

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1318 Session of  
2015

INTRODUCED BY KILLION, GORDNER, GREENLEAF, MENSCH, VANCE,  
VULAKOVICH, WHITE AND YUDICHAK, JUNE 15, 2016

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JUNE 15, 2016

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Interstate Medical Licensure Compact; providing for the form  
3 of the compact; and imposing additional powers and duties on  
4 the Governor, the Secretary of the Commonwealth and the  
5 Interstate Medical Licensure Compact.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Interstate  
10 Medical Licensure Compact Act.

11 Section 2. Authority to execute compact.

12 The Governor of Pennsylvania, on behalf of this State, is  
13 hereby authorized to execute a compact in substantially the  
14 following form with any one or more of the states of the United  
15 States, and the General Assembly hereby signifies in advance its  
16 approval and ratification of such compact:

17 Interstate Medical Licensure Compact

18 ARTICLE I

19 PURPOSE

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

## 21 ARTICLE II

### 22 DEFINITIONS

23 As used in this compact, unless the context clearly requires a  
24 different construction:

25 A. "Bylaws" means: the bylaws established by the interstate  
26 commission under Article XI for its governance, or for  
27 directing and controlling its actions and conduct.

28 B. "Commissioner" means: the voting representative appointed  
29 by each member board under Article XI.

30 C. "Conviction" means: a finding by a court that an

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

7 D. "Expedited License" means: a full and unrestricted  
8 medical license granted by a member state to an eligible  
9 physician through the process set forth in the compact.

10 E. "Interstate commission" means: the interstate commission  
11 established under Article XI.

12 F. "License" means: authorization by a state for a physician  
13 to engage in the practice of medicine that would be  
14 unlawful without the authorization.

15 G. "Medical Practice Act" means: laws and regulations  
16 governing the practice of allopathic and osteopathic  
17 medicine within a member state.

18 H. "Member Board" means: a state agency in a member state  
19 that acts in the sovereign interests of the state by  
20 protecting the public through licensure, regulation and  
21 education of physicians as directed by the state  
22 government.

23 I. "Member State" means: a state that has enacted the  
24 compact.

25 J. "Practice of Medicine" means: the clinical prevention,  
26 diagnosis or treatment of human disease, injury or  
27 condition requiring a physician to obtain and maintain a  
28 license in compliance with the Medical Practice Act of a  
29 member state.

30 K. "Physician" means: a person who:

1. is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation or a medical school listed in the International Medical Education Directory or its equivalent;
2. passed each component of the United States Medical Licensing Examination or the Comprehensive Osteopathic Medical Licensing Examination within three attempts or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
3. successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
4. holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;
5. possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
6. has never been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
7. has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in a state, federal or foreign

jurisdiction, excluding an action related to non-payment of fees related to a license;

8. has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and

9. is not under active investigation by a licensing agency or law enforcement authority in a state, federal or foreign jurisdiction.

L. "Offense" means: a felony, gross misdemeanor or crime of moral turpitude.

M. "Rule" means: a written statement by the interstate commission promulgated under Article XII of the compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

N. "State" means: a state, commonwealth, district or territory of the United States.

O. "State of principal license" means: a member state where a physician holds a license to practice medicine and that has been designated as the state of principal license by the physician for purposes of registration and participation in the compact.

### ARTICLE III

#### ELIGIBILITY

A. A physician must meet the eligibility requirements as defined in Article II, Section K to receive an expedited license under the terms and provisions of the compact.

1 B. A physician who does not meet the requirements of Article  
2 II, Section K may obtain a license to practice medicine  
3 in a member state if the individual complies with all  
4 laws and requirements, other than the compact, relating  
5 to the issuance of a license to practice medicine in that  
6 state.

#### 7 ARTICLE IV

##### 8 DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

- 14 1. the state of primary residence for the physician;
- 15 2. the state where at least 25% of the practice of  
16 medicine occurs;
- 17 3. the location of the physician's employer; or
- 18 4. if no state qualifies under subsection 1, 2 or 3,  
19 the state designated as state of residence for  
20 purpose of federal income tax.

21 B. A physician may redesignate a member state as state of  
22 principal license at any time, as long as the state meets  
23 the requirements in Section A.

24 C. The interstate commission is authorized to develop rules  
25 to facilitate redesignation of another member state as  
26 the state of principal license.

#### 27 ARTICLE V

##### 28 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

29 A. A physician seeking licensure through the compact shall  
30 file an application for an expedited license with the

1 member board of the state selected by the physician as  
2 the state of principal license.

3 B. Upon receipt of an application for an expedited license,  
4 the member board within the state selected as the state  
5 of principal license shall evaluate whether the physician  
6 is eligible for expedited licensure and issue a letter of  
7 qualification, verifying or denying the physician's  
8 eligibility to the interstate commission. The following  
9 shall apply:

10 1. Static qualifications, which include verification  
11 of medical education, graduate medical education,  
12 results of any medical or licensing examination,  
13 and other qualifications as determined by the  
14 interstate commission through rule, shall not be  
15 subject to additional primary source verification  
16 where already primary source verified by the state  
17 of principal license.

18 2. The member board within the state selected as the  
19 state of principal license shall, in the course of  
20 verifying eligibility, perform a criminal  
21 background check of an applicant, including the  
22 use of the results of fingerprint or other  
23 biometric data checks compliant with the  
24 requirements of the Federal Bureau of  
25 Investigation, with the exception of federal  
26 employees who have suitability determination in  
27 accordance with 5 C.F.R. § 731.202 (relating to  
28 criteria for making suitability determinations).

29 3. Appeal on the determination of eligibility shall  
30 be made to the member state where the application

1                   was filed and shall be subject to the law of that  
2                   state.

3       C. Upon verification in Section B, physicians eligible for  
4       an expedited license shall complete the registration  
5       process established by the interstate commission to  
6       receive a license in a member state selected under  
7       Section A, including the payment of any applicable fees.

8       D. After receiving verification of eligibility under Section  
9       B and any fees under Section C, a member board shall  
10      issue an expedited license to the physician. This license  
11      shall authorize the physician to practice medicine in the  
12      issuing state consistent with the Medical Practice Act  
13      and all applicable laws and regulations of the issuing  
14      member board and member state.

15      E. An expedited license shall be valid for a period  
16      consistent with the licensure period in the member state  
17      and in the same manner as required for other physicians  
18      holding a full and unrestricted license within the member  
19      state.

20      F. An expedited license obtained through the compact shall be  
21      terminated if a physician fails to maintain a license in  
22      the state of principal licensure for a non-disciplinary  
23      reason, without redesignation of a new state of principal  
24      licensure.

25      G. The interstate commission is authorized to develop rules  
26      regarding the application process, including payment of  
27      any applicable fees and the issuance of an expedited  
28      license.

## 29                   ARTICLE VI

### 30                   FEES FOR EXPEDITED LICENSURE



1       A. A member state issuing an expedited license authorizing  
2       the practice of medicine in that state may impose a fee  
3       for a license issued or renewed through the compact.

4       B. The interstate commission is authorized to develop rules  
5       regarding fees for expedited licenses.

## 6                               ARTICLE VII

### 7                               RENEWAL AND CONTINUED PARTICIPATION

8       A. A physician seeking to renew an expedited license granted  
9       in a member state shall complete a renewal process with  
10      the interstate commission if the physician:

11           1. Maintains a full and unrestricted license in a  
12           state of principal license.

13           2. Has not been convicted, received adjudication,  
14           deferred adjudication, community supervision or  
15           deferred disposition for any offense by a court of  
16           appropriate jurisdiction.

17           3. Has not had a license authorizing the practice of  
18           medicine subject to discipline by a licensing  
19           agency in any state, federal, or foreign  
20           jurisdiction, excluding any action related to non-  
21           payment of fees related to a license.

22           4. Has not had a controlled substance license or  
23           permit suspended or revoked by a state or the  
24           United States Drug Enforcement Administration.

25      B. Physicians shall comply with all continuing professional  
26      development or continuing medical education requirements  
27      for renewal of a license issued by a member state.

28      C. The interstate commission shall collect any renewal fees  
29      charged for the renewal of a license and distribute the  
30      fees to the applicable member board.

- 1 D. Upon receipt of any renewal fees collected in Section C,  
2 a member board shall renew the physician's license.
- 3 E. Physician information collected by the interstate  
4 commission during the renewal process will be distributed  
5 to all member boards.
- 6 F. The interstate commission is authorized to develop rules  
7 to address renewal of licenses obtained through the  
8 compact.

9 ARTICLE VIII

10 COORDINATED INFORMATION SYSTEM

- 11 A. The interstate commission shall establish a database of  
12 all physicians licensed or who have applied for licensure  
13 under Article V.
- 14 B. Notwithstanding any other provision of law, member boards  
15 shall report to the interstate commission any public  
16 action or complaints against a licensed physician who has  
17 applied or received an expedited license through the  
18 compact.
- 19 C. Member boards shall report disciplinary or investigatory  
20 information determined as necessary and proper by rule of  
21 the interstate commission.
- 22 D. Member boards may report any non-public complaint,  
23 disciplinary or investigatory information not required by  
24 Section C to the interstate commission.
- 25 E. Member boards shall share complaint or disciplinary  
26 information about a physician upon request of another  
27 member board.
- 28 F. All information provided to the interstate commission or  
29 distributed by member boards shall be confidential, filed  
30 under seal and used only for investigatory or

1 disciplinary matters.

- 2 G. The interstate commission is authorized to develop rules  
3 for mandated or discretionary sharing of information by  
4 member boards.

5 ARTICLE IX

6 JOINT INVESTIGATIONS

- 7 A. Licensure and disciplinary records of physicians are  
8 deemed investigative.
- 9 B. In addition to the authority granted to a member board by  
10 its respective Medical Practice Act or other applicable  
11 state law, a member board may participate with other  
12 member boards in joint investigations of physicians  
13 licensed by the member boards.
- 14 C. A subpoena issued by a member state shall be enforceable  
15 in other member states.
- 16 D. Member boards may share any investigative, litigation or  
17 compliance materials in furtherance of any joint or  
18 individual investigation initiated under the compact.
- 19 E. Any member state may investigate actual or alleged  
20 violations of the statutes authorizing the practice of  
21 medicine in any other member state in which a physician  
22 holds a license to practice medicine.

23 ARTICLE X

24 DISCIPLINARY ACTIONS

- 25 A. Any disciplinary action taken by any member board against  
26 a physician licensed through the compact shall be deemed  
27 unprofessional conduct which may be subject to discipline  
28 by other member boards, in addition to any violation of  
29 the Medical Practice Act or regulations in that state.
- 30 B. If a license granted to a physician by the member board

1 in the state of principal license is revoked, surrendered  
2 or relinquished in lieu of discipline, or suspended, then  
3 all licenses issued to the physician by member boards  
4 shall automatically be placed, without further action  
5 necessary by any member board, on the same status. If the  
6 member board in the state of principal license  
7 subsequently reinstates the physician's license, a  
8 license issued to the physician by any other member board  
9 shall remain encumbered until that respective member  
10 board takes action to reinstate the license in a manner  
11 consistent with the Medical Practice Act of that state.

12 C. If disciplinary action is taken against a physician by a  
13 member board not in the state of principal license, any  
14 other member board may deem the action conclusive as to  
15 matter of law and fact decided, and:

- 16 1. impose the same or lesser sanction(s) against the  
17 physician so long as such sanctions are consistent  
18 with the Medical Practice Act of that state; or
- 19 2. pursue separate disciplinary action against the  
20 physician under its respective Medical Practice  
21 Act, regardless of the action taken in other  
22 member states.

23 D. If a license granted to a physician by a member board is  
24 revoked, surrendered or relinquished in lieu of  
25 discipline, or suspended, then any license(s) issued to  
26 the physician by any other member board(s) shall be  
27 suspended, automatically and immediately without further  
28 action necessary by the other member board(s), for ninety  
29 (90) days upon entry of the order by the disciplining  
30 board, to permit the member board(s) to investigate the

1 basis for the action under the Medical Practice Act of  
2 that state. A member board may terminate the automatic  
3 suspension of the license it issued prior to the  
4 completion of the ninety (90) day suspension period in a  
5 manner consistent with the Medical Practice Act of that  
6 state.

## 7 ARTICLE XI

### 8 INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

9 A. The member states hereby create the "Interstate Medical  
10 Licensure Compact Commission".

11 B. The purpose of the interstate commission is the  
12 administration of the Interstate Medical Licensure  
13 Compact, which is a discretionary state function.

14 C. The interstate commission shall be a body corporate and  
15 joint agency of the member states and shall have all the  
16 responsibilities, powers, and duties set forth in the  
17 compact, and such additional powers as may be conferred  
18 upon it by a subsequent concurrent action of the  
19 respective legislatures of the member states in  
20 accordance with the terms of the Compact.

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

- 29 1. an allopathic or osteopathic physician appointed  
30 to a member board;

2. an executive director, executive secretary, or similar executive of a member board; or
3. a member of the public appointed to a member board.

E. The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

F. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

G. Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of Section D.

H. The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

- 1           1.   relate solely to the internal personnel practices
- 2           and procedures of the interstate commission;
- 3           2.   discuss matters specifically exempted from
- 4           disclosure by federal statute;
- 5           3.   discuss trade secrets, commercial, or financial
- 6           information that is privileged or confidential;
- 7           4.   involve accusing a person of a crime, or formally
- 8           censuring a person;
- 9           5.   discuss information of a personal nature where
- 10          disclosure would constitute a clearly unwarranted
- 11          invasion of personal privacy;
- 12          6.   discuss investigative records compiled for law
- 13          enforcement purposes; or
- 14          7.   specifically relate to the participation in a
- 15          civil action or other legal proceeding.

16       I.   The interstate commission shall keep minutes which shall  
17       fully describe all matters discussed in a meeting and  
18       shall provide a full and accurate summary of actions  
19       taken, including record of any roll call votes.

20       J.   The interstate commission shall make its information and  
21       official records, to the extent not otherwise designated  
22       in the Compact or by its rules, available to the public  
23       for inspection.

24       K.   The interstate commission shall establish an executive  
25       committee, which shall include officers, members and  
26       others as determined by the bylaws. The executive  
27       committee shall have the power to act on behalf of the  
28       interstate commission, with the exception of rulemaking,  
29       during periods when the interstate commission is not in  
30       session. When acting on behalf of the interstate

1 commission, the executive committee shall oversee the  
2 administration of the compact including enforcement and  
3 compliance with the provisions of the compact, its bylaws  
4 and rules, and other such duties as necessary.

- 5 L. The interstate commission may establish other committees  
6 for governance and administration of the compact.

7 ARTICLE XII

8 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

9 The interstate commission shall have the duty and power to:

- 10 A. Oversee and maintain the administration of the compact.

- 11 B. Promulgate rules which shall be binding to the extent and  
12 in the manner provided for in the compact.

- 13 C. Issue, upon the request of a member state or member  
14 board, advisory opinions concerning the meaning or  
15 interpretation of the compact, its bylaws, rules, and  
16 actions.

- 17 D. Enforce compliance with compact provisions, the rules  
18 promulgated by the interstate commission, and the bylaws,  
19 using all necessary and proper means, including but not  
20 limited to the use of judicial process.

- 21 E. Establish and appoint committees, including but not  
22 limited to an executive committee as required by Article  
23 XI, which shall have the power to act on behalf of the  
24 interstate commission in carrying out its powers and  
25 duties.

- 26 F. Pay, or provide for the payment of the expenses related  
27 to the establishment, organization, and ongoing  
28 activities of the Interstate Commission.

- 29 G. Establish and maintain one or more offices.

- 30 H. Borrow, accept, hire, or contract for services of



1 personnel.

2 I. Purchase and maintain insurance and bonds.

3 J. Employ an executive director who shall have such powers  
4 to employ, select or appoint employees, agents, or  
5 consultants, and to determine their qualifications,  
6 define their duties, and fix their compensation.

7 K. Establish personnel policies and programs relating to  
8 conflicts of interest, rates of compensation, and  
9 qualifications of personnel.

10 L. Accept donations and grants of money, equipment,  
11 supplies, materials and services, and to receive,  
12 utilize, and dispose of it in a manner consistent with  
13 the conflict of interest policies established by the  
14 interstate commission.

15 M. Lease, purchase, accept contributions or donations of, or  
16 otherwise to own, hold, improve or use, any property,  
17 real, personal, or mixed.

18 N. Sell, convey, mortgage, pledge, lease, exchange, abandon,  
19 or otherwise dispose of any property, real, personal, or  
20 mixed.

21 O. Establish a budget and make expenditures.

22 P. Adopt a seal and bylaws governing the management and  
23 operation of the interstate commission.

24 Q. Report annually to the legislatures and governors of the  
25 member states concerning the activities of the interstate  
26 commission during the preceding year. Such reports shall  
27 also include reports of financial audits and any  
28 recommendations that may have been adopted by the  
29 interstate commission.

30 R. Coordinate education, training, and public awareness

1           regarding the compact, its implementation, and its  
2           operation.

3       S.   Maintain records in accordance with the bylaws.

4       T.   Seek and obtain trademarks, copyrights, and patents.

5       U.   Perform such functions as may be necessary or appropriate  
6           to achieve the purposes of the compact.

7                               ARTICLE XIII

8                               FINANCE POWERS

9       A.   The interstate commission may levy on and collect an  
10           annual assessment from each member state to cover the  
11           cost of the operations and activities of the interstate  
12           commission and its staff. The total assessment must be  
13           sufficient to cover the annual budget approved each year  
14           for which revenue is not provided by other sources. The  
15           aggregate annual assessment amount shall be allocated  
16           upon a formula to be determined by the interstate  
17           commission, which shall promulgate a rule binding upon  
18           all member states.

19      B.   The interstate commission shall not incur obligations of  
20           any kind prior to securing the funds adequate to meet the  
21           same.

22      C.   The interstate commission shall not pledge the credit of  
23           any of the member states, except by, and with the  
24           authority of, the member state.

25      D.   The interstate commission shall be subject to a yearly  
26           financial audit conducted by a certified or licensed  
27           public accountant and the report of the audit shall be  
28           included in the annual report of the interstate  
29           commission.

30                               ARTICLE XIV

1 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

2 A. The interstate commission shall, by a majority of  
3 commissioners present and voting, adopt bylaws to govern  
4 its conduct as may be necessary or appropriate to carry  
5 out the purposes of the compact within twelve (12) months  
6 of the first interstate commission meeting.

7 B. The interstate commission shall elect or appoint annually  
8 from among its commissioners a chairperson, a vice-  
9 chairperson, and a treasurer, each of whom shall have  
10 such authority and duties as may be specified in the  
11 bylaws. The chairperson, or in the chairperson's absence  
12 or disability, the vice-chairperson, shall preside at all  
13 meetings of the interstate commission.

14 C. Officers selected in Section B shall serve without  
15 remuneration from the interstate commission.

16 D. The officers and employees of the interstate commission  
17 shall be immune from suit and liability, either  
18 personally or in their official capacity, for a claim for  
19 damage to or loss of property or personal injury or other  
20 civil liability caused or arising out of, or relating to,  
21 an actual or alleged act, error, or omission that  
22 occurred, or that such person had a reasonable basis for  
23 believing occurred, within the scope of interstate  
24 commission employment, duties, or responsibilities,  
25 provided that such person shall not be protected from  
26 suit or liability for damage, loss, injury, or liability  
27 caused by the intentional or willful and wanton  
28 misconduct of such person. The following shall apply:

- 29 1. The liability of the executive director and  
30 employees of the interstate commission or

1           representatives of the interstate commission,  
2           acting within the scope of such person's  
3           employment or duties for acts, errors, or  
4           omissions occurring within such person's state,  
5           may not exceed the limits of liability set forth  
6           under the constitution and laws of that state for  
7           state officials, employees, and agents. The  
8           interstate commission is considered to be an  
9           instrumentality of the states for the purposes of  
10          any such action. Nothing in this subsection shall  
11          be construed to protect such person from suit or  
12          liability for damage, loss, injury, or liability  
13          caused by the intentional or willful and wanton  
14          misconduct of such person.

15          2. The interstate commission shall defend the  
16          executive director, its employees, and subject to  
17          the approval of the attorney general or other  
18          appropriate legal counsel of the member state  
19          represented by an interstate commission  
20          representative, shall defend such interstate  
21          commission representative in any civil action  
22          seeking to impose liability arising out of an  
23          actual or alleged act, error or omission that  
24          occurred within the scope of interstate commission  
25          employment, duties or responsibilities, or that  
26          the defendant had a reasonable basis for believing  
27          occurred within the scope of interstate commission  
28          employment, duties, or responsibilities, provided  
29          that the actual or alleged act, error, or omission  
30          did not result from intentional or willful and

1           wanton misconduct on the part of such person.

2           3. To the extent not covered by the state involved,  
3           member state, or the interstate commission, the  
4           representatives or employees of the interstate  
5           commission shall be held harmless in the amount of  
6           a settlement or judgment, including attorney's  
7           fees and costs, obtained against such persons  
8           arising out of an actual or alleged act, error, or  
9           omission that occurred within the scope of  
10          interstate commission employment, duties, or  
11          responsibilities, or that such persons had a  
12          reasonable basis for believing occurred within the  
13          scope of interstate commission employment, duties,  
14          or responsibilities, provided that the actual or  
15          alleged act, error, or omission did not result  
16          from intentional or willful and wanton misconduct  
17          on the part of such persons.

18                           ARTICLE XV

19           RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- 20          A. The interstate commission shall promulgate reasonable  
21          rules in order to effectively and efficiently achieve the  
22          purposes of the compact. Notwithstanding the foregoing,  
23          in the event the interstate commission exercises its  
24          rulemaking authority in a manner that is beyond the scope  
25          of the purposes of the compact, or the powers granted  
26          hereunder, then such an action by the interstate  
27          commission shall be invalid and have no force or effect.
- 28          B. Rules deemed appropriate for the operations of the  
29          Interstate Commission shall be made pursuant to a  
30          rulemaking process that substantially conforms to the

1 Model State Administrative Procedure Act of 2010, and  
2 subsequent amendments thereto.

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

17 ARTICLE XVI

18 OVERSIGHT OF INTERSTATE COMPACT

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

27 B. All courts shall take judicial notice of the compact and  
28 the rules in any judicial or administrative proceeding in  
29 a member state pertaining to the subject matter of the  
30 compact which may affect the powers, responsibilities or

1 actions of the interstate commission.

- 2 C. The interstate commission shall be entitled to receive  
3 all service of process in any such proceeding, and shall  
4 have standing to intervene in the proceeding for all  
5 purposes. Failure to provide service of process to the  
6 interstate commission shall render a judgment or order  
7 void as to the interstate commission, the compact, or  
8 promulgated rules.

9 ARTICLE XVII

10 ENFORCEMENT OF INTERSTATE COMPACT

- 11 A. The interstate commission, in the reasonable exercise of  
12 its discretion, shall enforce the provisions and rules of  
13 the Compact.
- 14 B. The interstate commission may, by majority vote of the  
15 commissioners, initiate legal action in the United States  
16 District Court for the District of Columbia, or, at the  
17 discretion of the interstate commission, in the federal  
18 district where the interstate commission has its  
19 principal offices, to enforce compliance with the  
20 provisions of the compact, and its promulgated rules and  
21 bylaws, against a member state in default. The relief  
22 sought may include both injunctive relief and damages. In  
23 the event judicial enforcement is necessary, the  
24 prevailing party shall be awarded all costs of such  
25 litigation including reasonable attorney's fees.
- 26 C. The remedies herein shall not be the exclusive remedies  
27 of the interstate commission. The interstate commission  
28 may avail itself of any other remedies available under  
29 state law or the regulation of a profession.

30 ARTICLE XVIII





1 given by the interstate commission to the governor, the  
2 majority and minority leaders of the defaulting state's  
3 legislature, and each of the member states.

4 E. The interstate commission shall establish rules and  
5 procedures to address licenses and physicians that are  
6 materially impacted by the termination of a member state,  
7 or the withdrawal of a member state.

8 F. The member state which has been terminated is responsible  
9 for all dues, obligations, and liabilities incurred  
10 through the effective date of termination including  
11 obligations, the performance of which extends beyond the  
12 effective date of termination.

13 G. The interstate commission shall not bear any costs  
14 relating to any state that has been found to be in  
15 default or which has been terminated from the compact,  
16 unless otherwise mutually agreed upon in writing between  
17 the interstate commission and the defaulting state.

18 H. The defaulting state may appeal the action of the  
19 interstate commission by petitioning the United States  
20 District Court for the District of Columbia or the  
21 federal district where the interstate commission has its  
22 principal offices. The prevailing party shall be awarded  
23 all costs of such litigation including reasonable  
24 attorney's fees.

## 25 ARTICLE XIX

### 26 DISPUTE RESOLUTION

27 A. The interstate commission shall attempt, upon the request  
28 of a member state, to resolve disputes which are subject  
29 to the compact and which may arise among member states or  
30 member boards.

1 B. The interstate commission shall promulgate rules  
2 providing for both mediation and binding dispute  
3 resolution as appropriate.

4 ARTICLE XX

5 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

6 A. Any state is eligible to become a member state of the  
7 compact.

8 B. The compact shall become effective and binding upon  
9 legislative enactment of the compact into law by no less  
10 than seven (7) states. Thereafter, it shall become  
11 effective and binding on a state upon enactment of the  
12 compact into law by that state.

13 C. The governors of non-member states, or their designees,  
14 shall be invited to participate in the activities of the  
15 interstate commission on a non-voting basis prior to  
16 adoption of the compact by all states.

17 D. The interstate commission may propose amendments to the  
18 compact for enactment by the member states. No amendment  
19 shall become effective and binding upon the interstate  
20 commission and the member states unless and until it is  
21 enacted into law by unanimous consent of the member  
22 states.

23 ARTICLE XXI

24 WITHDRAWAL

25 A. Once effective, the compact shall continue in force and  
26 remain binding upon each and every member state, provided  
27 that a member state may withdraw from the compact by  
28 specifically repealing the statute which enacted the  
29 compact into law.

30 B. Withdrawal from the compact shall be by the enactment of

1 a statute repealing the same, but shall not take effect  
2 until one (1) year after the effective date of such  
3 statute and until written notice of the withdrawal has  
4 been given by the withdrawing state to the governor of  
5 each other member state.

6 C. The withdrawing state shall immediately notify the  
7 chairperson of the interstate commission in writing upon  
8 the introduction of legislation repealing the compact in  
9 the withdrawing state.

10 D. The interstate commission shall notify the other member  
11 states of the withdrawing state's intent to withdraw  
12 within sixty (60) days of its receipt of notice provided  
13 under Section C.

14 E. The withdrawing state is responsible for all dues,  
15 obligations and liabilities incurred through the  
16 effective date of withdrawal, including obligations, the  
17 performance of which extend beyond the effective date of  
18 withdrawal.

19 F. Reinstatement following withdrawal of a member state  
20 shall occur upon the withdrawing state reenacting the  
21 compact or upon such later date as determined by the  
22 interstate commission.

23 G. The interstate commission is authorized to develop rules  
24 to address the impact of the withdrawal of a member state  
25 on licenses granted in other member states to physicians  
26 who designated the withdrawing member state as the state  
27 of principal license.

28 ARTICLE XXII

29 DISSOLUTION

30 A. The compact shall dissolve effective upon the date of the

1 withdrawal or default of the member state which reduces  
2 the membership in the compact to one (1) member state.

- 3 B. Upon the dissolution of the compact, the compact becomes  
4 null and void and shall be of no further force or effect,  
5 and the business and affairs of the interstate commission  
6 shall be concluded and surplus funds shall be distributed  
7 in accordance with the bylaws.

8 ARTICLE XXIII

9 SEVERABILITY AND CONSTRUCTION

- 10 A. The provisions of the compact shall be severable, and if  
11 any phrase, clause, sentence, or provision is deemed  
12 unenforceable, the remaining provisions of the compact  
13 shall be enforceable.
- 14 B. The provisions of the compact shall be liberally  
15 construed to effectuate its purposes.
- 16 C. Nothing in the compact shall be construed to prohibit the  
17 applicability of other interstate compacts to which the  
18 states are members.

19 ARTICLE XXIV

20 BINDING EFFECT OF COMPACT AND OTHER LAWS

- 21 A. Nothing herein prevents the enforcement of any other law  
22 of a member state that is not inconsistent with the  
23 compact.
- 24 B. All laws in a member state in conflict with the compact  
25 are superseded to the extent of the conflict.
- 26 C. All lawful actions of the interstate commission,  
27 including all rules and bylaws promulgated by the  
28 commission, are binding upon the member states.
- 29 D. All agreements between the interstate commission and the  
30 member states are binding in accordance with their terms.

1 E. In the event any provision of the compact exceeds the  
2 constitutional limits imposed on the legislature of any  
3 member state, such provision shall be ineffective to the  
4 extent of the conflict with the constitutional provision  
5 in question in that member state.

6 Section 3. When and how compact becomes operative.

7 (a) General rule.--When the Governor executes the Interstate  
8 Compact on behalf of this State and files a verified copy  
9 thereof with the Secretary of the Commonwealth and when the  
10 compact is ratified by one or more other states, then the  
11 compact shall become operative and effective between this State  
12 and such other state or states. The Governor is hereby  
13 authorized and directed to take such action as may be necessary  
14 to complete the exchange of official documents between this  
15 State and any other state ratifying the compact.

16 (b) Notice in Pennsylvania Bulletin.--The Secretary of the  
17 Commonwealth shall publish a notice in the Pennsylvania Bulletin  
18 when the conditions set forth in subsection (a) are satisfied  
19 and shall include in the notice the date on which the compact  
20 became effective and operative between this State and any other  
21 state or states in accordance with this act.

22 Section 4. Compensation and expenses of compact commissioner.

23 A compact commissioner who represents this State, as provided  
24 for in Article XI of the Interstate Medical Licensure Compact,  
25 shall not be entitled to any additional compensation for his  
26 duties and responsibilities as compact commissioner but shall be  
27 entitled to reimbursement for reasonable expenses actually  
28 incurred in connection with his duties and responsibilities as  
29 compact commissioner in the same manner as for expenses incurred  
30 in connection with other duties and responsibilities of his

1 office or employment.

2 Section 5. Effective date.

3 This act shall take effect in 60 days.