

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0498.02 Christy Chase x2008

HOUSE BILL 16-1047

HOUSE SPONSORSHIP

Buck and Winter,

SENATE SPONSORSHIP

Newell and Roberts,

House Committees

Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

Health & Human Services
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ADOPTION OF AN INTERSTATE COMPACT TO ALLOW**
102 **PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES**
103 **THROUGH AN EXPEDITED LICENSURE PROCESS, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill enacts and authorizes the governor to enter into an interstate compact with other states to recognize and allow physicians licensed in a compact member state to obtain an expedited license,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 14, 2016

HOUSE
Amended 2nd Reading
April 11, 2016

enabling them to practice medicine in Colorado or another member state.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 36 to article
3 60 of title 24 as follows:

4 PART 36

5 INTERSTATE MEDICAL LICENSURE COMPACT

6 **24-60-3601. Short title.** THE SHORT TITLE OF THIS PART 36 IS THE
7 "INTERSTATE MEDICAL LICENSURE COMPACT ACT".

8 **24-60-3602. Compact approved and ratified.** THE GENERAL
9 ASSEMBLY HEREBY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL
10 ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH
11 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING
12 THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

13 **INTERSTATE MEDICAL LICENSURE COMPACT**

14 **SECTION 1. PURPOSE**

15 IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION
16 OF THE ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER
17 STATES OF THE INTERSTATE MEDICAL LICENSURE COMPACT HAVE ALLIED
18 IN COMMON PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT
19 COMPLEMENTS THE EXISTING LICENSING AND REGULATORY AUTHORITY OF
20 STATE MEDICAL BOARDS, PROVIDES A STREAMLINED PROCESS THAT
21 ALLOWS PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES, THEREBY
22 ENHANCING THE PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE
23 SAFETY OF PATIENTS. THE COMPACT CREATES ANOTHER PATHWAY FOR
24 LICENSURE AND DOES NOT OTHERWISE CHANGE A STATE'S EXISTING
25 MEDICAL PRACTICE ACT. THE COMPACT ALSO ADOPTS THE PREVAILING

1 STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF MEDICINE
2 OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE
3 PHYSICIAN-PATIENT ENCOUNTER, AND THEREFORE, REQUIRES THE
4 PHYSICIAN TO BE UNDER THE JURISDICTION OF THE STATE MEDICAL BOARD
5 WHERE THE PATIENT IS LOCATED. STATE MEDICAL BOARDS THAT
6 PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO IMPOSE AN
7 ADVERSE ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN THAT
8 STATE ISSUED TO A PHYSICIAN THROUGH THE PROCEDURES IN THE
9 COMPACT.

10 **SECTION 2. DEFINITIONS**

11 IN THIS COMPACT:

12 (a) "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE
13 INTERSTATE COMMISSION PURSUANT TO SECTION 11 FOR ITS
14 GOVERNANCE, OR FOR DIRECTING AND CONTROLLING ITS ACTIONS AND
15 CONDUCT.

16 (b) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE
17 APPOINTED BY EACH MEMBER BOARD PURSUANT TO SECTION 11.

18 (c) "CONVICTION" MEANS A FINDING BY A COURT THAT AN
19 INDIVIDUAL IS GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION,
20 OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO THE CHARGE BY THE
21 OFFENDER. EVIDENCE OF AN ENTRY OF A CONVICTION OF A CRIMINAL
22 OFFENSE BY THE COURT SHALL BE CONSIDERED FINAL FOR PURPOSES OF
23 DISCIPLINARY ACTION BY A MEMBER BOARD.

24 (d) "EXPEDITED LICENSE" MEANS A FULL AND UNRESTRICTED
25 MEDICAL LICENSE GRANTED BY A MEMBER STATE TO AN ELIGIBLE
26 PHYSICIAN THROUGH THE PROCESS SET FORTH IN THE COMPACT.

27 (e) "INTERSTATE COMMISSION" MEANS THE INTERSTATE

1 COMMISSION CREATED PURSUANT TO SECTION 11.

2 (f) "LICENSE" MEANS AUTHORIZATION BY A STATE FOR A
3 PHYSICIAN TO ENGAGE IN THE PRACTICE OF MEDICINE, WHICH WOULD BE
4 UNLAWFUL WITHOUT THE AUTHORIZATION.

5 (g) "MEDICAL PRACTICE ACT" MEANS LAWS AND REGULATIONS
6 GOVERNING THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE
7 WITHIN A MEMBER STATE.

8 (h) "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER
9 STATE THAT ACTS IN THE SOVEREIGN INTERESTS OF THE STATE BY
10 PROTECTING THE PUBLIC THROUGH LICENSURE, REGULATION, AND
11 EDUCATION OF PHYSICIANS AS DIRECTED BY THE STATE GOVERNMENT.

12 (i) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
13 COMPACT.

14 (j) "PRACTICE OF MEDICINE" MEANS THE CLINICAL PREVENTION,
15 DIAGNOSIS, OR TREATMENT OF HUMAN DISEASE, INJURY, OR CONDITION
16 REQUIRING A PHYSICIAN TO OBTAIN AND MAINTAIN A LICENSE IN
17 COMPLIANCE WITH THE MEDICAL PRACTICE ACT OF A MEMBER STATE.

18 (k) "PHYSICIAN" MEANS ANY PERSON WHO:

19 (1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE
20 LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON
21 OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED
22 IN THE INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS
23 EQUIVALENT;

24 (2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL
25 LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE
26 OSTEOPATHIC MEDICAL LICENSING EXAMINATION (COMLEX-USA)
27 WITHIN THREE ATTEMPTS, OR ANY OF ITS PREDECESSOR EXAMINATIONS

1 ACCEPTED BY A STATE MEDICAL BOARD AS AN EQUIVALENT EXAMINATION
2 FOR LICENSURE PURPOSES;

3 (3) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION
4 APPROVED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL
5 EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

6 (4) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED
7 SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF
8 MEDICAL SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S
9 BUREAU OF OSTEOPATHIC SPECIALISTS;

10 (5) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN
11 THE PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

12 (6) HAS NEVER BEEN CONVICTED, RECEIVED ADJUDICATION,
13 DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED
14 DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE
15 JURISDICTION;

16 (7) HAS NEVER HELD A LICENSE AUTHORIZING THE PRACTICE OF
17 MEDICINE SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY
18 STATE, FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION
19 RELATED TO NON-PAYMENT OF FEES RELATED TO A LICENSE;

20 (8) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR
21 PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES
22 DRUG ENFORCEMENT ADMINISTRATION; AND

23 (9) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY
24 OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN
25 JURISDICTION.

26 (1) "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR, OR CRIME
27 OF MORAL TURPITUDE.

1 (m) "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE
2 COMMISSION PROMULGATED PURSUANT TO SECTION 12 OF THE COMPACT
3 THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS, OR
4 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT OR AN
5 ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF THE
6 INTERSTATE COMMISSION, AND HAS THE FORCE AND EFFECT OF
7 STATUTORY LAW IN A MEMBER STATE AND INCLUDES THE AMENDMENT,
8 REPEAL, OR SUSPENSION OF AN EXISTING RULE.

9 (n) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
10 TERRITORY OF THE UNITED STATES.

11 (o) "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE
12 WHERE A PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND WHICH
13 HAS BEEN DESIGNATED AS SUCH BY THE PHYSICIAN FOR PURPOSES OF
14 REGISTRATION AND PARTICIPATION IN THE COMPACT.

15 **SECTION 3. ELIGIBILITY**

16 (a) A PHYSICIAN MUST MEET THE ELIGIBILITY REQUIREMENTS AS
17 DEFINED IN SECTION 2(k) TO RECEIVE AN EXPEDITED LICENSE UNDER THE
18 TERMS AND PROVISIONS OF THE COMPACT.

19 (b) A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF
20 SECTION 2(k) MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A
21 MEMBER STATE IF THE INDIVIDUAL COMPLIES WITH ALL LAWS AND
22 REQUIREMENTS, OTHER THAN THE COMPACT, RELATING TO THE ISSUANCE
23 OF A LICENSE TO PRACTICE MEDICINE IN THAT STATE.

24 **SECTION 4. DESIGNATION OF STATE OF PRINCIPAL**
25 **LICENSE**

26 (a) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE
27 STATE OF PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR

1 EXPEDITED LICENSURE THROUGH THE COMPACT IF THE PHYSICIAN
2 POSSESSES A FULL AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN
3 THAT STATE, AND THE STATE IS:

- 4 (1) THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN, OR
- 5 (2) THE STATE WHERE AT LEAST 25% OF THE PRACTICE OF
6 MEDICINE OCCURS, OR
- 7 (3) THE LOCATION OF THE PHYSICIAN'S EMPLOYER, OR
- 8 (4) IF NO STATE QUALIFIES UNDER SUBSECTION (1), SUBSECTION
9 (2), OR SUBSECTION (3), THE STATE DESIGNATED AS STATE OF RESIDENCE
10 FOR PURPOSE OF FEDERAL INCOME TAX.

11 (b) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS STATE OF
12 PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE
13 REQUIREMENTS IN SUBSECTION (a).

14 (c) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP
15 RULES TO FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE
16 STATE OF PRINCIPAL LICENSE.

17 **SECTION 5. APPLICATION AND ISSUANCE OF**
18 **EXPEDITED LICENSURE**

19 (a) A PHYSICIAN SEEKING LICENSURE THROUGH THE COMPACT
20 SHALL FILE AN APPLICATION FOR AN EXPEDITED LICENSE WITH THE
21 MEMBER BOARD OF THE STATE SELECTED BY THE PHYSICIAN AS THE STATE
22 OF PRINCIPAL LICENSE.

23 (b) UPON RECEIPT OF AN APPLICATION FOR AN EXPEDITED LICENSE,
24 THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF
25 PRINCIPAL LICENSE SHALL EVALUATE WHETHER THE PHYSICIAN IS ELIGIBLE
26 FOR EXPEDITED LICENSURE AND ISSUE A LETTER OF QUALIFICATION,
27 VERIFYING OR DENYING THE PHYSICIAN'S ELIGIBILITY, TO THE INTERSTATE

1 COMMISSION.

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

9 (ii) THE MEMBER BOARD WITHIN THE STATE SELECTED AS
10 THE STATE OF PRINCIPAL LICENSE SHALL, IN THE COURSE OF VERIFYING
11 ELIGIBILITY, PERFORM A CRIMINAL BACKGROUND CHECK OF AN
12 APPLICANT, INCLUDING THE USE OF THE RESULTS OF FINGERPRINT OR
13 OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF
14 THE FEDERAL BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF
15 FEDERAL EMPLOYEES WHO HAVE SUITABILITY DETERMINATION IN
16 ACCORDANCE WITH U.S. 5 C.F.R. § 731.202.

17 (iii) APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL
18 BE MADE TO THE MEMBER STATE WHERE THE APPLICATION WAS FILED AND
19 SHALL BE SUBJECT TO THE LAW OF THAT STATE.

20 (c) UPON VERIFICATION IN SUBSECTION (b), PHYSICIANS ELIGIBLE
21 FOR AN EXPEDITED LICENSE SHALL COMPLETE THE REGISTRATION PROCESS
22 ESTABLISHED BY THE INTERSTATE COMMISSION TO RECEIVE A LICENSE IN
23 A MEMBER STATE SELECTED PURSUANT TO SUBSECTION (a), INCLUDING
24 THE PAYMENT OF ANY APPLICABLE FEES.

25 (d) AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER
26 SUBSECTION (b) AND ANY FEES UNDER SUBSECTION (c), A MEMBER BOARD
27 SHALL ISSUE AN EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE

1 SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING
2 STATE CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL
3 APPLICABLE LAWS AND REGULATIONS OF THE ISSUING MEMBER BOARD
4 AND MEMBER STATE.

5 (e) AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD
6 CONSISTENT WITH THE LICENSURE PERIOD IN THE MEMBER STATE AND IN
7 THE SAME MANNER AS REQUIRED FOR OTHER PHYSICIANS HOLDING A FULL
8 AND UNRESTRICTED LICENSE WITHIN THE MEMBER STATE.

9 (f) AN EXPEDITED LICENSE OBTAINED THROUGH THE COMPACT
10 SHALL BE TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN
11 THE STATE OF PRINCIPAL LICENSURE FOR A NON-DISCIPLINARY REASON,
12 WITHOUT REDESIGNATION OF A NEW STATE OF PRINCIPAL LICENSURE.

13 (g) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP
14 RULES REGARDING THE APPLICATION PROCESS, INCLUDING PAYMENT OF
15 ANY APPLICABLE FEES, AND THE ISSUANCE OF AN EXPEDITED LICENSE.

16 **SECTION 6. FEES FOR EXPEDITED LICENSURE**

17 (a) A MEMBER STATE ISSUING AN EXPEDITED LICENSE
18 AUTHORIZING THE PRACTICE OF MEDICINE IN THAT STATE MAY IMPOSE A
19 FEE FOR A LICENSE ISSUED OR RENEWED THROUGH THE COMPACT.

20 (b) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP
21 RULES REGARDING FEES FOR EXPEDITED LICENSES.

22 **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

23 (a) A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE
24 GRANTED IN A MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS
25 WITH THE INTERSTATE COMMISSION IF THE PHYSICIAN:

26 (1) MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A
27 STATE OF PRINCIPAL LICENSE;

1 (2) HAS NOT BEEN CONVICTED, RECEIVED ADJUDICATION,
2 DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED
3 DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE
4 JURISDICTION;

5 (3) HAS NOT HAD A LICENSE AUTHORIZING THE PRACTICE
6 OF MEDICINE SUBJECT TO DISCIPLINE BY A LICENSING AGENCY IN ANY
7 STATE, FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION
8 RELATED TO NON-PAYMENT OF FEES RELATED TO A LICENSE; AND

9 (4) HAS NOT HAD A CONTROLLED SUBSTANCE LICENSE OR
10 PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES
11 DRUG ENFORCEMENT ADMINISTRATION.

12 (b) PHYSICIANS SHALL COMPLY WITH ALL CONTINUING
13 PROFESSIONAL DEVELOPMENT OR CONTINUING MEDICAL EDUCATION
14 REQUIREMENTS FOR RENEWAL OF A LICENSE ISSUED BY A MEMBER STATE.

15 (c) THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL
16 FEES CHARGED FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES
17 TO THE APPLICABLE MEMBER BOARD.

18 (d) UPON RECEIPT OF ANY RENEWAL FEES COLLECTED IN
19 SUBSECTION (c), A MEMBER BOARD SHALL RENEW THE PHYSICIAN'S
20 LICENSE.

21 (e) PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE
22 COMMISSION DURING THE RENEWAL PROCESS WILL BE DISTRIBUTED TO
23 ALL MEMBER BOARDS.

24 (f) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP
25 RULES TO ADDRESS RENEWAL OF LICENSES OBTAINED THROUGH THE
26 COMPACT.

27 **SECTION 8. COORDINATED INFORMATION SYSTEM**

1 (a) THE INTERSTATE COMMISSION SHALL ESTABLISH A DATABASE
2 OF ALL PHYSICIANS LICENSED, OR WHO HAVE APPLIED FOR LICENSURE,
3 UNDER SECTION 5.

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

8 (c) MEMBER BOARDS SHALL REPORT DISCIPLINARY OR
9 INVESTIGATORY INFORMATION DETERMINED AS NECESSARY AND PROPER
10 BY RULE OF THE INTERSTATE COMMISSION.

11 (d) MEMBER BOARDS MAY REPORT ANY NON-PUBLIC COMPLAINT,
12 DISCIPLINARY, OR INVESTIGATORY INFORMATION NOT REQUIRED BY
13 SUBSECTION (c) TO THE INTERSTATE COMMISSION.

14 (e) MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY
15 INFORMATION ABOUT A PHYSICIAN UPON REQUEST OF ANOTHER MEMBER
16 BOARD.

17 (f) ALL INFORMATION PROVIDED TO THE INTERSTATE COMMISSION
18 OR DISTRIBUTED BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED
19 UNDER SEAL, AND USED ONLY FOR INVESTIGATORY OR DISCIPLINARY
20 MATTERS.

21 (g) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP
22 RULES FOR MANDATED OR DISCRETIONARY SHARING OF INFORMATION BY
23 MEMBER BOARDS.

24 **SECTION 9. JOINT INVESTIGATIONS**

25 (a) LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE
26 DEEMED INVESTIGATIVE.

27 (b) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER

1 BOARD BY ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE
2 STATE LAW, A MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER
3 BOARDS IN JOINT INVESTIGATIONS OF PHYSICIANS LICENSED BY THE
4 MEMBER BOARDS.

5 (c) A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE
6 ENFORCEABLE IN OTHER MEMBER STATES.

7 (d) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE,
8 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT
9 OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

10 (e) ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED
11 VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE
12 IN ANY OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO
13 PRACTICE MEDICINE.

14 **SECTION 10. DISCIPLINARY ACTIONS**

15 (a) ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD
16 AGAINST A PHYSICIAN LICENSED THROUGH THE COMPACT SHALL BE
17 DEEMED UNPROFESSIONAL CONDUCT THAT MAY BE SUBJECT TO DISCIPLINE
18 BY OTHER MEMBER BOARDS, IN ADDITION TO ANY VIOLATION OF THE
19 MEDICAL PRACTICE ACT OR REGULATIONS IN THAT STATE.

20 (b) IF A LICENSE GRANTED TO A PHYSICIAN BY THE MEMBER BOARD
21 IN THE STATE OF PRINCIPAL LICENSE IS REVOKED, SURRENDERED OR
22 RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, THEN ALL LICENSES
23 ISSUED TO THE PHYSICIAN BY MEMBER BOARDS SHALL AUTOMATICALLY
24 BE PLACED, WITHOUT FURTHER ACTION NECESSARY BY ANY MEMBER
25 BOARD, ON THE SAME STATUS. IF THE MEMBER BOARD IN THE STATE OF
26 PRINCIPAL LICENSE SUBSEQUENTLY REINSTATES THE PHYSICIAN'S LICENSE,
27 A LICENSE ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD

1 SHALL REMAIN ENCUMBERED UNTIL THAT RESPECTIVE MEMBER BOARD
2 TAKES ACTION TO REINSTATE THE LICENSE IN A MANNER CONSISTENT WITH
3 THE MEDICAL PRACTICE ACT OF THAT STATE.

4 (c) IF DISCIPLINARY ACTION IS TAKEN AGAINST A PHYSICIAN BY A
5 MEMBER BOARD NOT IN THE STATE OF PRINCIPAL LICENSE, ANY OTHER
6 MEMBER BOARD MAY DEEM THE ACTION CONCLUSIVE AS TO MATTER OF
7 LAW AND FACT DECIDED, AND:

8 (i) IMPOSE THE SAME OR LESSER SANCTION(S) AGAINST THE
9 PHYSICIAN SO LONG AS SUCH SANCTIONS ARE CONSISTENT WITH THE
10 MEDICAL PRACTICE ACT OF THAT STATE;

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

14 (d) IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD
15 IS REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR
16 SUSPENDED, THEN ANY LICENSE(S) ISSUED TO THE PHYSICIAN BY ANY
17 OTHER MEMBER BOARD(S) SHALL BE SUSPENDED, AUTOMATICALLY AND
18 IMMEDIATELY WITHOUT FURTHER ACTION NECESSARY BY THE OTHER
19 MEMBER BOARD(S), FOR NINETY (90) DAYS UPON ENTRY OF THE ORDER BY
20 THE DISCIPLINING BOARD, TO PERMIT THE MEMBER BOARD(S) TO
21 INVESTIGATE THE BASIS FOR THE ACTION UNDER THE MEDICAL PRACTICE
22 ACT OF THAT STATE. A MEMBER BOARD MAY TERMINATE THE AUTOMATIC
23 SUSPENSION OF THE LICENSE IT ISSUED PRIOR TO THE COMPLETION OF THE
24 NINETY (90) DAY SUSPENSION PERIOD IN A MANNER CONSISTENT WITH THE
25 MEDICAL PRACTICE ACT OF THAT STATE.

26 **SECTION 11. INTERSTATE MEDICAL LICENSURE**
27 **COMPACT COMMISSION**

1 (a) THE MEMBER STATES HEREBY CREATE THE "INTERSTATE
2 MEDICAL LICENSURE COMPACT COMMISSION".

3 (b) THE PURPOSE OF THE INTERSTATE COMMISSION IS THE
4 ADMINISTRATION OF THE INTERSTATE MEDICAL LICENSURE COMPACT,
5 WHICH IS A DISCRETIONARY STATE FUNCTION.

6 (c) THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE
7 AND JOINT AGENCY OF THE MEMBER STATES AND SHALL HAVE ALL THE
8 RESPONSIBILITIES, POWERS, AND DUTIES SET FORTH IN THE COMPACT, AND
9 SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY A
10 SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF
11 THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF THE COMPACT.

12 (d) THE INTERSTATE COMMISSION SHALL CONSIST OF TWO VOTING
13 REPRESENTATIVES APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE
14 AS COMMISSIONERS. IN STATES WHERE ALLOPATHIC AND OSTEOPATHIC
15 PHYSICIANS ARE REGULATED BY SEPARATE MEMBER BOARDS, OR IF THE
16 LICENSING AND DISCIPLINARY AUTHORITY IS SPLIT BETWEEN MULTIPLE
17 MEMBER BOARDS WITHIN A MEMBER STATE, THE MEMBER STATE SHALL
18 APPOINT ONE REPRESENTATIVE FROM EACH MEMBER BOARD. A
19 COMMISSIONER SHALL BE A(N):

20 (1) ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO
21 A MEMBER BOARD;

22 (2) EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY, OR
23 SIMILAR EXECUTIVE OF A MEMBER BOARD; OR

24 (3) MEMBER OF THE PUBLIC APPOINTED TO A MEMBER
25 BOARD.

26 (e) THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE
27 EACH CALENDAR YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS

1 MEETING TO ADDRESS SUCH MATTERS AS MAY PROPERLY COME BEFORE
2 THE COMMISSION, INCLUDING THE ELECTION OF OFFICERS. THE
3 CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A
4 MEETING UPON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.

5 (f) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE
6 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC
7 COMMUNICATION.

8 (g) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE
9 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF
10 COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF
11 BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF
12 THE INTERSTATE COMMISSION. A COMMISSIONER SHALL NOT DELEGATE
13 A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS
14 COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY
15 FOR A SPECIFIED MEETING TO ANOTHER PERSON FROM THAT STATE WHO
16 SHALL MEET THE REQUIREMENTS OF SUBSECTION (d).

17 (h) THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE
18 OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE
19 INTERSTATE COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PORTION,
20 WHERE IT DETERMINES BY A TWO-THIRDS VOTE OF THE COMMISSIONERS
21 PRESENT THAT AN OPEN MEETING WOULD BE LIKELY TO:

22 (1) RELATE SOLELY TO THE INTERNAL PERSONNEL
23 PRACTICES AND PROCEDURES OF THE INTERSTATE COMMISSION;

24 (2) DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM
25 DISCLOSURE BY FEDERAL STATUTE;

26 (3) DISCUSS TRADE SECRETS, COMMERCIAL OR FINANCIAL
27 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

1 (4) INVOLVE ACCUSING A PERSON OF A CRIME, OR
2 FORMALLY CENSURING A PERSON;

3 (5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE
4 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
5 PERSONAL PRIVACY;

6 (6) DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW
7 ENFORCEMENT PURPOSES; OR

8 (7) SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL
9 ACTION OR OTHER LEGAL PROCEEDING.

10 (i) THE INTERSTATE COMMISSION SHALL KEEP MINUTES WHICH
11 SHALL FULLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND
12 SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN,
13 INCLUDING RECORD OF ANY ROLL CALL VOTES.

14 (j) THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION
15 AND OFFICIAL RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN
16 THE COMPACT OR BY ITS RULES, AVAILABLE TO THE PUBLIC FOR
17 INSPECTION.

18 (k) THE INTERSTATE COMMISSION SHALL ESTABLISH AN
19 EXECUTIVE COMMITTEE, WHICH SHALL INCLUDE OFFICERS, MEMBERS, AND
20 OTHERS AS DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE
21 SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE
22 COMMISSION, WITH THE EXCEPTION OF RULEMAKING, DURING PERIODS
23 WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION. WHEN ACTING ON
24 BEHALF OF THE INTERSTATE COMMISSION, THE EXECUTIVE COMMITTEE
25 SHALL OVERSEE THE ADMINISTRATION OF THE COMPACT, INCLUDING
26 ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT,
27 ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES AS NECESSARY.

1 (l) THE INTERSTATE COMMISSION MAY ESTABLISH OTHER
2 COMMITTEES FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

3 **SECTION 12. POWERS AND DUTIES OF THE**
4 **INTERSTATE COMMISSION**

5 THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER
6 TO:

7 (a) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE
8 COMPACT;

9 (b) PROMULGATE RULES WHICH SHALL BE BINDING TO THE EXTENT
10 AND IN THE MANNER PROVIDED FOR IN THE COMPACT;

11 (c) ISSUE, UPON THE REQUEST OF A MEMBER STATE OR MEMBER
12 BOARD, ADVISORY OPINIONS CONCERNING THE MEANING OR
13 INTERPRETATION OF THE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;

14 (d) ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES
15 PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS,
16 USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED
17 TO THE USE OF JUDICIAL PROCESS;

18 (e) ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT
19 LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY SECTION 11,
20 WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE
21 COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES;

22 (f) PAY, OR PROVIDE FOR THE PAYMENT OF THE EXPENSES RELATED
23 TO THE ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES OF THE
24 INTERSTATE COMMISSION;

25 (g) ESTABLISH AND MAINTAIN ONE OR MORE OFFICES;

26 (h) BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF
27 PERSONNEL;

- 1 (i) PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 2 (j) EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH
3 POWERS TO EMPLOY, SELECT OR APPOINT EMPLOYEES, AGENTS, OR
4 CONSULTANTS, AND TO DETERMINE THEIR QUALIFICATIONS, DEFINE THEIR
5 DUTIES, AND FIX THEIR COMPENSATION;
- 6 (k) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO
7 CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS
8 OF PERSONNEL;
- 9 (l) ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
10 SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE, AND
11 DISPOSE OF IT IN A MANNER CONSISTENT WITH THE CONFLICT OF INTEREST
12 POLICIES ESTABLISHED BY THE INTERSTATE COMMISSION;
- 13 (m) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,
14 OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,
15 PERSONAL, OR MIXED;
- 16 (n) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
17 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL,
18 OR MIXED;
- 19 (o) ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 20 (p) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT
21 AND OPERATION OF THE INTERSTATE COMMISSION;
- 22 (q) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF
23 THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE
24 COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
25 INCLUDE REPORTS OF FINANCIAL AUDITS AND ANY RECOMMENDATIONS
26 THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;
- 27 (r) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS

1 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;
2 (s) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;
3 (t) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS;
4 AND
5 (u) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR
6 APPROPRIATE TO ACHIEVE THE PURPOSES OF THE COMPACT.

7 **SECTION 13. FINANCE POWERS**

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

17 (b) THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS
18 OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET SAME.

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

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

26 **SECTION 14. ORGANIZATION AND OPERATION OF**
27 **THE INTERSTATE COMMISSION**

1 (a) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF
2 COMMISSIONERS PRESENT AND VOTING, ADOPT BYLAWS TO GOVERN ITS
3 CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE
4 PURPOSES OF THE COMPACT WITHIN TWELVE (12) MONTHS OF THE FIRST
5 INTERSTATE COMMISSION MEETING.

6 (b) THE INTERSTATE COMMISSION SHALL ELECT OR APPOINT
7 ANNUALLY FROM AMONG ITS COMMISSIONERS A CHAIRPERSON, A
8 VICE-CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE
9 AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE
10 CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE
11 VICE-CHAIRPERSON SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE
12 COMMISSION.

13 (c) OFFICERS SELECTED IN SUBSECTION (b) SHALL SERVE WITHOUT
14 REMUNERATION FROM THE INTERSTATE COMMISSION.

15 (d) THE OFFICERS AND EMPLOYEES OF THE INTERSTATE
16 COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER
17 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE
18 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY
19 CAUSED OR ARISING OUT OF, OR RELATING TO, AN ACTUAL OR ALLEGED
20 ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD
21 A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF
22 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
23 PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
24 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE
25 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

26 (1) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND
27 EMPLOYEES OF THE INTERSTATE COMMISSION OR REPRESENTATIVE OF THE

1 INTERSTATE COMMISSION, ACTING WITHIN THE SCOPE OF SUCH PERSON'S
2 EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING
3 WITHIN EACH PERSON'S STATE, MAY NOT EXCEED THE LIMITS OF LIABILITY
4 SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR
5 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE
6 COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES
7 FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION
8 SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY
9 FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL
10 OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

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

25 (3) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,
26 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES
27 OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD

1 HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING
2 ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING
3 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
4 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
5 DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE
6 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE
7 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED
8 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT
9 FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART
10 OF SUCH PERSONS.

11 **SECTION 15. RULEMAKING FUNCTIONS OF THE**
12 **INTERSTATE COMMISSION**

13 (a) THE INTERSTATE COMMISSION SHALL PROMULGATE
14 REASONABLE RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE
15 THE PURPOSES OF THE COMPACT. NOTWITHSTANDING THE INTERSTATE
16 COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT
17 IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT, OR THE POWERS
18 GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE INTERSTATE
19 COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

20 (b) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE
21 INTERSTATE COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING
22 PROCESS THAT SUBSTANTIALLY CONFORMS TO THE "MODEL STATE
23 ADMINISTRATIVE PROCEDURE ACT" OF 2010, AND SUBSEQUENT
24 AMENDMENTS THERETO.

25 (c) NOT LATER THAN THIRTY (30) DAYS AFTER A RULE IS
26 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW
27 OF THE RULE IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT

1 OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE
2 COMMISSION HAS ITS PRINCIPAL OFFICES PROVIDED THAT THE FILING OF
3 SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE
4 FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE
5 PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT
6 SHALL GIVE DEFERENCE TO THE ACTIONS OF THE INTERSTATE COMMISSION
7 CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE RULE TO BE
8 UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE
9 AUTHORITY GRANTED TO THE INTERSTATE COMMISSION.

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

11 (a) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
12 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE
13 COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE
14 TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS
15 OF THE COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL
16 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
19 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
20 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THE COMPACT
21 WHICH MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE
22 INTERSTATE COMMISSION.

23 (c) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE
24 ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE
25 STANDING TO INTERVENE IN THE PROCEEDINGS FOR ALL PURPOSES.
26 FAILURE TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE
27 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE

1 INTERSTATE COMMISSION, THE COMPACT, OR PROMULGATED RULES.

2 **SECTION 17. ENFORCEMENT OF INTERSTATE**
3 **COMPACT**

4 (a) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE
5 OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE
6 COMPACT.

7 (b) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF
8 THE COMMISSIONERS, INITIATE LEGAL ACTION IN THE UNITED STATES
9 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION
10 OF THE INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE
11 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE
12 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, AND ITS
13 PROMULGATED RULES AND BYLAWS, AGAINST A MEMBER STATE IN
14 DEFAULT. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF
15 AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
16 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION
17 INCLUDING REASONABLE ATTORNEY FEES.

18 (c) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE
19 REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE
20 COMMISSION MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE
21 UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

22 **SECTION 18. DEFAULT PROCEDURES**

23 (a) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED
24 TO, FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR
25 RESPONSIBILITIES IMPOSED UPON IT BY THE COMPACT OR BY THE RULES
26 AND BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THE
27 COMPACT.

1 (b) IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER
2 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
3 RESPONSIBILITIES UNDER THE COMPACT, OR THE BYLAWS OR
4 PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:

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

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

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

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

26 (e) THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND
27 PROCEDURES TO ADDRESS LICENSES AND PHYSICIANS THAT ARE

1 MATERIALLY IMPACTED BY THE TERMINATION OF A MEMBER STATE, OR
2 THE WITHDRAWAL OF A MEMBER STATE.

3 (f) THE MEMBER STATE WHICH HAS BEEN TERMINATED IS
4 RESPONSIBLE FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED
5 THROUGH THE EFFECTIVE DATE OF TERMINATION INCLUDING OBLIGATIONS,
6 THE PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF
7 TERMINATION.

8 (g) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
9 RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR
10 WHICH HAS BEEN TERMINATED FROM THE COMPACT, UNLESS OTHERWISE
11 MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE
12 COMMISSION AND THE DEFAULTING STATE.

13 (h) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
14 INTERSTATE COMMISSION BY PETITIONING THE UNITED STATES DISTRICT
15 COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE
16 THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE
17 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION
18 INCLUDING REASONABLE ATTORNEY FEES.

19 **SECTION 19. DISPUTE RESOLUTION**

20 (a) THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE
21 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT
22 TO THE COMPACT AND WHICH MAY ARISE AMONG MEMBER STATES OR
23 MEMBER BOARDS.

24 (b) THE INTERSTATE COMMISSION SHALL PROMULGATE RULES
25 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION AS
26 APPROPRIATE.

27 **SECTION 20. MEMBER STATES, EFFECTIVE DATE,**

1 **AND AMENDMENT**

2 (a) ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THE
3 COMPACT.

4 (b) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
5 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN
6 SEVEN (7) STATES. THEREAFTER, IT SHALL BECOME EFFECTIVE AND
7 BINDING ON A STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY
8 THAT STATE.

9 (c) THE GOVERNORS OF NON-MEMBER STATES, OR THEIR
10 DESIGNEES, SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE
11 INTERSTATE COMMISSION ON A NON-VOTING BASIS PRIOR TO ADOPTION OF
12 THE COMPACT BY ALL STATES.

13 (d) THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO
14 THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT
15 SHALL BE EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION
16 AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY
17 UNANIMOUS CONSENT OF THE MEMBER STATES.

18 **SECTION 21. WITHDRAWAL**

19 (a) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE
20 AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED
21 THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY
22 SPECIFICALLY REPEALING THE STATUTE WHICH ENACTED THE COMPACT
23 INTO LAW.

24 (b) WITHDRAWAL FROM THE COMPACT SHALL BE BY THE
25 ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE
26 EFFECT UNTIL ONE (1) YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE
27 AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE

1 WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER STATE.

2 (c) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
3 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
4 INTRODUCTION OF LEGISLATION REPEALING THE COMPACT IN THE
5 WITHDRAWING STATE.

6 (d) THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER
7 MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW
8 WITHIN SIXTY (60) DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER
9 SUBSECTION (c).

10 (e) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES,
11 OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE
12 OF WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH
13 EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

14 (f) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER
15 STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE
16 COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE
17 INTERSTATE COMMISSION.

18 (g) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP
19 RULES TO ADDRESS THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE
20 ON LICENSES GRANTED IN OTHER MEMBER STATES TO PHYSICIANS WHO
21 DESIGNATED THE WITHDRAWING MEMBER STATE AS THE STATE OF
22 PRINCIPAL LICENSE.

23 **SECTION 22. DISSOLUTION**

24 (a) THE COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF
25 THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES
26 THE MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.

27 (b) UPON THE DISSOLUTION OF THE COMPACT, THE COMPACT

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

5 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

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

10 (b) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY
11 CONSTRUED TO EFFECTUATE ITS PURPOSES.

12 (c) NOTHING IN THE COMPACT SHALL BE CONSTRUED TO PROHIBIT
13 THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE
14 STATES ARE MEMBERS.

15 **SECTION 24. BINDING EFFECT OF COMPACT AND**
16 **OTHER LAWS**

17 (a) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER
18 LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

19 (b) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE
20 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

21 (c) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,
22 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE COMMISSION,
23 ARE BINDING UPON THE MEMBER STATES.

24 (d) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION
25 AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR
26 TERMS.

27 (e) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE

1 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
2 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
3 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT
4 MEMBER STATE.

5

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6 **SECTION 2.** In Colorado Revised Statutes, 12-36-104, **add** (4)
7 as follows:

8 **12-36-104. Powers and duties of board.** (4) TO FACILITATE THE
9 LICENSURE OF A PHYSICIAN UNDER THE "INTERSTATE MEDICAL LICENSURE
10 COMPACT ACT", PART 36 OF ARTICLE 60 OF TITLE 24, C.R.S., THE BOARD
11 SHALL OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR
12 LICENSURE UNDER THE COMPACT AND SHALL FORWARD THE FINGERPRINTS
13 TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
14 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
15 UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE
16 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
17 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
18 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
19 FEDERAL BUREAU OF INVESTIGATION. THE BOARD IS THE AUTHORIZED
20 AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A
21 NATIONAL CRIMINAL HISTORY RECORD CHECK. THE APPLICANT WHOSE
22 FINGERPRINTS ARE CHECKED SHALL PAY THE ACTUAL COSTS OF THE STATE
23 AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

24 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **amend**
25 (3) (a) (VIII) as follows:

26 **24-34-110. Medical transparency act of 2010 - disclosure of**
27 **information about health care licensees - fines - rules - short title -**

1 **legislative declaration.** (3) (a) As used in this section, "applicant" means
2 a person applying for a new, active license, certification, or registration
3 or to renew, reinstate, or reactivate an active license, certification, or
4 registration to practice:

5 (VIII) Medicine pursuant to article 36 of title 12, C.R.S., OR PART
6 36 OF ARTICLE 60 OF THIS TITLE;

7
8 **SECTION 4. Appropriation.** (1) For the 2016-17 state fiscal
9 year, \$331,019 is appropriated to the department of regulatory agencies.
10 This appropriation is from the division of professions and occupations
11 cash fund created in section 24-34-105 (2) (b) (I), C.R.S. To implement
12 this act, the department may use this appropriation as follows:

13 (a) \$104,973 for use by the division of professions and
14 occupations for personal services, which amount is based on an
15 assumption that the division will require an additional 0.3 FTE;

16 (b) \$65,241 for use by the division professions and occupations
17 for operating expenses;

18 (c) \$113,300 for the purchase of information technology services;
19 and

20 (d) \$47,505 for the purchase of legal services.

21 (2) For the 2016-17 state fiscal year, \$113,300 is appropriated to
22 the office of the governor for use by the office of information technology.
23 This appropriation is from reappropriated funds received from the
24 department of regulatory agencies under paragraph (c) of subsection (1)
25 of this section. To implement this act, the office may use this
26 appropriation to provide information technology services for the
27 department of regulatory agencies.

1 (3) For the 2016-17 state fiscal year, \$47,505 is appropriated to
2 the department of law. This appropriation is from reappropriated funds
3 received from the department of regulatory agencies under paragraph (d)
4 of subsection (1) of this section and is based on an assumption that the
5 department of law will require an additional 0.1 FTE. To implement this
6 act, the department of law may use this appropriation to provide legal
7 services for the department of regulatory agencies.

8 (4) For the 2016-17 state fiscal year, \$31,600 is appropriated to
9 the Colorado bureau of investigation in the department of public safety.
10 This appropriation is from reappropriated funds received from the
11 department of regulatory agencies under paragraph (b) of subsection (1)
12 of this section and is based on an assumption that the department of
13 public safety will require an additional 0.3 FTE. To implement this act,
14 the bureau may use this appropriation as follows:

15 (a) \$5,555 for personal services, which amount is based on an
16 assumption that the bureau will require an additional 0.3 FTE;

17 (b) \$26,045 for use by the bureau for operating expenses. _____

18 **SECTION 5. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.