

**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

Senate Committees

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.**

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/bills summaries>.)

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

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.*

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

9 **SECTION 2. DEFINITIONS**

10 IN THIS COMPACT:

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

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

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

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

26 (e) "INTERSTATE COMMISSION" MEANS THE INTERSTATE
27 COMMISSION CREATED PURSUANT TO SECTION 11.

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

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

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

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

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

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

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

23 (2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL
24 LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE
25 OSTEOPATHIC MEDICAL LICENSING EXAMINATION (COMLEX-USA)
26 WITHIN THREE ATTEMPTS, OR ANY OF ITS PREDECESSOR EXAMINATIONS
27 ACCEPTED BY A STATE MEDICAL BOARD AS AN EQUIVALENT EXAMINATION

1 FOR LICENSURE PURPOSES;

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

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

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

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

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

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

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

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

27 (m) "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE

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

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

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

14 **SECTION 3. ELIGIBILITY**

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

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

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

25 (a) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE
26 STATE OF PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR
27 EXPEDITED LICENSURE THROUGH THE COMPACT IF THE PHYSICIAN

1 POSSESSES A FULL AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN
2 THAT STATE, AND THE STATE IS:

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

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

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

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

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

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

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

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

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

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

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

1 STATE CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL
2 APPLICABLE LAWS AND REGULATIONS OF THE ISSUING MEMBER BOARD
3 AND MEMBER STATE.

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

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

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

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

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

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

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

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

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

27 (2) HAS NOT BEEN CONVICTED, RECEIVED ADJUDICATION,

1 DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED
2 DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE
3 JURISDICTION;

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

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

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

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

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

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

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

26 **SECTION 8. COORDINATED INFORMATION SYSTEM**

27 (a) THE INTERSTATE COMMISSION SHALL ESTABLISH A DATABASE

1 OF ALL PHYSICIANS LICENSED, OR WHO HAVE APPLIED FOR LICENSURE,
2 UNDER SECTION 5.

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

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

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

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

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

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

23 **SECTION 9. JOINT INVESTIGATIONS**

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

26 (b) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER
27 BOARD BY ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE

1 STATE LAW, A MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER
2 BOARDS IN JOINT INVESTIGATIONS OF PHYSICIANS LICENSED BY THE
3 MEMBER BOARDS.

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

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

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

13 **SECTION 10. DISCIPLINARY ACTIONS**

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

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

1 TAKES ACTION TO REINSTATE THE LICENSE IN A MANNER CONSISTENT WITH
2 THE MEDICAL PRACTICE ACT OF THAT STATE.

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

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

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

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

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

27 (a) THE MEMBER STATES HEREBY CREATE THE "INTERSTATE

1 MEDICAL LICENSURE COMPACT COMMISSION".

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

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

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

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

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

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

25 (e) THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE
26 EACH CALENDAR YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS
27 MEETING TO ADDRESS SUCH MATTERS AS MAY PROPERLY COME BEFORE

1 THE COMMISSION, INCLUDING THE ELECTION OF OFFICERS. THE
2 CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A
3 MEETING UPON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.

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

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

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

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

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

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

27 (4) INVOLVE ACCUSING A PERSON OF A CRIME, OR

1 FORMALLY CENSURING A PERSON;

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

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

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

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

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

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

27 (l) THE INTERSTATE COMMISSION MAY ESTABLISH OTHER

1 COMMITTEES FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

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

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

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

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

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

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

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

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

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

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

27 (i) PURCHASE AND MAINTAIN INSURANCE AND BONDS;

1 (j) EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH
2 POWERS TO EMPLOY, SELECT OR APPOINT EMPLOYEES, AGENTS, OR
3 CONSULTANTS, AND TO DETERMINE THEIR QUALIFICATIONS, DEFINE THEIR
4 DUTIES, AND FIX THEIR COMPENSATION;

5 (k) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO
6 CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS
7 OF PERSONNEL;

8 (l) ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
9 SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE, AND
10 DISPOSE OF IT IN A MANNER CONSISTENT WITH THE CONFLICT OF INTEREST
11 POLICIES ESTABLISHED BY THE INTERSTATE COMMISSION;

12 (m) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,
13 OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,
14 PERSONAL, OR MIXED;

15 (n) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
16 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL,
17 OR MIXED;

18 (o) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

19 (p) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT
20 AND OPERATION OF THE INTERSTATE COMMISSION;

21 (q) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF
22 THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE
23 COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
24 INCLUDE REPORTS OF FINANCIAL AUDITS AND ANY RECOMMENDATIONS
25 THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;

26 (r) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS
27 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

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

6 **SECTION 13. FINANCE POWERS**

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

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

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

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

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

27 (a) THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF

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

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

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

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

25 (1) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND
26 EMPLOYEES OF THE INTERSTATE COMMISSION OR REPRESENTATIVE OF THE
27 INTERSTATE COMMISSION, ACTING WITHIN THE SCOPE OF SUCH PERSON'S

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

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

24 (3) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,
25 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES
26 OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD
27 HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **SECTION 18. DEFAULT PROCEDURES**

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

27 (b) IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER

1 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
2 RESPONSIBILITIES UNDER THE COMPACT, OR THE BYLAWS OR
3 PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:

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

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

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

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

25 (e) THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND
26 PROCEDURES TO ADDRESS LICENSES AND PHYSICIANS THAT ARE
27 MATERIALLY IMPACTED BY THE TERMINATION OF A MEMBER STATE, OR

1 THE WITHDRAWAL OF A MEMBER STATE.

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

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

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

18 **SECTION 19. DISPUTE RESOLUTION**

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

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

26 **SECTION 20. MEMBER STATES, EFFECTIVE DATE,**
27 **AND AMENDMENT**

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

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

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

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

17 **SECTION 21. WITHDRAWAL**

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

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

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

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

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

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

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

22 **SECTION 22. DISSOLUTION**

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

26 (b) UPON THE DISSOLUTION OF THE COMPACT, THE COMPACT
27 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR

1 EFFECT, AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION
2 SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN
3 ACCORDANCE WITH THE BYLAWS.

4 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

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

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

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

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

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

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

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

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

26 (e) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE
27 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER

1 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
2 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT
3 MEMBER STATE.

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

6 **12-36-104. Powers and duties of board.** (4) TO FACILITATE THE
7 LICENSURE OF A PHYSICIAN UNDER THE "INTERSTATE MEDICAL LICENSURE
8 COMPACT ACT", PART 36 OF ARTICLE 60 OF TITLE 24, C.R.S., THE BOARD
9 SHALL OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR
10 LICENSURE UNDER THE COMPACT AND SHALL FORWARD THE FINGERPRINTS
11 TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
12 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
13 UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE
14 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
15 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
16 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
17 FEDERAL BUREAU OF INVESTIGATION. THE BOARD IS THE AUTHORIZED
18 AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A
19 NATIONAL CRIMINAL HISTORY RECORD CHECK. THE APPLICANT WHOSE
20 FINGERPRINTS ARE CHECKED SHALL PAY THE ACTUAL COSTS OF THE STATE
21 AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

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

24 **24-34-110. Medical transparency act of 2010 - disclosure of**
25 **information about health care licensees - fines - rules - short title -**
26 **legislative declaration.** (3) (a) As used in this section, "applicant" means
27 a person applying for a new, active license, certification, or registration

1 or to renew, reinstate, or reactivate an active license, certification, or
2 registration to practice:

3 (VIII) Medicine pursuant to article 36 of title 12, C.R.S., OR PART
4 36 OF ARTICLE 60 OF THIS TITLE;

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.