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
21 ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT.
22 NOTWITHSTANDING THE FOREGOING, IF THE INTERSTATE COMMISSION EXERCISES ITS
23 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF
24 THIS COMPACT, OR THE POWERS GRANTED HEREUNDER, SUCH AN ACTION BY THE
25 INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

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

30 C. NOT LATER THAN THIRTY DAYS AFTER A RULE IS PROMULGATED, ANY PERSON
31 MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE IN THE UNITED STATES
32 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
33 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, PROVIDED THAT THE FILING OF
34 SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING
35 EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL
36 LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE
37 INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE
38 RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE
39 AUTHORITY GRANTED TO THE INTERSTATE COMMISSION.

40 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

41 A. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
42 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL TAKE ALL
43 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
44 INTENT. THE PROVISIONS OF THE COMPACT AND THE RULES PROMULGATED UNDER THE

1 COMPACT SHALL HAVE STANDING AS STATUTORY LAW BUT SHALL NOT OVERRIDE EXISTING
2 STATE AUTHORITY TO REGULATE THE PRACTICE OF MEDICINE.

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

7 C. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE
8 OF PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN THE
9 PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE
10 INTERSTATE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE
11 INTERSTATE COMMISSION, THE COMPACT OR PROMULGATED RULES.

12 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

15 B. THE INTERSTATE COMMISSION, BY MAJORITY VOTE OF THE COMMISSIONERS,
16 MAY INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE
17 DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION, IN
18 THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL
19 OFFICES TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND ITS
20 PROMULGATED RULES AND BYLAWS AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF
21 SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL
22 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF
23 SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

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

27 SECTION 18. DEFAULT PROCEDURES

28 A. THE GROUNDS FOR DEFAULT INCLUDE FAILURE OF A MEMBER STATE TO
29 PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES IMPOSED ON IT BY THIS COMPACT OR
30 THE RULES AND BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THIS
31 COMPACT.

32 B. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS
33 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER
34 THIS COMPACT OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE COMMISSION
35 SHALL:

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

40 2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
41 REGARDING THE DEFAULT.

42 C. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE DEFAULTING
43 STATE SHALL BE TERMINATED FROM THIS COMPACT ON AN AFFIRMATIVE VOTE OF A
44 MAJORITY OF THE COMMISSIONERS, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS
45 CONFERRED BY THIS COMPACT SHALL TERMINATE ON THE EFFECTIVE DATE OF

1 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
2 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

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

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

11 F. THE MEMBER STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
12 DUES, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
13 TERMINATION, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND
14 THE EFFECTIVE DATE OF TERMINATION.

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

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

24 SECTION 19. DISPUTE RESOLUTION

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

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

30 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

32 B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING ON LEGISLATIVE
33 ENACTMENT OF THIS COMPACT INTO LAW BY NO LESS THAN SEVEN STATES. THEREAFTER,
34 IT SHALL BECOME EFFECTIVE AND BINDING ON A STATE ON ENACTMENT OF THIS COMPACT
35 INTO LAW BY THAT STATE.

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

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

43 SECTION 21. WITHDRAWAL

44 A. ONCE EFFECTIVE, THIS COMPACT SHALL CONTINUE IN FORCE AND REMAIN
45 BINDING ON EACH AND EVERY MEMBER STATE, EXCEPT THAT A MEMBER STATE MAY

1 WITHDRAW FROM THIS COMPACT BY SPECIFICALLY REPEALING THE STATUTE THAT ENACTED
2 THIS COMPACT INTO LAW.

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

8 C. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF
9 THE INTERSTATE COMMISSION IN WRITING ON THE INTRODUCTION OF LEGISLATION
10 REPEALING THIS COMPACT IN THE WITHDRAWING STATE.

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

14 E. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES, OBLIGATIONS AND
15 LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF WITHDRAWAL, INCLUDING
16 OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF
17 WITHDRAWAL.

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

21 G. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS
22 THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE ON LICENSES GRANTED IN OTHER
23 MEMBER STATES TO PHYSICIANS WHO DESIGNATED THE WITHDRAWING MEMBER STATE AS
24 THE STATE OF PRINCIPAL LICENSE.

25 SECTION 22. DISSOLUTION

26 A. THIS COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE WITHDRAWAL
27 OR DEFAULT OF THE MEMBER STATE THAT REDUCES THE MEMBERSHIP IN THE COMPACT TO
28 ONE MEMBER STATE.

29 B. ON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES VOID AND
30 SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND AFFAIRS OF THE
31 INTERSTATE COMMISSION SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE
32 DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

33 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

37 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO
38 EFFECTUATE ITS PURPOSES.

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

41 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

1 C. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL
2 RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE MEMBER
3 STATES.

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

6 E. IF ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS
7 IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH PROVISION SHALL BE
8 INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL PROVISION
9 IN QUESTION IN THAT MEMBER STATE.

10 ~~32-3242. Conditional repeal; notification; withdrawal from~~
11 ~~compact; request for review~~

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

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

19 2. A COURT ISSUES A RULING RELATING TO THE ENFORCEMENT OF THE MEDICAL
20 LICENSURE COMPACT ENACTED BY SECTION 32-3241 THAT WOULD CHANGE THE SCOPE OF
21 PRACTICE OF OR THE DEFINITION OF UNPROFESSIONAL CONDUCT FOR A PHYSICIAN
22 LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE INCONSISTENT WITH TITLE
23 36, CHAPTER 20, ARTICLE 1 OR ANY OTHER STATUTE RELATING TO ABORTION AS
24 DEFINED IN SECTION 36-2151.

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

28 C. THE REPEAL OF THIS ARTICLE PURSUANT TO THIS SECTION CONSTITUTES
29 THIS STATE'S IMMEDIATE WITHDRAWAL FROM THE MEDICAL LICENSURE COMPACT ENACTED
30 BY SECTION 32-3241. THE ATTORNEY GENERAL SHALL SEND WRITTEN NOTIFICATION TO
31 THE GOVERNOR OF EACH OTHER STATE THAT HAS ENACTED THIS COMPACT.

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