

**45:9-6.2**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2021                    **CHAPTER:** 332

**NJSA:** 45:9-6.2 (Enters New Jersey into Interstate Medical Licensure Compact.)

**BILL NO:** S523                    (Substituted for A1112)

**SPONSOR(S)** Vitale, Joseph F. and others

**DATE INTRODUCED:** 1/14/2020

**COMMITTEE:**                    **ASSEMBLY:** Health

**SENATE:** Health, Human Services & Senior Citizens

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** 12/20/2021

**SENATE:** 6/21/2021

**DATE OF APPROVAL:** 1/10/2022

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced bill enacted)                    Yes

**S523**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):**                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**A1112**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):**                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA



P.L. 2021, CHAPTER 332, *approved January 10, 2022*  
Senate, No. 523

1 AN ACT entering New Jersey into the Interstate Medical Licensure  
2 Compact and supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. The State of New Jersey enacts and enters into the Interstate  
8 Medical Licensure Compact with all other jurisdictions that legally  
9 join the compact in the form substantially as follows:

10

11 Section 1. Purpose.

12

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

31

32 Section 2. Definitions.

33

34 As used in this compact:

35 a. "Bylaws" means the bylaws established by the Interstate  
36 Commission pursuant to section 11 of this compact for its  
37 governance, or for directing and controlling its actions and conduct.

38 b. "Commissioner" means the voting representative appointed  
39 by each member board pursuant to section 11 of this compact.

40 c. "Conviction" means a finding by a court that an individual is  
41 guilty of a criminal offense through adjudication, or entry of a plea  
42 of guilt or no contest to the charge by the offender. Evidence of an  
43 entry of a conviction of a criminal offense by the court shall be

- 1 considered final for purposes of disciplinary action by a member  
2 board.
- 3 d. “Expedited license” means a full and unrestricted medical  
4 license granted by a member state to an eligible physician through  
5 the process set forth in the compact.
- 6 e. “Interstate Commission” means the Interstate Medical  
7 Licensure Compact Commission created pursuant to section 11 of  
8 this compact.
- 9 f. “License” means authorization by a state for a physician to  
10 engage in the practice of medicine, which would be unlawful  
11 without the authorization.
- 12 g. “Medical practice act” means laws and regulations  
13 governing the practice of allopathic and osteopathic medicine  
14 within a member state.
- 15 h. “Member board” means a state agency in a member state  
16 that acts in the sovereign interests of the state by protecting the  
17 public through licensure, regulation, and education of physicians as  
18 directed by the state government.
- 19 i. “Member state” means a state that has enacted the compact.
- 20 j. “Practice of medicine” means the clinical prevention,  
21 diagnosis, or treatment of human disease, injury, or condition  
22 requiring a physician to obtain and maintain a license in compliance  
23 with the medical practice act of a member state.
- 24 k. “Physician” means any person who:
- 25 (1) Is a graduate of a medical school accredited by the Liaison  
26 Committee on Medical Education, the Commission on Osteopathic  
27 College Accreditation, or a medical school listed in the  
28 International Medical Education Directory or its equivalent;
- 29 (2) Passed each component of the United States medical  
30 Licensing Examination (USMLE) or the Comprehensive  
31 Osteopathic Medical Licensing Examination (COMLEX-USA)  
32 within three attempts, or any of its predecessor examinations  
33 accepted by a state medical board as an equivalent examination for  
34 licensure purposes;
- 35 (3) Successfully completed graduate medical education  
36 approved by the Accreditation Council for Graduate Medical  
37 Education or the American Osteopathic Association;
- 38 (4) Holds specialty certification or a time-unlimited specialty  
39 certificate recognized by the American Board of Medical  
40 Specialties or the American Osteopathic Association’s Bureau of  
41 Osteopathic Specialists;
- 42 (5) Possesses a full and unrestricted license to engage in the  
43 practice of medicine issued by a member board;
- 44 (6) Has never been convicted, received adjudication, deferred  
45 adjudication, community supervision, or deferred disposition for  
46 any offense by a court of appropriate jurisdiction;
- 47 (7) Has never held a license authorizing the practice of medicine  
48 subjected to discipline by a licensing agency in any state, federal, or

1 foreign jurisdiction, excluding any action related to non-payment of  
2 fees related to a license;

3 (8) Has never had a controlled substance license or permit  
4 suspended or revoked by a state or the United States Drug  
5 Enforcement Administration; and

6 (9) Is not under active investigation by a licensing agency or  
7 law enforcement authority in any state, federal, or foreign  
8 jurisdiction.

9 l. "Offense" means a felony, gross misdemeanor, or crime of  
10 moral turpitude.

11 m. "Rule" means a written statement by the Interstate  
12 Commission promulgated pursuant to section 12 of this compact  
13 that is of general applicability, implements, interprets, or prescribes  
14 a policy or provision of the compact, or an organizational,  
15 procedural, or practice requirement of the Interstate Commission,  
16 and has the force and effect of statutory law in a member state, and  
17 includes the amendment, repeal, or suspension of an existing rule.

18 n. "State" means any state, commonwealth, district, or territory  
19 of the United States.

20 o. "State of principal license" means a member state where a  
21 physician holds a license to practice medicine and which has been  
22 designated as such by the physician for purposes of registration and  
23 participation in the compact.

24

25 Section 3. Eligibility.

26

27 a. A physician shall meet the eligibility requirements specified  
28 in subsection k. of section 2 of this compact to receive an expedited  
29 license under the terms and provisions of the compact.

30 b. A physician who does not meet the eligibility requirements  
31 set forth in subsection k. of section 2 of this compact may obtain a  
32 license to practice medicine in a member state if the individual  
33 complies with all laws and requirements, other than the compact,  
34 related to the issuance of a license to practice medicine in that state.

35

36 Section 4. Designation of State of Principal License.

37

38 a. A physician shall designate a member state as the state of  
39 principal license for purposes of registration for expedited licensure  
40 through the compact if the physician possesses a full and  
41 unrestricted license to practice medicine in that state, and the state  
42 is:

43 (1) the state of primary residence for the physician;

44 (2) the state where at least 25 percent of the physician's practice  
45 of medicine occurs;

46 (3) the location of the physician's employer; or

1 (4) if no state qualifies under paragraphs (1) through (3) of this  
2 subsection, the state designated as the physician's state of residence  
3 for federal income tax purposes.

4 b. A physician may redesignate a member state as the  
5 physician's state of principal license at any time, provided the state  
6 meets the requirements for designation set forth in subsection a. of  
7 this section.

8 c. The Interstate Commission is authorized to develop rules to  
9 facilitate redesignation of another member state as the physician's  
10 state of principal license.

11  
12 Section 5. Application and Issuance of Expedited Licensure.

13  
14 a. A physician seeking licensure through the compact shall file  
15 an application for an expedited license with the member board of  
16 the state selected by the physician as the physician's state of  
17 principal license.

18 b. Upon receipt of an application for an expedited license, the  
19 member board within the state selected as the physician's state of  
20 principal license shall evaluate whether the physician is eligible for  
21 expedited licensure and issue a letter of qualification to the  
22 Interstate Commission verifying or denying the physician's  
23 eligibility.

24 (1) Static qualifications, which include verification of medical  
25 education, graduate medical education, results of any medical or  
26 licensing examination, and other qualifications as determined by the  
27 Interstate Commission through rule, shall not be subject to  
28 additional primary source verification where already primary source  
29 verified by the physician's state of principal license.

30 (2) The member board within the state selected as the  
31 physician's state of principal license shall, in the course of verifying  
32 eligibility, perform a criminal background check of an applicant,  
33 including the use of the results of fingerprint or other biometric data  
34 checks compliant with the requirements of the Federal Bureau of  
35 Investigation, with the exception of federal employees who have  
36 suitability determination in accordance with 5 CFR 731.202.

37 (3) Appeal on the determination of eligibility shall be made to  
38 the member state where the application was filed and shall be  
39 subject to the law of that state.

40 c. Upon verification of a physician's eligibility for expedited  
41 licensure pursuant to subsection b. of this section, the physician  
42 shall complete the registration process established by the Interstate  
43 Commission to receive a license in a member state selected  
44 pursuant to subsection a. of this section, including the payment of  
45 any applicable fees.

46 d. Upon receiving verification of a physician's eligibility for  
47 expedited licensure pursuant to subsection b. of this section and  
48 payment of any applicable fees pursuant to subsection c. of this

1 section, a member board shall issue an expedited license to the  
2 physician. The license shall authorize the physician to practice  
3 medicine in the issuing state consistent with the medical practice at  
4 and all applicable laws and regulations of the issuing member board  
5 and member state.

6 e. An expedited license shall be valid for a period consistent  
7 with the licensure period in the member state and in the same  
8 manner as required for other physicians holding a full and  
9 unrestricted license within the member state.

10 f. An expedited license obtained through the compact shall be  
11 terminated if the physician fails to maintain a license in the  
12 physician's state of principal licensure for a non-disciplinary  
13 reason, without redesignation of a new state of principal licensure.

14 g. The Interstate Commission is authorized to develop rules  
15 regarding the application process, including payment of any  
16 applicable fees and the issuance of an expedited license.

17

18 Section 6. Fees for Expedited Licensure.

19

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

23 b. The Interstate Commission is authorized to develop rules  
24 regarding fees for expedited licenses.

25

26 Section 7. Renewal and Continued Participation.

27

28 a. A physician seeking to renew an expedited license granted in  
29 a member state shall complete a renewal process with the Interstate  
30 Commission if the physician:

31 (1) Maintains a full and unrestricted license in a state of  
32 principal license;

33 (2) Has not been convicted, received adjudication, deferred  
34 adjudication, community supervision, or deferred disposition for  
35 any offense by a court of appropriate jurisdiction;

36 (3) Has not had a license authorizing the practice of medicine  
37 subject to discipline by a licensing agency in any state, federal, or  
38 foreign jurisdiction, excluding any action related to non-payment of  
39 fees related to a license; and

40 (4) Has not had a controlled substance license or permit  
41 suspended or revoked by a state or the United States Drug  
42 Enforcement Administration.

43 b. Physicians shall comply with all continuing professional  
44 development or continuing medical education requirements for  
45 renewal of a license issued by a member state.

46 c. The Interstate Commission shall collect any renewal fees  
47 charged for the renewal of a license and distribute the fees to the  
48 applicable member board.



1 d. Upon receipt of any renewal fees collected pursuant to  
2 subsection c. of this section, a member board shall renew the  
3 physician's license.

4 e. Physician information collected by the Interstate  
5 Commission during the renewal process will be distributed to all  
6 member boards.

7 f. The Interstate Commission is authorized to develop rules to  
8 address renewal of licenses obtained through the compact.

9

10 Section 8. Coordinated Information System.

11

12 a. The Interstate Commission shall establish a database of all  
13 physicians licensed, or who have applied for licensure, pursuant to  
14 section 5 of this compact.

15 b. Notwithstanding any other provision of law, member boards  
16 shall report to the Interstate Commission any public action or  
17 complaints against a licensed physician who has applied for or  
18 received an expedited license through the compact.

19 c. Member boards shall report disciplinary or investigatory  
20 information determined as necessary and proper by rule of the  
21 Interstate Commission.

22 d. Member boards may report any non-public complaint,  
23 disciplinary, or investigatory information not required pursuant to  
24 subsection c. of this section.

25 e. Member boards shall share complaint or disciplinary  
26 information about a physician upon request of another member  
27 board.

28 f. All information provided to the Interstate Commission or  
29 distributed by member boards shall be confidential, filed under seal,  
30 and used only for investigatory or disciplinary matters.

31 g. The Interstate Commission is authorized to develop rules for  
32 mandated or discretionary sharing of information by member  
33 boards.

34

35 Section 9. Joint Investigations.

36

37 a. Licensure and disciplinary records of physicians are deemed  
38 investigative.

39 b. In addition to the authority granted to a member board by its  
40 respective medical practice act or other applicable state law, a  
41 member board may participate with other member boards in joint  
42 investigations of physicians licensed by the member boards.

43 c. A subpoena issued by a member state shall be enforceable in  
44 other member states.

45 d. Member boards may share any investigative, litigation, or  
46 compliance materials in furtherance of any joint or individual  
47 investigation initiated under the compact.

1 e. Any member state may investigate actual or alleged  
2 violations of the statutes authorizing the practice of medicine in any  
3 other member state in which a physician holds a license to practice  
4 medicine.

5

6 Section 10. Disciplinary Actions.

7

8 a. Any disciplinary action taken by any member board against  
9 a physician licensed through the compact shall be deemed  
10 unprofessional conduct which may be subject to discipline by other  
11 member boards, in addition to any violation of the medical practice  
12 act or regulations in that state.

13 b. If a license granted to a physician by the member board in  
14 the state of principal license is revoked, surrendered, or  
15 relinquished in lieu of discipline, or suspended, then all licenses  
16 issued to the physician by member boards shall automatically be  
17 placed, without further action necessary by any member board, on  
18 the same status. If the member board in the state of principal  
19 license subsequently reinstates the physician's license, a license  
20 issued to the physician by any other member board shall remain  
21 encumbered until that respective member board takes action to  
22 reinstate the license in a manner consistent with the medical  
23 practice act of that state.

24 c. If disciplinary action is taken against a physician by a  
25 member board not in the state of principal license, any other  
26 member board may deem the action conclusive as to matter of law  
27 and fact decided, and:

28 (1) impose the same or a lesser sanction against the physician,  
29 provided that the sanction is consistent with the medical practice act  
30 of that state; or

31 (2) pursue separate disciplinary action against the physician  
32 under its respective medical practice act, regardless of the action  
33 taken in other member states.

34 d. If a license granted to a physician by a member board is  
35 revoked, surrendered, or relinquished in lieu of discipline, or  
36 suspended, then any license issued to the physician by any other  
37 member board shall be suspended, automatically and immediately  
38 without further action necessary by the other member board, for 90  
39 days upon entry of the order by the disciplining board, to permit the  
40 member board to investigate the basis for the action under the  
41 medical practice act of that state. A member board may terminate  
42 the automatic suspension of the license it issued prior to the  
43 completion of the 90 day suspension period in a manner consistent  
44 with the medical practice act of that state.

45

46 Section 11. Interstate Medical Licensure Compact  
47 Commission.

- 1 a. The member states hereby create the “Interstate Medical  
2 Licensure Compact Commission.”
- 3 b. The purpose of the Interstate Commission is the  
4 administration of the Interstate Medical Licensure Compact, which  
5 is a discretionary state function.
- 6 c. The Interstate Commission shall be a body corporate and  
7 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 subsequent  
10 concurrent action of the respective legislatures of the member states  
11 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 as  
14 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. Each  
19 commissioner shall be:
- 20 (1) an allopathic or osteopathic physician appointed to a  
21 member board;
- 22 (2) an executive director, executive secretary, or similar  
23 executive of a member board; or
- 24 (3) a member of the public appointed to a member board.
- 25 e. The Interstate Commission shall meet at least once each  
26 calendar year. A portion of the meeting shall be a business meeting  
27 to address such matters as may properly come before the  
28 commission, including the election of officers. The chairperson  
29 may call additional meetings and shall call for a meeting upon the  
30 request of a majority of the member states.
- 31 f. The bylaws may provide for meetings of the Interstate  
32 Commission to be conducted by telecommunication or electronic  
33 communication.
- 34 g. Each commissioner participating at a meeting of the  
35 Interstate Commission is entitled to one vote. A majority of  
36 commissioners shall constitute a quorum for the transaction of  
37 business, unless a larger quorum is required by the bylaws of the  
38 Interstate Commission. A commissioner shall not delegate a vote to  
39 another commissioner. In the absence of its commissioner, a  
40 member state may delegate voting authority for a specified meeting  
41 to another person from that state who meets the requirements to  
42 serve as a commissioner pursuant to subsection d. of this section.
- 43 h. The Interstate Commission shall provide public notice of all  
44 meetings and all meetings shall be open to the public. The  
45 Interstate Commission may close a meeting in full or in part, where  
46 it determines by a two-thirds vote of the commissioners present that  
47 an open meeting would be likely to:

- 1 (1) Relate solely to the internal personnel practices and  
2 procedures of the Interstate Commission;
  - 3 (2) Discuss matters specifically exempted from disclosure by  
4 federal statute;
  - 5 (3) Discuss trade secrets or commercial or financial information  
6 that is privileged or confidential;
  - 7 (4) Involve accusing a person of a crime, or formally censuring  
8 a person;
  - 9 (5) Discuss information of a personal nature where disclosure  
10 would constitute a clearly unwarranted invasion of personal  
11 privacy;
  - 12 (6) Discuss investigative records compiled for law enforcement  
13 purposes; or
  - 14 (7) Specifically relate to the participation in a civil action or  
15 other legal proceeding.
- 16 i. The Interstate Commission shall keep minutes, which shall  
17 fully describe all matters discussed in a meeting and shall provide a  
18 full and accurate summary of actions taken, including a record of  
19 any roll call votes.
  - 20 j. The Interstate Commission shall make its information and  
21 official records, to the extent not otherwise designated in the  
22 compact or by its rules, available to the public for inspection.
  - 23 k. The Interstate Commission shall establish an executive  
24 committee, which shall include officers, members, and others as  
25 determined by the bylaws. The executive committee shall have the  
26 power to act on behalf of the Interstate Commission, with the  
27 exception of rulemaking, during periods when the Interstate  
28 Commission is not in session. When acting on behalf of the  
29 Interstate Commission, the executive committee shall oversee the  
30 administration of the compact, including enforcement and  
31 compliance with the provisions of the compact, its bylaws and  
32 rules, and other such duties as may be necessary.
  - 33 l. The Interstate Commission may establish other committees  
34 for governance and administration of the compact.

35  
36 Section 12. Powers and Duties of the Interstate Commission.

37  
38 The Interstate Commission shall have the duty and power to:

- 39 a. Oversee and maintain the administration of the compact;
- 40 b. Promulgate rules, which shall be binding to the extent and in  
41 the manner provided for in the compact;
- 42 c. Issue, upon the request of a member state or member board,  
43 advisory opinions concerning the meaning or interpretation of the  
44 compact and its bylaws, rules, and actions;
- 45 d. Enforce compliance with compact provisions, the rules  
46 promulgated by the Interstate Commission, and the bylaws, using  
47 all necessary and proper means, including, but not limited to, the  
48 use of judicial process;

- 1 e. Establish and appoint committees, including, but not limited  
2 to, an executive committee as required pursuant to section 11 of this  
3 compact, which shall have the power to act on behalf of the  
4 Interstate Commission in carrying out its powers and duties;
- 5 f. Pay, or provide for the payment of, the expenses related to  
6 the establishment, organization, and ongoing activities of the  
7 Interstate Commission;
- 8 g. Establish and maintain one or more offices;
- 9 h. Borrow, accept, hire, or contract for services of personnel;
- 10 i. Purchase and maintain insurance and bonds;
- 11 j. Employ an executive director, who shall have the power to  
12 employ, select, or appoint employees, agents, or consultants, and to  
13 determine their qualifications, define their duties, and fix their  
14 compensation;
- 15 k. Establish personnel policies and programs relating to  
16 conflicts of interest, rates of compensation, and qualifications of  
17 personnel;
- 18 l. Accept donations and grants of money, equipment, supplies,  
19 materials, and services, and to receive, utilize, and dispose of the  
20 same in a manner consistent with the conflict of interest policies  
21 established by the Interstate Commission;
- 22 m. Lease, purchase, accept contributions or donations of, or  
23 otherwise own, hold, improve, or use any real or personal property;
- 24 n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
25 otherwise dispose of any real or personal property;
- 26 o. Establish a budget and make expenditures;
- 27 p. Adopt a seal and bylaws governing the management and  
28 operation of the Interstate Commission;
- 29 q. Report annually to the legislatures and governors of the  
30 member states concerning the activities of the Interstate  
31 Commission during the preceding year. Such reports shall also  
32 include reports of financial audits and any recommendations that  
33 may have been adopted by the Interstate Commission;
- 34 r. Coordinate education, training, and public awareness  
35 regarding the compact, its implementation, and its operation;
- 36 s. Maintain records in accordance with the bylaws;
- 37 t. Seek and obtain trademarks, copyrights, and patents; and
- 38 u. Perform such functions as may be necessary or appropriate  
39 to achieve the purposes of the compact.

40  
41 Section 13. Finance Powers.

- 42  
43 a. The Interstate Commission may levy on and collect an  
44 annual assessment from each member state to cover the cost of the  
45 operations and activities of the Interstate Commission and its staff.  
46 The total assessment shall be sufficient to cover the annual budget  
47 approved each year for which revenue is not provided by other  
48 sources. The aggregate annual assessment amount shall be

1 allocated upon a formula to be determined by the Interstate  
2 Commission, which shall promulgate a rule binding upon all  
3 member states.

4 b. The Interstate Commission shall not incur obligations of any  
5 kind prior to securing the funds adequate to meet the same.

6 c. The Interstate Commission shall not pledge the credit of any  
7 of the member states, except by, and with the authority of, the  
8 member state.

9 d. The Interstate Commission shall be subject to a yearly  
10 financial audit conducted by a certified or licensed public  
11 accountant and the report of the audit shall be included in the  
12 Interstate Commission's annual report.

13

14 Section 14. Organization and Operation of the Interstate  
15 Commission.

16

17 a. The Interstate Commission shall, within 12 months of the  
18 first Interstate Compact meeting and by a majority of  
19 commissioners present and voting, adopt bylaws to govern its  
20 conduct as may be necessary or appropriate to carry out the  
21 purposes of the compact.

22 b. The Interstate Commission shall elect or appoint annually  
23 from among its commissioners a chairperson, a vice-chairperson,  
24 and a treasurer, each of whom shall have such authority and duties  
25 as may be specified in the bylaws. The chairperson, or in the  
26 chairperson's absence or disability, the vice-chairperson, shall  
27 preside at all meetings of the Interstate Commission.

28 c. Officers selected pursuant to subsection b. of this section  
29 shall serve without remuneration from the Interstate Commission.

30 d. The officers and employees of the Interstate Commission  
31 shall be immune from suit and liability, either personally or in their  
32 official capacity, for a claim for damage to or loss of property or  
33 personal injury or other civil liability caused or arising out of, or  
34 relating to, an actual or alleged act, error, or omission that occurred,  
35 or that such person has a reasonable basis for believing occurred,  
36 within the scope of Interstate Commission employment, duties, or  
37 responsibilities; provided that such person shall not be protected  
38 from suit or liability for damage, loss, injury, or liability caused by  
39 the intentional or willful and wanton misconduct of such person.

40 (1) The liability of the executive director and employees of the  
41 Interstate Commission or representatives of the Interstate  
42 Commission, acting within the scope of such person's employment  
43 or duties for acts, errors, or omissions occurring within such  
44 person's state, may not exceed the limits of liability set forth under  
45 the constitution and laws of that state for state officials, employees,  
46 and agents. The Interstate Commission is considered to be an  
47 instrumentality of the states for the purposes of any such action.  
48 Nothing in this subsection shall be construed to protect such person

1 from suit or liability for damage, loss, injury, or liability caused by  
2 the intentional or willful and wanton misconduct of such person.

3 (2) The Interstate Commission shall defend the executive  
4 director and its employees and, subject to the approval of the  
5 attorney general or other appropriate legal counsel of the member  
6 state represented by an Interstate Commission representative, shall  
7 defend such Interstate Commission representative in any civil  
8 action seeking to impose liability arising out of an actual or alleged  
9 act, error, or omission that occurred within the scope of Interstate  
10 Commission employment, duties, or responsibilities, or that the  
11 defendant had a reasonable basis for believing occurred within the  
12 scope of Interstate Commission employment, duties, or  
13 responsibilities, provided that the actual or alleged act, error, or  
14 omission did not result from intentional or willful and wanton  
15 misconduct on the part of such person.

16 (3) To the extent not covered by the state involved, member  
17 state, or the Interstate Commission, the representatives or  
18 employees of the Interstate Commission shall be held harmless in  
19 the amount of a settlement or judgment, including attorney's fees  
20 and costs, obtained against such person arising out of an actual or  
21 alleged act, error, or omission that occurred within the scope of  
22 Interstate Commission employment, duties, or responsibilities, or  
23 that such persons had a reasonable basis for believing occurred  
24 within the scope of Interstate Commission employment, duties, or  
25 responsibilities, provided that the actual or alleged act, error, or  
26 omission did not result from intentional or willful and wanton  
27 misconduct on the part of such persons.

28  
29 Section 15. Rulemaking Functions of the Interstate  
30 Commission.

31  
32 a. The Interstate Commission shall promulgate reasonable rules  
33 in order to effectively and efficiently achieve the purposes of the  
34 Compact. Notwithstanding the foregoing, in the event the Interstate  
35 Commission exercises its rulemaking authority in a manner that is  
36 beyond the scope of the purposes of the compact, or the powers  
37 granted hereunder, then such an action by the Interstate  
38 Commission shall be invalid and have no force or effect.

39 b. Rules deemed appropriate for the operations of the Interstate  
40 Commission shall be made pursuant to a rulemaking process that  
41 substantially conforms to the "Model State Administrative  
42 Procedure Act" of 2010, and subsequent amendments thereto.

43 c. No later than 30 days after a rule is promulgated, any person  
44 may file a petition for judicial review of the rule in the United  
45 States District Court for the District of Columbia or the federal  
46 district where the Interstate Commission has its principal offices,  
47 provided that the filing of such a petition shall not stay or otherwise  
48 prevent the rule from becoming effective unless the court finds that

1 the petitioner has a substantial likelihood of success. The court  
2 shall give deference to the actions of the Interstate Commission  
3 consistent with applicable law and shall not find the rule to be  
4 unlawful if the rule represents a reasonable exercise of the authority  
5 granted to the Interstate Commission.

6  
7 Section 16. Oversight of the Interstate Compact.

8  
9 a. The executive, legislative, and judicial branches of state  
10 government in each member state shall enforce the compact and  
11 shall take all actions necessary and appropriate to effectuate the  
12 purposes and intent of the compact. The provisions of the compact  
13 and the rules promulgated hereunder shall have standing as  
14 statutory law but shall not override existing state authority to  
15 regulate the practice of medicine.

16 b. All courts shall take judicial notice of the compact and the  
17 rules in any judicial or administrative proceeding in a member state  
18 pertaining to the subject matter of the compact which may affect the  
19 powers, responsibilities, or actions of the Interstate Commission.

20 c. The Interstate Commission shall be entitled to receive all  
21 service of process in any such proceeding, and shall have standing  
22 to intervene in the proceeding for all purposes. Failure to provide  
23 service of process to the Interstate Commission shall render a  
24 judgment or order void as to the Interstate Commission, the  
25 compact, or promulgated rules.

26  
27 Section 17. Enforcement of Interstate Compact.

28  
29 a. The Interstate Commission, in the reasonable exercise of its  
30 discretion, shall enforce the provisions and rules of the compact.

31 b. The Interstate Commission may, by majority vote of the  
32 commissioners, initiate legal action in the United States District  
33 Court for the District of Columbia, or, at the discretion of the  
34 Interstate Commission, in the federal district where the Interstate  
35 Commission has its principal offices, to enforce compliance with  
36 the provisions of the Compact, and its promulgated rules and  
37 bylaws, against a member state in default. The relief sought may  
38 include both injunctive relief and damages. In the event judicial  
39 enforcement is necessary, the prevailing party shall be awarded all  
40 costs of such litigation, including reasonable attorney's fees.

41 c. The remedies herein shall not be the exclusive remedies of  
42 the Interstate Commission. The Interstate Commission may avail  
43 itself of any other remedies available under state law or the  
44 regulation of a profession.

45  
46 Section 18. Default Procedures.



- 1 a. The grounds for default include, but are not limited to,  
2 failure of a member state to perform such obligations or  
3 responsibilities imposed on it by the compact or the rules and  
4 bylaws of the Interstate Commission promulgated under the  
5 compact.
- 6 b. If the Interstate Commission determines that a member state  
7 has defaulted in the performance of its obligations or  
8 responsibilities under the compact, or the bylaws or promulgated  
9 rules, the Interstate Commission shall:
- 10 (1) Provide written notice to the defaulting state and other  
11 member states of the nature of the default, the means of curing the  
12 default, and any action taken by the Interstate Commission. The  
13 Interstate Commission shall specify the conditions by which the  
14 defaulting state shall cure its default; and
- 15 (2) Provide remedial training and specific technical assistance  
16 regarding the default.
- 17 c. If the defaulting state fails to cure the default, the defaulting  
18 state shall be terminated from the compact upon an affirmative vote  
19 of a majority of the commissioners and all rights, privileges, and  
20 benefits conferred by the compact shall terminate on the effective  
21 date of termination. A cure of the default does not relieve the  
22 offending state of obligations or liabilities incurred during the  
23 period of the default.
- 24 d. Termination of membership in the compact shall be imposed  
25 only after all other means of securing compliance have been  
26 exhausted. Notice of intent to terminate shall be given by the  
27 Interstate Commission to the governor, the majority and minority  
28 leaders of the defaulting state's legislature, and each of the member  
29 states.
- 30 e. The Interstate Commission shall establish rules and  
31 procedures to address licenses and physicians that are materially  
32 affected by the termination of a member state or the withdrawal of a  
33 member state.
- 34 f. The member state which has been terminated is responsible  
35 for all dues, obligations, and liabilities incurred through the  
36 effective date of termination, including any obligations for which  
37 the performance of the obligation extends beyond the effective date  
38 of termination.
- 39 g. The Interstate Commission shall not bear any costs relating  
40 to any state that has been found to be in default or which has been  
41 terminated from the compact, unless otherwise mutually agreed  
42 upon in writing between the Interstate Commission and the  
43 defaulting state.
- 44 h. The defaulting state may appeal the action of the Interstate  
45 Commission by petitioning the United States District Court for the  
46 District of Columbia or the federal district where the Interstate  
47 Commission has its principal offices. The prevailing party shall be

1 awarded all costs of such litigation, including reasonable attorney's  
2 fees.

3

4 Section 19. Dispute Resolution.

5

6 a. The Interstate Commission shall attempt, upon the request of  
7 a member state, to resolve disputes which are subject to the  
8 compact and which may arise among member states or member  
9 boards.

10 b. The Interstate Commission shall promulgate rules providing  
11 for both mediation and binding dispute resolution, as appropriate.

12

13 Section 20. Member States, Effective Date, and Amendment.

14

15 a. Any state is eligible to become a member state of the  
16 compact.

17 b. The compact shall become effective and binding upon  
18 legislative enactment of the compact into law by no less than seven  
19 states. Thereafter, it shall become effective and binding on a state  
20 upon enactment of the compact into law by that state.

21 c. The governors of non-member states, or their designees,  
22 shall be invited to participate in the activities of the Interstate  
23 Compact on a non-voting basis prior to adoption of the compact by  
24 all states.

25 d. The Interstate Commission may propose amendments to the  
26 compact for enactment by member states. No amendment shall  
27 become effective and binding upon the Interstate Commission and  
28 the member states unless and until it is enacted into law by  
29 unanimous consent of the member states.

30

31 Section 21. Withdrawal.

32

33 a. Once effective, the compact shall continue in force and  
34 remain binding upon each and every member state; provided that a  
35 member state may withdraw from the compact by specifically  
36 repealing the statute that enacted the compact into law.

37 b. Withdrawal from the compact shall be by the enactment of a  
38 statute repealing the same, but shall not take effect until one year  
39 after the effective date of such statute and until written notice of the  
40 withdrawal has been given by the withdrawing state to the governor  
41 of each member state.

42 c. The withdrawing state shall immediately notify the  
43 chairperson of the Interstate Commission in writing upon the  
44 introduction of legislation repealing the compact in the withdrawing  
45 state.

46 d. The Interstate Commission shall notify the other member  
47 states of the withdrawing state's intent to withdraw within 60 days

1 after receiving notice provided pursuant to subsection c. of this  
2 section.

3 e. The withdrawing state shall be responsible for all dues,  
4 obligations, and liabilities incurred through the effective date of  
5 withdrawal, including any obligations for which the performance of  
6 the obligation extends beyond the effective date of withdrawal.

7 f. Reinstatement following withdrawal of a member state shall  
8 occur upon the withdrawing state reenacting the compact or upon  
9 such later date as determined by the Interstate Commission.

10 g. The Interstate Commission shall be authorized to develop  
11 rules to address the effect of withdrawal of a member state on  
12 licenses granted in other member states to physicians who  
13 designated the withdrawing member state as the state of principal  
14 licensure.

15

16 Section 22. Dissolution.

17

18 a. The compact shall dissolve effective upon the date of the  
19 withdrawal or default of the member state which reduces the  
20 membership in the compact to one member state.

21 b. Upon the dissolution of the compact, the compact becomes  
22 null and void and shall be of no further force or effect, and the  
23 business and affairs of the Interstate Commission shall be  
24 concluded and surplus finds shall be distributed in accordance with  
25 the bylaws.

26

27 Section 23. Severability and Construction.

28

29 a. The provisions of the compact shall be severable, and if any  
30 phrase, clause, sentence, or provision is deemed unenforceable, the  
31 remaining provisions of the compact shall be enforceable.

32 b. The provisions of the compact shall be liberally construed to  
33 effectuate its purposes.

34 c. Nothing in the compact shall be construed to prohibit the  
35 applicability of other interstate compacts to which the states are  
36 members.

37

38 Section 24. Binding Effect of Compact and Other Laws.

39

40 a. Nothing herein prevents the enforcement of any other law of  
41 a member state that is not inconsistent with the compact.

42 b. All laws in a member state in conflict with the compact are  
43 superseded to the extent of the conflict.

44 c. All lawful actions of the Interstate Commission, including  
45 all rules and bylaws promulgated by the Commission, are binding  
46 upon the member states.

47 d. All agreements between the Interstate Commission and the  
48 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 member  
3 state, such provision shall be ineffective to the extent of the conflict  
4 with the constitutional provision in question in that member state.

5

6 2. This act shall take effect immediately.

7

8

9

10

11 Enters New Jersey into Interstate Medical Licensure Compact.

## CHAPTER 332

AN ACT entering New Jersey into the Interstate Medical Licensure Compact and supplementing Title 45 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

C.45:9-6.2 Interstate Medical Licensure Compact.

1. The State of New Jersey enacts and enters into the Interstate Medical Licensure Compact with all other jurisdictions that legally join the compact in the form substantially as follows:

### Section 1. Purpose.

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

### Section 2. Definitions.

As used in this compact:

- a. "Bylaws" means the bylaws established by the Interstate Commission pursuant to section 11 of this compact for its governance, or for directing and controlling its actions and conduct.
- b. "Commissioner" means the voting representative appointed by each member board pursuant to section 11 of this compact.
- c. "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.
- d. "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.
- e. "Interstate Commission" means the Interstate Medical Licensure Compact Commission created pursuant to section 11 of this compact.
- f. "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.
- g. "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

h. “Member board” means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

i. “Member state” means a state that has enacted the compact.

j. “Practice of medicine” means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

k. “Physician” means any 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 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) 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 any state, federal, or foreign jurisdiction, excluding any 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 any 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 pursuant to section 12 of this 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 any 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 which has been designated as such by the physician for purposes of registration and participation in the compact.

### Section 3. Eligibility.

a. A physician shall meet the eligibility requirements specified in subsection k. of section 2 of this compact to receive an expedited license under the terms and provisions of the compact.

b. A physician who does not meet the eligibility requirements set forth in subsection k. of section 2 of this compact may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, related to the issuance of a license to practice medicine in that state.

Section 4. Designation of State of Principal License.

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

- (1) the state of primary residence for the physician;
- (2) the state where at least 25 percent of the physician's practice of medicine occurs;
- (3) the location of the physician's employer; or
- (4) if no state qualifies under paragraphs (1) through (3) of this subsection, the state designated as the physician's state of residence for federal income tax purposes.

b. A physician may redesignate a member state as the physician's state of principal license at any time, provided the state meets the requirements for designation set forth in subsection a. of this section.

c. The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the physician's state of principal license.

Section 5. Application and Issuance of Expedited Licensure.

a. A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the physician's state of principal license.

b. Upon receipt of an application for an expedited license, the member board within the state selected as the physician's state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification to the Interstate Commission verifying or denying the physician's eligibility.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the physician's state of principal license.

(2) The member board within the state selected as the physician's state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

c. Upon verification of a physician's eligibility for expedited licensure pursuant to subsection b. of this section, the physician shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection a. of this section, including the payment of any applicable fees.

d. Upon receiving verification of a physician's eligibility for expedited licensure pursuant to subsection b. of this section and payment of any applicable fees pursuant to subsection c. of

this section, a member board shall issue an expedited license to the physician. The license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice at and all applicable laws and regulations of the issuing member board and member state.

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

f. An expedited license obtained through the compact shall be terminated if the physician fails to maintain a license in the physician's state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

g. The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees and the issuance of an expedited license.

#### Section 6. Fees for Expedited Licensure.

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

b. The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

#### Section 7. Renewal and Continued Participation.

a. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

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

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

c. The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

d. Upon receipt of any renewal fees collected pursuant to subsection c. of this section, a member board shall renew the physician's license.

e. Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

f. The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the compact.

#### Section 8. Coordinated Information System.

a. The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, pursuant to section 5 of this compact.



b. Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied for or received an expedited license through the compact.

c. Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

d. Member boards may report any non-public complaint, disciplinary, or investigatory information not required pursuant to subsection c. of this section.

e. Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

f. All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

g. The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

#### Section 9. Joint Investigations.

a. Licensure and disciplinary records of physicians are deemed investigative.

b. In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

c. A subpoena issued by a member state shall be enforceable in other member states.

d. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

e. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

#### Section 10. Disciplinary Actions.

a. Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

b. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

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

(1) impose the same or a lesser sanction against the physician, provided that the sanction is consistent with the medical practice act of that state; or

(2) pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

d. If a license granted to a physician by a member board is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member board, for 90 days upon entry of the order by the disciplining board, to permit the member board to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90 day suspension period in a manner consistent with the medical practice act of that state.

Section 11. Interstate Medical Licensure Compact Commission.

a. The member states hereby create the “Interstate Medical Licensure Compact Commission.”

b. The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

c. The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

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

- (1) an allopathic or osteopathic physician appointed 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 the 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 meets the requirements to serve as a commissioner pursuant to subsection d. of this section.

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 part, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

- (1) Relate solely to the internal personnel practices and procedures of the Interstate Commission;
- (2) Discuss matters specifically exempted from disclosure by federal statute;

- (3) Discuss trade secrets or commercial or financial information that is privileged or confidential;
- (4) Involve accusing a person of a crime, or formally censuring a person;
- (5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (6) Discuss investigative records compiled for law enforcement purposes; or
- (7) Specifically relate to the participation in a civil action or other legal proceeding.
  - i. The Interstate Commission shall keep minutes, which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a record of any roll call votes.
  - j. The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.
  - k. The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as may be necessary.
    - l. The Interstate Commission may establish other committees for governance and administration of the compact.

Section 12. Powers and Duties of the Interstate Commission.

The Interstate Commission shall have the duty and power to:

- a. Oversee and maintain the administration of the compact;
- b. Promulgate rules, which shall be binding to the extent and in the manner provided for in the compact;
- c. Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact and its bylaws, rules, and actions;
- d. Enforce compliance with compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
- e. Establish and appoint committees, including, but not limited to, an executive committee as required pursuant to section 11 of this compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
- f. Pay, or provide for the payment of, the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;
- g. Establish and maintain one or more offices;
- h. Borrow, accept, hire, or contract for services of personnel;
- i. Purchase and maintain insurance and bonds;
- j. Employ an executive director, who shall have the power to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;
- k. Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

- l. Accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same in a manner consistent with the conflict of interest policies established by the Interstate Commission;
- m. Lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real or personal property;
- n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real or personal property;
- o. Establish a budget and make expenditures;
- p. Adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- q. Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;
- r. Coordinate education, training, and public awareness regarding the compact, its implementation, and its operation;
- s. Maintain records in accordance with the bylaws;
- t. Seek and obtain trademarks, copyrights, and patents; and
- u. Perform such functions as may be necessary or appropriate to achieve the purposes of the compact.

Section 13. Finance Powers.

- a. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment shall be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
- b. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.
- c. The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.
- d. The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the Interstate Commission's annual report.

Section 14. Organization and Operation of the Interstate Commission.

- a. The Interstate Commission shall, within 12 months of the first Interstate Compact meeting and by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.
- b. The Interstate Commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

c. Officers selected pursuant to subsection b. of this section shall serve without remuneration from the Interstate Commission.

d. The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person has a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such person arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Section 15. Rulemaking Functions of the Interstate Commission.

a. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

b. Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

c. No later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

Section 16. Oversight of the Interstate Compact.

a. The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the purposes and intent of the compact. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

b. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact which may affect the powers, responsibilities, or actions of the Interstate Commission.

c. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the compact, or promulgated rules.

Section 17. Enforcement of Interstate Compact.

a. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

b. The Interstate Commission may, by majority vote of the commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

c. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

Section 18. Default Procedures.

a. The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed on it by the compact or the rules and bylaws of the Interstate Commission promulgated under the compact.

b. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state shall cure its default; and

(2) Provide remedial training and specific technical assistance regarding the default.

c. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

d. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

e. The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially affected by the termination of a member state or the withdrawal of a member state.

f. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination, including any obligations for which the performance of the obligation extends beyond the effective date of termination.

g. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

h. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

#### Section 19. Dispute Resolution.

a. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

b. The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution, as appropriate.

#### Section 20. Member States, Effective Date, and Amendment.

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

b. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

c. The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Compact on a non-voting basis prior to adoption of the compact by all states.

d. The Interstate Commission may propose amendments to the compact for enactment by member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

Section 21. Withdrawal.

a. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

b. Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each member state.

c. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

d. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days after receiving notice provided pursuant to subsection c. of this section.

e. The withdrawing state shall be responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations for which the performance of the obligation extends beyond the effective date of withdrawal.

f. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

g. The Interstate Commission shall be authorized to develop rules to address the effect of withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal licensure.

Section 22. Dissolution.

a. The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

b. Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

Section 23. Severability and Construction.

a. The provisions of the compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of the compact shall be liberally construed to effectuate its purposes.

c. Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.



Section 24. Binding Effect of Compact and Other Laws.

- a. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.
- b. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.
- c. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.
- d. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.
- e. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

2. This act shall take effect immediately.

Approved January 10, 2022.

# SENATE, No. 523

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# STATE OF NEW JERSEY

## 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**SYNOPSIS**

Enters New Jersey into Interstate Medical Licensure Compact.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT entering New Jersey into the Interstate Medical Licensure  
2 Compact and supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Interstate  
8 Medical Licensure Compact with all other jurisdictions that legally  
9 join the compact in the form substantially as follows:

10

11 Section 1. Purpose.

12

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

31

32 Section 2. Definitions.

33

34 As used in this compact:

35 a. "Bylaws" means the bylaws established by the Interstate  
36 Commission pursuant to section 11 of this compact for its  
37 governance, or for directing and controlling its actions and conduct.

38 b. "Commissioner" means the voting representative appointed  
39 by each member board pursuant to section 11 of this compact.

40 c. "Conviction" means a finding by a court that an individual is  
41 guilty of a criminal offense through adjudication, or entry of a plea  
42 of guilt or no contest to the charge by the offender. Evidence of an  
43 entry of a conviction of a criminal offense by the court shall be  
44 considered final for purposes of disciplinary action by a member  
45 board.

46 d. "Expedited license" means a full and unrestricted medical  
47 license granted by a member state to an eligible physician through  
48 the process set forth in the compact.

- 1 e. “Interstate Commission” means the Interstate Medical  
2 Licensure Compact Commission created pursuant to section 11 of  
3 this compact.
- 4 f. “License” means authorization by a state for a physician to  
5 engage in the practice of medicine, which would be unlawful  
6 without the authorization.
- 7 g. “Medical practice act” means laws and regulations  
8 governing the practice of allopathic and osteopathic medicine  
9 within a member state.
- 10 h. “Member board” means a state agency in a member state  
11 that acts in the sovereign interests of the state by protecting the  
12 public through licensure, regulation, and education of physicians as  
13 directed by the state government.
- 14 i. “Member state” means a state that has enacted the compact.
- 15 j. “Practice of medicine” means the clinical prevention,  
16 diagnosis, or treatment of human disease, injury, or condition  
17 requiring a physician to obtain and maintain a license in compliance  
18 with the medical practice act of a member state.
- 19 k. “Physician” means any person who:
- 20 (1) Is a graduate of a medical school accredited by the Liaison  
21 Committee on Medical Education, the Commission on Osteopathic  
22 College Accreditation, or a medical school listed in the  
23 International Medical Education Directory or its 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  
28 accepted by a state medical board as an equivalent examination for  
29 licensure purposes;
- 30 (3) Successfully completed graduate medical education  
31 approved by the Accreditation Council for Graduate Medical  
32 Education or the American Osteopathic Association;
- 33 (4) Holds specialty certification or a time-unlimited specialty  
34 certificate recognized by the American Board of Medical  
35 Specialties or the American Osteopathic Association’s Bureau of  
36 Osteopathic Specialists;
- 37 (5) Possesses a full and unrestricted license to engage in the  
38 practice of medicine issued by a member board;
- 39 (6) Has never been convicted, received adjudication, deferred  
40 adjudication, community supervision, or deferred disposition for  
41 any offense by a court of appropriate jurisdiction;
- 42 (7) Has never held a license authorizing the practice of medicine  
43 subjected to discipline by a licensing agency in any state, federal, or  
44 foreign jurisdiction, excluding any action related to non-payment of  
45 fees related to a license;
- 46 (8) Has never had a controlled substance license or permit  
47 suspended or revoked by a state or the United States Drug  
48 Enforcement Administration; and

1 (9) Is not under active investigation by a licensing agency or  
2 law enforcement authority in any state, federal, or foreign  
3 jurisdiction.

4 l. “Offense” means a felony, gross misdemeanor, or crime of  
5 moral turpitude.

6 m. “Rule” means a written statement by the Interstate  
7 Commission promulgated pursuant to section 12 of this compact  
8 that is of general applicability, implements, interprets, or prescribes  
9 a policy or provision of the compact, or an organizational,  
10 procedural, or practice requirement of the Interstate Commission,  
11 and has the force and effect of statutory law in a member state, and  
12 includes the amendment, repeal, or suspension of an existing rule.

13 n. “State” means any state, commonwealth, district, or territory  
14 of the United States.

15 o. “State of principal license” means a member state where a  
16 physician holds a license to practice medicine and which has been  
17 designated as such by the physician for purposes of registration and  
18 participation in the compact.

19  
20 Section 3. Eligibility.

21  
22 a. A physician shall meet the eligibility requirements specified  
23 in subsection k. of section 2 of this compact to receive an expedited  
24 license under the terms and provisions of the compact.

25 b. A physician who does not meet the eligibility requirements  
26 set forth in subsection k. of section 2 of this compact may obtain a  
27 license to practice medicine in a member state if the individual  
28 complies with all laws and requirements, other than the compact,  
29 related to the issuance of a license to practice medicine in that state.

30  
31 Section 4. Designation of State of Principal License.

32  
33 a. A physician shall designate a member state as the state of  
34 principal license for purposes of registration for expedited licensure  
35 through the compact if the physician possesses a full and  
36 unrestricted license to practice medicine in that state, and the state  
37 is:

38 (1) the state of primary residence for the physician;

39 (2) the state where at least 25 percent of the physician’s practice  
40 of medicine occurs;

41 (3) the location of the physician’s employer; or

42 (4) if no state qualifies under paragraphs (1) through (3) of this  
43 subsection, the state designated as the physician’s state of residence  
44 for federal income tax purposes.

45 b. A physician may redesignate a member state as the  
46 physician’s state of principal license at any time, provided the state  
47 meets the requirements for designation set forth in subsection a. of  
48 this section.

1 c. The Interstate Commission is authorized to develop rules to  
2 facilitate redesignation of another member state as the physician's  
3 state of principal license.

4  
5 Section 5. Application and Issuance of Expedited Licensure.

6  
7 a. A physician seeking licensure through the compact shall file  
8 an application for an expedited license with the member board of  
9 the state selected by the physician as the physician's state of  
10 principal license.

11 b. Upon receipt of an application for an expedited license, the  
12 member board within the state selected as the physician's state of  
13 principal license shall evaluate whether the physician is eligible for  
14 expedited licensure and issue a letter of qualification to the  
15 Interstate Commission verifying or denying the physician's  
16 eligibility.

17 (1) Static qualifications, which include verification of medical  
18 education, graduate medical education, results of any medical or  
19 licensing examination, and other qualifications as determined by the  
20 Interstate Commission through rule, shall not be subject to  
21 additional primary source verification where already primary source  
22 verified by the physician's state of principal license.

23 (2) The member board within the state selected as the  
24 physician's state of principal license shall, in the course of verifying  
25 eligibility, perform a criminal background check of an applicant,  
26 including the use of the results of fingerprint or other biometric data  
27 checks compliant with the requirements of the Federal Bureau of  
28 Investigation, with the exception of federal employees who have  
29 suitability determination in accordance with 5 CFR 731.202.

30 (3) Appeal on the determination of eligibility shall be made to  
31 the member state where the application was filed and shall be  
32 subject to the law of that state.

33 c. Upon verification of a physician's eligibility for expedited  
34 licensure pursuant to subsection b. of this section, the physician  
35 shall complete the registration process established by the Interstate  
36 Commission to receive a license in a member state selected  
37 pursuant to subsection a. of this section, including the payment of  
38 any applicable fees.

39 d. Upon receiving verification of a physician's eligibility for  
40 expedited licensure pursuant to subsection b. of this section and  
41 payment of any applicable fees pursuant to subsection c. of this  
42 section, a member board shall issue an expedited license to the  
43 physician. The license shall authorize the physician to practice  
44 medicine in the issuing state consistent with the medical practice at  
45 and all applicable laws and regulations of the issuing member board  
46 and member state.

47 e. An expedited license shall be valid for a period consistent  
48 with the licensure period in the member state and in the same

1 manner as required for other physicians holding a full and  
2 unrestricted license within the member state.

3 f. An expedited license obtained through the compact shall be  
4 terminated if the physician fails to maintain a license in the  
5 physician's state of principal licensure for a non-disciplinary  
6 reason, without redesignation of a new state of principal licensure.

7 g. The Interstate Commission is authorized to develop rules  
8 regarding the application process, including payment of any  
9 applicable fees and the issuance of an expedited license.

10

11 Section 6. Fees for Expedited Licensure.

12

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

16 b. The Interstate Commission is authorized to develop rules  
17 regarding fees for expedited licenses.

18

19 Section 7. Renewal and Continued Participation.

20

21 a. A physician seeking to renew an expedited license granted in  
22 a member state shall complete a renewal process with the Interstate  
23 Commission if the physician:

24 (1) Maintains a full and unrestricted license in a state of  
25 principal license;

26 (2) Has not been convicted, received adjudication, deferred  
27 adjudication, community supervision, or deferred disposition for  
28 any offense by a court of appropriate jurisdiction;

29 (3) Has not had a license authorizing the practice of medicine  
30 subject to discipline by a licensing agency in any state, federal, or  
31 foreign jurisdiction, excluding any action related to non-payment of  
32 fees related to a license; and

33 (4) Has not had a controlled substance license or permit  
34 suspended or revoked by a state or the United States Drug  
35 Enforcement Administration.

36 b. Physicians shall comply with all continuing professional  
37 development or continuing medical education requirements for  
38 renewal of a license issued by a member state.

39 c. The Interstate Commission shall collect any renewal fees  
40 charged for the renewal of a license and distribute the fees to the  
41 applicable member board.

42 d. Upon receipt of any renewal fees collected pursuant to  
43 subsection c. of this section, a member board shall renew the  
44 physician's license.

45 e. Physician information collected by the Interstate  
46 Commission during the renewal process will be distributed to all  
47 member boards.

1 f. The Interstate Commission is authorized to develop rules to  
2 address renewal of licenses obtained through the compact.

3

4 Section 8. Coordinated Information System.

5

6 a. The Interstate Commission shall establish a database of all  
7 physicians licensed, or who have applied for licensure, pursuant to  
8 section 5 of this compact.

9 b. Notwithstanding any other provision of law, member boards  
10 shall report to the Interstate Commission any public action or  
11 complaints against a licensed physician who has applied for or  
12 received an expedited license through the compact.

13 c. Member boards shall report disciplinary or investigatory  
14 information determined as necessary and proper by rule of the  
15 Interstate Commission.

16 d. Member boards may report any non-public complaint,  
17 disciplinary, or investigatory information not required pursuant to  
18 subsection c. of this section.

19 e. Member boards shall share complaint or disciplinary  
20 information about a physician upon request of another member  
21 board.

22 f. All information provided to the Interstate Commission or  
23 distributed by member boards shall be confidential, filed under seal,  
24 and used only for investigatory or disciplinary matters.

25 g. The Interstate Commission is authorized to develop rules for  
26 mandated or discretionary sharing of information by member  
27 boards.

28

29 Section 9. Joint Investigations.

30

31 a. Licensure and disciplinary records of physicians are deemed  
32 investigative.

33 b. In addition to the authority granted to a member board by its  
34 respective medical practice act or other applicable state law, a  
35 member board may participate with other member boards in joint  
36 investigations of physicians licensed by the member boards.

37 c. A subpoena issued by a member state shall be enforceable in  
38 other member states.

39 d. Member boards may share any investigative, litigation, or  
40 compliance materials in furtherance of any joint or individual  
41 investigation initiated under the compact.

42 e. Any member state may investigate actual or alleged  
43 violations of the statutes authorizing the practice of medicine in any  
44 other member state in which a physician holds a license to practice  
45 medicine.



1 Section 10. Disciplinary Actions.

2

3 a. Any disciplinary action taken by any member board against  
4 a physician licensed through the compact shall be deemed  
5 unprofessional conduct which may be subject to discipline by other  
6 member boards, in addition to any violation of the medical practice  
7 act or regulations in that state.

8 b. If a license granted to a physician by the member board in  
9 the state of principal license is revoked, surrendered, or  
10 relinquished in lieu of discipline, or suspended, then all licenses  
11 issued to the physician by member boards shall automatically be  
12 placed, without further action necessary by any member board, on  
13 the same status. If the member board in the state of principal  
14 license subsequently reinstates the physician's license, a license  
15 issued to the physician by any other member board shall remain  
16 encumbered until that respective member board takes action to  
17 reinstate the license in a manner consistent with the medical  
18 practice act of that state.

19 c. If disciplinary action is taken against a physician by a  
20 member board not in the state of principal license, any other  
21 member board may deem the action conclusive as to matter of law  
22 and fact decided, and:

23 (1) impose the same or a lesser sanction against the physician,  
24 provided that the sanction is consistent with the medical practice act  
25 of that state; or

26 (2) pursue separate disciplinary action against the physician  
27 under its respective medical practice act, regardless of the action  
28 taken in other member states.

29 d. If a license granted to a physician by a member board is  
30 revoked, surrendered, or relinquished in lieu of discipline, or  
31 suspended, then any license issued to the physician by any other  
32 member board shall be suspended, automatically and immediately  
33 without further action necessary by the other member board, for 90  
34 days upon entry of the order by the disciplining board, to permit the  
35 member board to investigate the basis for the action under the  
36 medical practice act of that state. A member board may terminate  
37 the automatic suspension of the license it issued prior to the  
38 completion of the 90 day suspension period in a manner consistent  
39 with the medical practice act of that state.

40

41 Section 11. Interstate Medical Licensure Compact  
42 Commission.

43

44 a. The member states hereby create the "Interstate Medical  
45 Licensure Compact Commission."

46 b. The purpose of the Interstate Commission is the  
47 administration of the Interstate Medical Licensure Compact, which  
48 is a discretionary state function.

1 c. The Interstate Commission shall be a body corporate and  
2 joint agency of the member states and shall have all the  
3 responsibilities, powers, and duties set forth in the compact, and  
4 such additional powers as may be conferred upon it by a subsequent  
5 concurrent action of the respective legislatures of the member states  
6 in accordance with the terms of the compact.

7 d. The Interstate Commission shall consist of two voting  
8 representatives appointed by each member state, who shall serve as  
9 commissioners. In states where allopathic and osteopathic  
10 physicians are regulated by separate member boards, or if the  
11 licensing and disciplinary authority is split between multiple  
12 member boards within a member state, the member state shall  
13 appoint one representative from each member board. Each  
14 commissioner shall be:

15 (1) an allopathic or osteopathic physician appointed to a  
16 member board;

17 (2) an executive director, executive secretary, or similar  
18 executive of a member board; or

19 (3) a member of the public appointed to a member board.

20 e. The Interstate Commission shall meet at least once each  
21 calendar year. A portion of the meeting shall be a business meeting  
22 to address such matters as may properly come before the  
23 commission, including the election of officers. The chairperson  
24 may call additional meetings and shall call for a meeting upon the  
25 request of a majority of the member states.

26 f. The bylaws may provide for meetings of the Interstate  
27 Commission to be conducted by telecommunication or electronic  
28 communication.

29 g. Each commissioner participating at a meeting of the  
30 Interstate Commission is entitled to one vote. A majority of  
31 commissioners shall constitute a quorum for the transaction of  
32 business, unless a larger quorum is required by the bylaws of the  
33 Interstate Commission. A commissioner shall not delegate a vote to  
34 another commissioner. In the absence of its commissioner, a  
35 member state may delegate voting authority for a specified meeting  
36 to another person from that state who meets the requirements to  
37 serve as a commissioner pursuant to subsection d. of this section.

38 h. The Interstate Commission shall provide public notice of all  
39 meetings and all meeting shall be open to the public. The Interstate  
40 Commission may close a meeting in full or in part, where it  
41 determines by a two-thirds vote of the commissioners present that  
42 an open meeting would be likely to:

43 (1) Relate solely to the internal personnel practices and  
44 procedures of the Interstate Commission;

45 (2) Discuss matters specifically exempted from disclosure by  
46 federal statute;

47 (3) Discuss trade secrets or commercial or financial information  
48 that is privileged or confidential;

- 1 (4) Involve accusing a person of a crime, or formally censuring  
2 a person;
- 3 (5) Discuss information of a personal nature where disclosure  
4 would constitute a clearly unwarranted invasion of personal  
5 privacy;
- 6 (6) Discuss investigative records compiled for law enforcement  
7 purposes; or
- 8 (7) Specifically relate to the participation in a civil action or  
9 other legal proceeding.
- 10 i. The Interstate Commission shall keep minutes, which shall  
11 fully describe all matters discussed in a meeting and shall provide a  
12 full and accurate summary of actions taken, including a record of  
13 any roll call votes.
- 14 j. The Interstate Commission shall make its information and  
15 official records, to the extent not otherwise designated in the  
16 compact or by its rules, available to the public for inspection.
- 17 k. The Interstate Commission shall establish an executive  
18 committee, which shall include officers, members, and others as  
19 determined by the bylaws. The executive committee shall have the  
20 power to act on behalf of the Interstate Commission, with the  
21 exception of rulemaking, during periods when the Interstate  
22 Commission is not in session. When acting on behalf of the  
23 Interstate Commission, the executive committee shall oversee the  
24 administration of the compact, including enforcement and  
25 compliance with the provisions of the compact, its bylaws and  
26 rules, and other such duties as may be necessary.
- 27 l. The Interstate Commission may establish other committees  
28 for governance and administration of the compact.

29  
30 Section 12. Powers and Duties of the Interstate Commission.

- 31  
32 The Interstate Commission shall have the duty and power to:
- 33 a. Oversee and maintain the administration of the compact;
- 34 b. Promulgate rules, which shall be binding to the extent and in  
35 the manner provided for in the compact;
- 36 c. Issue, upon the request of a member state or member board,  
37 advisory opinions concerning the meaning or interpretation of the  
38 compact and its bylaws, rules, and actions;
- 39 d. Enforce compliance with compact provisions, the rules  
40 promulgated by the Interstate Commission, and the bylaws, using  
41 all necessary and proper means, including, but not limited to, the  
42 use of judicial process;
- 43 e. Establish and appoint committees, including, but not limited  
44 to, an executive committee as required pursuant to section 11 of this  
45 compact, which shall have the power to act on behalf of the  
46 Interstate Commission in carrying out its powers and duties;

1 f. Pay, or provide for the payment of, the expenses related to  
2 the establishment, organization, and ongoing activities of the  
3 Interstate Commission;

4 g. Establish and maintain one or more offices;

5 h. Borrow, accept, hire, or contract for services of personnel;

6 i. Purchase and maintain insurance and bonds;

7 j. Employ an executive director, who shall have the power to  
8 employ, select, or appoint employees, agents, or consultants, and to  
9 determine their qualifications, define their duties, and fix their  
10 compensation;

11 k. Establish personnel policies and programs relating to  
12 conflicts of interest, rates of compensation, and qualifications of  
13 personnel;

14 l. Accept donations and grants of money, equipment, supplies,  
15 materials, and services, and to receive, utilize, and dispose of the  
16 same in a manner consistent with the conflict of interest policies  
17 established by the Interstate Commission;

18 m. Lease, purchase, accept contributions or donations of, or  
19 otherwise own, hold, improve, or use any real or personal property;

20 n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
21 otherwise dispose of any real or personal property;

22 o. Establish a budget and make expenditures;

23 p. Adopt a seal and bylaws governing the management and  
24 operation of the Interstate Commission;

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

30 r. Coordinate education, training, and public awareness  
31 regarding the compact, its implementation, and its operation;

32 s. Maintain records in accordance with the bylaws;

33 t. Seek and obtain trademarks, copyrights, and patents; and

34 u. Perform such functions as may be necessary or appropriate  
35 to achieve the purposes of the compact.

36  
37 Section 13. Finance Powers.

38  
39 a. The Interstate Commission may levy on and collect an  
40 annual assessment from each member state to cover the cost of the  
41 operations and activities of the Interstate Commission and its staff.  
42 The total assessment shall be sufficient to cover the annual budget  
43 approved each year for which revenue is not provided by other  
44 sources. The aggregate annual assessment amount shall be  
45 allocated upon a formula to be determined by the Interstate  
46 Commission, which shall promulgate a rule binding upon all  
47 member states.

1       b. The Interstate Commission shall not incur obligations of any  
2 kind prior to securing the funds adequate to meet the same.

3       c. The Interstate Commission shall not pledge the credit of any  
4 of the member states, except by, and with the authority of, the  
5 member state.

6       d. The Interstate Commission shall be subject to a yearly  
7 financial audit conducted by a certified or licensed public  
8 accountant and the report of the audit shall be included in the  
9 Interstate Commission's annual report.

10

11       Section 14. Organization and Operation of the Interstate  
12 Commission.

13

14       a. The Interstate Commission shall, within 12 months of the  
15 first Interstate Compact meeting and by a majority of  
16 commissioners present and voting, adopt bylaws to govern its  
17 conduct as may be necessary or appropriate to carry out the  
18 purposes of the compact.

19       b. The Interstate Commission shall elect or appoint annually  
20 from among its commissioners a chairperson, a vice-chairperson,  
21 and a treasurer, each of whom shall have such authority and duties  
22 as may be specified in the bylaws. The chairperson, or in the  
23 chairperson's absence or disability, the vice-chairperson, shall  
24 preside at all meetings of the Interstate Commission.

25       c. Officers selected pursuant to subsection b. of this section  
26 shall serve without remuneration from the Interstate Commission.

27       d. The officers and employees of the Interstate Commission  
28 shall be immune from suit and liability, either personally or in their  
29 official capacity, for a claim for damage to or loss of property or  
30 personal injury or other civil liability caused or arising out of, or  
31 relating to, an actual or alleged act, error, or omission that occurred,  
32 or that such person has a reasonable basis for believing occurred,  
33 within the scope of Interstate Commission employment, duties, or  
34 responsibilities; provided that such person shall not be protected  
35 from suit or liability for damage, loss, injury, or liability caused by  
36 the intentional or willful and wanton misconduct of such person.

37       (1) The liability of the executive director and employees of the  
38 Interstate Commission or representatives of the Interstate  
39 Commission, acting within the scope of such person's employment  
40 or duties for acts, errors, or omissions occurring within such  
41 person's state, may not exceed the limits of liability set forth under  
42 the constitution and laws of that state for state officials, employees,  
43 and agents. The Interstate Commission is considered to be an  
44 instrumentality of the states for the purposes of any such action.  
45 Nothing in this subsection shall be construed to protect such person  
46 from suit or liability for damage, loss, injury, or liability caused by  
47 the intentional or willful and wanton misconduct of such person.

1 (2) The Interstate Commission shall defend the executive  
2 director and its employees and, subject to the approval of the  
3 attorney general or other appropriate legal counsel of the member  
4 state represented by an Interstate Commission representative, shall  
5 defend such Interstate Commission representative in any civil  
6 action seeking to impose liability arising out of an actual or alleged  
7 act, error, or omission that occurred within the scope of Interstate  
8 Commission employment, duties, or responsibilities, or that the  
9 defendant had a reasonable basis for believing occurred within the  
10 scope of Interstate Commission employment, duties, or  
11 responsibilities, provided that the actual or alleged act, error, or  
12 omission did not result from intentional or willful and wanton  
13 misconduct on the part of such person.

14 (3) To the extent not covered by the state involved, member  
15 state, or the Interstate Commission, the representatives or  
16 employees of the Interstate Commission shall be held harmless in  
17 the amount of a settlement or judgment, including attorney's fees  
18 and costs, obtained against such person arising out of an actual or  
19 alleged act, error, or omission that occurred within the scope of  
20 Interstate Commission employment, duties, or responsibilities, or  
21 that such persons had a reasonable basis for believing occurred  
22 within the scope of Interstate Commission employment, duties, or  
23 responsibilities, provided that the actual or alleged act, error, or  
24 omission did not result from intentional or willful and wanton  
25 misconduct on the part of such persons.

26  
27 Section 15. Rulemaking Functions of the Interstate  
28 Commission.

29  
30 a. The Interstate Commission shall promulgate reasonable rules  
31 in order to effectively and efficiently achieve the purposes of the  
32 Compact. Notwithstanding the foregoing, in the event the Interstate  
33 Commission exercises its rulemaking authority in a manner that is  
34 beyond the scope of the purposes of the compact, or the powers  
35 granted hereunder, then such an action by the Interstate  
36 Commission shall be invalid and have no force or effect.

37 b. Rules deemed appropriate for the operations of the Interstate  
38 Commission shall be made pursuant to a rulemaking process that  
39 substantially conforms to the "Model State Administrative  
40 Procedure Act" of 2010, and subsequent amendments thereto.

41 c. No later than 30 days after a rule is promulgated, any person  
42 may file a petition for judicial review of the rule in the United  
43 States District Court for the District of Columbia or the federal  
44 district where the Interstate Commission has its principal offices,  
45 provided that the filing of such a petition shall not stay or otherwise  
46 prevent the rule from becoming effective unless the court finds that  
47 the petitioner has a substantial likelihood of success. The court  
48 shall give deference to the actions of the Interstate Commission

1 consistent with applicable law and shall not find the rule to be  
2 unlawful if the rule represents a reasonable exercise of the authority  
3 granted to the Interstate Commission.  
4

5 Section 16. Oversight of the Interstate Compact.  
6

7 a. The executive, legislative, and judicial branches of state  
8 government in each member state shall enforce the compact and  
9 shall take all actions necessary and appropriate to effectuate the  
10 purposes and intent of the compact. The provisions of the compact  
11 and the rules promulgated hereunder shall have standing as  
12 statutory law but shall not override existing state authority to  
13 regulate the practice of medicine.

14 b. All courts shall take judicial notice of the compact and the  
15 rules in any judicial or administrative proceeding in a member state  
16 pertaining to the subject matter of the compact which may affect the  
17 powers, responsibilities, or actions of the Interstate Commission.

18 c. The Interstate Commission shall be entitled to receive all  
19 service of process in any such proceeding, and shall have standing  
20 to intervene in the proceeding for all purposes. Failure to provide  
21 service of process to the Interstate Commission shall render a  
22 judgment or order void as to the Interstate Commission, the  
23 compact, or promulgated rules.  
24

25 Section 17. Enforcement of Interstate Compact.  
26

27 a. The Interstate Commission, in the reasonable exercise of its  
28 discretion, shall enforce the provisions and rules of the compact.

29 b. The Interstate Commission may, by majority vote of the  
30 commissioners, initiate legal action in the United States District  
31 Court for the District of Columbia, or, at the discretion of the  
32 Interstate Commission, in the federal district where the Interstate  
33 Commission has its principal offices, to enforce compliance with  
34 the provisions of the Compact, and its promulgated rules and  
35 bylaws, against a member state in default. The relief sought may  
36 include both injunctive relief and damages. In the event judicial  
37 enforcement is necessary, the prevailing party shall be awarded all  
38 costs of such litigation, including reasonable attorney's fees.

39 c. The remedies herein shall not be the exclusive remedies of  
40 the Interstate Commission. The Interstate Commission may avail  
41 itself of any other remedies available under state law or the  
42 regulation of a profession.  
43

44 Section 18. Default Procedures.  
45

46 a. The grounds for default include, but are not limited to,  
47 failure of a member state to perform such obligations or  
48 responsibilities imposed on it by the compact or the rules and

- 1 bylaws of the Interstate Commission promulgated under the  
2 compact.
- 3 b. If the Interstate Commission determines that a member state  
4 has defaulted in the performance of its obligations or  
5 responsibilities under the compact, or the bylaws or promulgated  
6 rules, the Interstate Commission shall:
- 7 (1) Provide written notice to the defaulting state and other  
8 member states of the nature of the default, the means of curing the  
9 default, and any action taken by the Interstate Commission. The  
10 Interstate Commission shall specify the conditions by which the  
11 defaulting state shall cure its default; and
- 12 (2) Provide remedial training and specific technical assistance  
13 regarding the default.
- 14 c. If the defaulting state fails to cure the default, the defaulting  
15 state shall be terminated from the compact upon an affirmative vote  
16 of a majority of the commissioners and all rights, privileges, and  
17 benefits conferred by the compact shall terminate on the effective  
18 date of termination. A cure of the default does not relieve the  
19 offending state of obligations or liabilities incurred during the  
20 period of the default.
- 21 d. Termination of membership in the compact shall be imposed  
22 only after all other means of securing compliance have been  
23 exhausted. Notice of intent to terminate shall be given by the  
24 Interstate Commission to the governor, the majority and minority  
25 leaders of the defaulting state's legislature, and each of the member  
26 states.
- 27 e. The Interstate Commission shall establish rules and  
28 procedures to address licenses and physicians that are materially  
29 affected by the termination of a member state or the withdrawal of a  
30 member state.
- 31 f. The member state which has been terminated is responsible  
32 for all dues, obligations, and liabilities incurred through the  
33 effective date of termination, including any obligations for which  
34 the performance of the obligation extends beyond the effective date  
35 of termination.
- 36 g. The Interstate Commission shall not bear any costs relating  
37 to any state that has been found to be in default or which has been  
38 terminated from the compact, unless otherwise mutually agreed  
39 upon in writing between the Interstate Commission and the  
40 defaulting state.
- 41 h. The defaulting state may appeal the action of the Interstate  
42 Commission by petitioning the United States District Court for the  
43 District of Columbia or the federal district where the Interstate  
44 Commission has its principal offices. The prevailing party shall be  
45 awarded all costs of such litigation, including reasonable attorney's  
46 fees.



1 Section 19. Dispute Resolution.

2

3 a. The Interstate Commission shall attempt, upon the request of  
4 a member state, to resolve disputes which are subject to the  
5 compact and which may arise among member states or member  
6 boards.

7 b. The Interstate Commission shall promulgate rules providing  
8 for both mediation and binding dispute resolution, as appropriate.

9

10 Section 20. Member States, Effective Date, and Amendment.

11

12 a. Any state is eligible to become a member state of the  
13 compact.

14 b. The compact shall become effective and binding upon  
15 legislative enactment of the compact into law by no less than seven  
16 states. Thereafter, it shall become effective and binding on a state  
17 upon enactment of the compact into law by that state.

18 c. The governors of non-member states, or their designees,  
19 shall be invited to participate in the activities of the Interstate  
20 Compact on a non-voting basis prior to adoption of the compact by  
21 all states.

22 d. The Interstate Commission may propose amendments to the  
23 compact for enactment by member states. No amendment shall  
24 become effective and binding upon the Interstate Commission and  
25 the member states unless and until it is enacted into law by  
26 unanimous consent of the member states.

27

28 Section 21. Withdrawal.

29

30 a. Once effective, the compact shall continue in force and  
31 remain binding upon each and every member state; provided that a  
32 member state may withdraw from the compact by specifically  
33 repealing the statute that enacted the compact into law.

34 b. Withdrawal from the compact shall be by the enactment of a  
35 statute repealing the same, but shall not take effect until one year  
36 after the effective date of such statute and until written notice of the  
37 withdrawal has been given by the withdrawing state to the governor  
38 of each member state.

39 c. The withdrawing state shall immediately notify the  
40 chairperson of the Interstate Commission in writing upon the  
41 introduction of legislation repealing the compact in the withdrawing  
42 state.

43 d. The Interstate Commission shall notify the other member  
44 states of the withdrawing state's intent to withdraw within 60 days  
45 after receiving notice provided pursuant to subsection c. of this  
46 section.

47 e. The withdrawing state shall be responsible for all dues,  
48 obligations, and liabilities incurred through the effective date of

1 withdrawal, including any obligations for which the performance of  
2 the obligation extends beyond the effective date of withdrawal.

3 f. Reinstatement following withdrawal of a member state shall  
4 occur upon the withdrawing state reenacting the compact or upon  
5 such later date as determined by the Interstate Commission.

6 g. The Interstate Commission shall be authorized to develop  
7 rules to address the effect of withdrawal of a member state on  
8 licenses granted in other member states to physicians who  
9 designated the withdrawing member state as the state of principal  
10 licensure.

11

12 Section 22. Dissolution.

13

14 a. The compact shall dissolve effective upon the date of the  
15 withdrawal or default of the member state which reduces the  
16 membership in the compact to one member state.

17 b. Upon the dissolution of the compact, the compact becomes  
18 null and void and shall be of no further force or effect, and the  
19 business and affairs of the Interstate Commission shall be  
20 concluded and surplus finds shall be distributed in accordance with  
21 the bylaws.

22

23 Section 23. Severability and Construction.

24

25 a. The provisions of the compact shall be severable, and if any  
26 phrase, clause, sentence, or provision is deemed unenforceable, the  
27 remaining provisions of the compact shall be enforceable.

28 b. The provisions of the compact shall be liberally construed to  
29 effectuate its purposes.

30 c. Nothing in the compact shall be construed to prohibit the  
31 applicability of other interstate compacts to which the states are  
32 members.

33

34 Section 24. Binding Effect of Compact and Other Laws.

35

36 a. Nothing herein prevents the enforcement of any other law of  
37 a member state that is not inconsistent with the compact.

38 b. All laws in a member state in conflict with the compact are  
39 superseded to the extent of the conflict.

40 c. All lawful actions of the Interstate Commission, including  
41 all rules and bylaws promulgated by the Commission, are binding  
42 upon the member states.

43 d. All agreements between the Interstate Commission and the  
44 member states are binding in accordance with their terms.

45 e. In the event any provision of the compact exceeds the  
46 constitutional limits imposed on the legislature of any member  
47 state, such provision shall be ineffective to the extent of the conflict  
48 with the constitutional provision in question in that member state.

1       2. This act shall take effect immediately.

2

3

4

#### STATEMENT

5

6       This bill enters New Jersey into the Interstate Medical Licensure  
7 Compact (Compact), which is an interstate agreement that provides  
8 a streamlined process for physicians who are in good standing in  
9 their own states to quickly and easily become licensed in other  
10 member states without the need to complete the full standard  
11 licensing process in the other state. A license issued under the  
12 Compact for a member state constitutes a full and unrestricted  
13 license to practice medicine in that member state. The Compact  
14 does not change the medical practice laws in any member state, and  
15 the requirements to obtain expedited licensure reflect the prevailing  
16 standard for physician licensure nationwide. Physicians providing  
17 health care services are subject to the medical practice laws of the  
18 state in which the patient is located. The Compact will be  
19 administered by the “Interstate Medical Licensure Compact  
20 Commission” (Interstate Commission), which is comprised of  
21 delegates from each member state.

22

23

#### Expedited Licensure

24

25       To qualify for licensure in another state through the Compact, a  
26 physician will be required to be a graduate of an accredited medical  
27 school, have passed the licensing examination within three  
28 attempts, have successfully completed graduate medical education,  
29 hold a specialty certification, possess a full and unrestricted license  
30 to practice medicine in the physician’s principal state of licensure,  
31 have no criminal convictions, have never been subject to license-  
32 related disciplinary action, have never had a controlled substance  
33 license or permit suspended or revoked, and not be under active  
34 investigation by a licensing or law enforcement agency. A  
35 physician who does not meet the requirements for expedited  
36 licensure may still apply for licensure in another state under that  
37 state’s standard licensure process.

38       A physician applying for expedited licensure will be required to  
39 designate a state of principal license, which will be the physician’s  
40 state of primary residence, the state where at least 25 percent of the  
41 physician’s practice of medicine occurs, the location of the  
42 physician’s employer, or the state designated as the physician’s  
43 state of residence for federal income tax purposes. Physicians may  
44 change their states of principal license, provided the physician’s ties  
45 to the new state meet the requirements for designation.

46       An application for expedited licensure is to be filed with the  
47 physician’s state of principal license. The licensing board in that  
48 state will evaluate the physician’s eligibility based on a review of

1 the physician's educational background, the results of the  
2 physician's licensing examinations, and a criminal background  
3 check. Once the state of principal license verifies the physician's  
4 eligibility, it will submit a letter to the Interstate Commission, and  
5 the physician will receive member state licenses in each state  
6 requested by the physician and for which the physician pays the  
7 applicable licensure fee. License and renewal fees are  
8 independently established by each member state.

9 The member state license will be valid for a period consistent  
10 with that state's laws, and the physician will be required to comply  
11 with all practice laws in the member state. There is no limit to the  
12 number of member state licenses a physician may obtain under the  
13 Compact; however, after the initial application process, an  
14 additional fee applies to subsequent applications for expedited  
15 licensure. A member state license will be renewed if the physician  
16 continues to meet the eligibility requirements for licensure under  
17 the Compact. Physicians are subject to continuing professional  
18 education requirements for each state in which the physician  
19 maintains a license.

20 The Interstate Commission will be required to establish a  
21 database of all physicians who apply for or who are issued a license  
22 under the Compact. The licensing boards in each member state  
23 are required to report to the database complaints, public actions, and  
24 disciplinary actions taken against a physician listed in the database,  
25 and may additionally report non-public complaints, disciplinary  
26 actions, and investigations. Information reported to the database is  
27 to be kept confidential.

28 Member boards are authorized to engage in joint investigations  
29 of a physician, share investigative and related materials with other  
30 member states, and issue subpoenas, which other member states are  
31 required to comply with. Member states may investigate alleged  
32 violations of the medical practice laws of any other member state.  
33 A disciplinary action taken by a member board against a physician  
34 constitutes grounds for other member states to institute disciplinary  
35 action against the physician.

36 If a license granted to a physician by the member board in the  
37 state of principal license is suspended, revoked, surrendered, or  
38 relinquished in lieu of discipline, all licenses issued to the physician  
39 by member boards will automatically be placed on the same status.  
40 If the member board in the state of principal license subsequently  
41 reinstates the physician's license, a license issued to the physician  
42 by any other member board will remain encumbered until that  
43 respective member board takes action to reinstate the license. If a  
44 state other than the state of principal license takes disciplinary  
45 action against a physician, all other member states may use the  
46 same grounds to impose the same or a lesser sanction against the  
47 physician or take independent action against the physician under

1 that state's own laws. If a physician's license is revoked,  
2 surrendered, or relinquished in a member state, all other member  
3 state licenses will be suspended for 90 days.

4

#### 5 Interstate Medical Licensure Compact Commission

6

7 The Interstate Commission will consist of two voting  
8 representatives appointed by each member state, called  
9 "commissioners." Each commissioner is required to be a member  
10 of that state's medical licensure board. The Interstate Commission  
11 will meet at least once each calendar year and at other times when  
12 called by the chair or upon request of a majority of member states.  
13 Meetings are generally open to the public, but closed meetings may  
14 be conducted to discuss internal personnel matters, matters  
15 involving privileged or confidential information, criminal  
16 accusations and formal censures, private personal information,  
17 criminal investigations, or civil proceedings. Interstate  
18 Commission records will be available to the public for inspection,  
19 unless otherwise held confidential. The Compact provides for  
20 limited liability and indemnification for the executive director,  
21 officers, and employees of the Interstate Commission in connection  
22 with their official duties.

23 The Interstate Commission has the power to promulgate rules,  
24 establish bylaws, issue advisory opinions, enforce compliance,  
25 initiate litigation, establish and appoint committees, employ an  
26 executive director, report to the member states, and take other  
27 actions necessary to administer and achieve the purposes of the  
28 Compact. The Interstate Commission will establish an executive  
29 committee, which will have the power to act on behalf of the  
30 Interstate Commission during periods when the Interstate  
31 Commission is not in session, including overseeing the  
32 administration and enforcement of the Compact. The Interstate  
33 Commission will additionally be tasked with resolving disputes  
34 among member states upon request.

35 The Interstate Commission may collect an annual assessment  
36 from each member state to cover the cost of the operations and  
37 activities of the Interstate Commission and its staff, which is to be  
38 sufficient to cover the annual budget approved each year for which  
39 revenue is not provided by other sources. The Interstate  
40 Commission may not incur obligations until it has secured funds to  
41 cover the obligation. The Interstate Commission will be subject to  
42 a yearly financial audit, which will be included in its annual report.

43

#### 44 Membership in the Compact

45

46 States can join the Compact by enacting a statute adopting the  
47 Compact language. The Compact took effect upon adoption by  
48 seven states, and, according to the Interstate Medical Licensure

1 Compact website, currently 25 states, the District of Columbia, and  
2 Guam have adopted enabling legislation, including Alabama,  
3 Arizona, Colorado, Idaho, Illinois, Iowa, Kansas, Maine, Maryland,  
4 Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada,  
5 New Hampshire, Pennsylvania, South Dakota, Tennessee, Utah,  
6 Vermont, Washington, West Virginia, Wisconsin, and Wyoming.  
7 States may withdraw from the Compact by repealing the enabling  
8 statute, and the Compact will dissolve when the number of member  
9 states is reduced to one.

10 Amendments may be made to the Compact if each member state  
11 enacts legislation adopting the amendment.

12 The provisions of the Compact will not override existing state  
13 authority to regulate the practice of medicine; however, the  
14 Compact provides that other laws in member states that are in  
15 conflict with the Compact are superseded to the extent of the  
16 conflict, and all lawful actions of the Interstate Commission are  
17 binding on the member states. When the Compact exceeds  
18 constitutional limits within a member state, the relevant provision  
19 of the Compact is ineffective to the extent of the conflict.

20 The executive, legislative, and judicial branches of state  
21 government in each member state are to enforce the Compact and  
22 take all actions necessary and appropriate to effectuate the purposes  
23 and intent of the Compact. Courts are to take judicial notice of the  
24 Compact in any judicial proceeding that may affect the powers,  
25 responsibilities, or actions of the Interstate Commission. The  
26 Interstate Commission is entitled to receive service of process and  
27 intervene in any such proceeding, and the failure to provide service  
28 of process will render a judgment or order void as to the Interstate  
29 Commission.

30 Member states may be found in default of the Compact based on  
31 the failure to perform obligations or responsibilities imposed by the  
32 Compact. The Interstate Commission is to provide written notice to  
33 a defaulting state and the other member states of the nature of the  
34 default, the means of curing the default, and any specific action or  
35 conditions necessary to cure the default. The Interstate  
36 Commission is to additionally provide remedial training and  
37 specific technical assistance regarding the default. Failure to cure a  
38 default will result in the member state being terminated from the  
39 Compact.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### SENATE, No. 523

# STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Health Committee reports favorably Senate Bill No. 523.

This bill enters New Jersey into the Interstate Medical Licensure Compact (Compact), which is an interstate agreement that provides a streamlined process for physicians who are in good standing in their own states to quickly and easily become licensed in other member states without the need to complete the full standard licensing process in the other state. A license issued under the Compact for a member state constitutes a full and unrestricted license to practice medicine in that member state. The Compact does not change the medical practice laws in any member state, and the requirements to obtain expedited licensure reflect the prevailing standard for physician licensure nationwide. Physicians providing health care services are subject to the medical practice laws of the state in which the patient is located. The Compact will be administered by the “Interstate Medical Licensure Compact Commission” (Interstate Commission), which is comprised of delegates from each member state.

#### Expedited Licensure

To qualify for licensure in another state through the Compact, a physician will be required to be a graduate of an accredited medical school, have passed the licensing examination within three attempts, have successfully completed graduate medical education, hold a specialty certification, possess a full and unrestricted license to practice medicine in the physician’s principal state of licensure, have no criminal convictions, have never been subject to license-related disciplinary action, have never had a controlled substance license or permit suspended or revoked, and not be under active investigation by a licensing or law enforcement agency. A physician who does not meet the requirements for expedited licensure may still apply for licensure in another state under that state’s standard licensure process.

A physician applying for expedited licensure will be required to designate a state of principal license, which will be the physician’s state of primary residence, the state where at least 25 percent of the physician’s practice of medicine occurs, or the location of the physician’s employer; if no state meets these criteria, the state of principal license will be the state designated as the physician’s state of

residence for federal income tax purposes. Physicians may change their states of principal license, provided the physician's ties to the new state meet the requirements for designation.

An application for expedited licensure is to be filed with the physician's state of principal license. The licensing board in that state will evaluate the physician's eligibility based on a review of the physician's educational background, the results of the physician's licensing examinations, and a criminal history record background check. Once the state of principal license verifies the physician's eligibility, it will submit a letter to the Interstate Commission, and the physician will receive member state licenses in each state requested by the physician for which the physician pays the applicable licensure fee. License and renewal fees are independently established by each member state.

A member state license will be valid for a period consistent with that state's laws, and the physician will be required to comply with all practice laws in the member state. There is no limit to the number of member state licenses a physician may obtain under the Compact; however, after the initial application process, an additional fee applies to subsequent applications for expedited licensure. A member state license will be renewed if the physician continues to meet the eligibility requirements for licensure under the Compact. Physicians are subject to continuing professional education requirements for each state in which the physician maintains a license.

The Interstate Commission will be required to establish a database of all physicians who apply for or who are issued a license under the Compact. The licensing boards in each member state are required to report to the database complaints, public actions, and disciplinary actions taken against a physician listed in the database, and may additionally report non-public complaints, disciplinary actions, and investigations. Information reported to the database is to be kept confidential.

Member boards are authorized to engage in joint investigations of a physician, share investigative and related materials with other member states, and issue subpoenas, which other member states are required to comply with. Member states may investigate alleged violations of the medical practice laws of any other member state. A disciplinary action taken by a member board against a physician constitutes grounds for other member states to institute disciplinary action against the physician.

If a license granted to a physician by the member board in the state of principal license is suspended, revoked, surrendered, or relinquished in lieu of discipline, all licenses issued to the physician by member boards will automatically be placed on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board will remain encumbered until that respective member board takes action to reinstate the license. If a state other than the state



of principal license takes disciplinary action against a physician, all other member states may use the same grounds to impose the same or a lesser sanction against the physician or take independent action against the physician under that state's own laws. If a physician's license is revoked, surrendered, or relinquished in a member state, all other member state licenses will be suspended for 90 days.

#### Interstate Medical Licensure Compact Commission

The Interstate Commission will consist of two voting representatives appointed by each member state, called "commissioners." Each commissioner is required to be a member of that state's medical licensure board. The Interstate Commission will meet at least once each calendar year and at other times when called by the chair or upon request of a majority of member states. Meetings are generally open to the public, but closed meetings may be conducted to discuss internal personnel matters, matters involving privileged or confidential information, criminal accusations and formal censures, private personal information, criminal investigations, or civil proceedings. Interstate Commission records will be available to the public for inspection, unless otherwise held confidential. The Compact provides for limited liability and indemnification for the executive director, officers, and employees of the Interstate Commission in connection with their official duties.

The Interstate Commission has the power to promulgate rules, establish bylaws, issue advisory opinions, enforce compliance, initiate litigation, establish and appoint committees, employ an executive director, report to the member states, and take other actions necessary to administer and achieve the purposes of the Compact. The Interstate Commission will establish an executive committee, which will have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, including overseeing the administration and enforcement of the Compact. The Interstate Commission will additionally be tasked with resolving disputes among member states upon request.

The Interstate Commission may collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which is to be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The Interstate Commission may not incur obligations until it has secured funds to cover the obligation. The Interstate Commission will be subject to a yearly financial audit, which will be included in its annual report.

#### Membership in the Compact

States can join the Compact by enacting a statute adopting the Compact language. The Compact took effect upon adoption by seven

states, and, according to the Interstate Medical Licensure Compact website, currently 25 states, the District of Columbia, and Guam have adopted enabling legislation, including Alabama, Arizona, Colorado, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. States may withdraw from the Compact by repealing the enabling statute, and the Compact will dissolve when the number of member states is reduced to one.

Amendments may be made to the Compact if each member state enacts legislation adopting the amendment.

The provisions of the Compact will not override existing state authority to regulate the practice of medicine; however, the Compact provides that other laws in member states that are in conflict with the Compact are superseded to the extent of the conflict, and all lawful actions of the Interstate Commission are binding on the member states. When the Compact exceeds constitutional limits within a member state, the relevant provision of the Compact is ineffective to the extent of the conflict.

The executive, legislative, and judicial branches of state government in each member state are to enforce the Compact and take all actions necessary and appropriate to effectuate the purposes and intent of the Compact. Courts are to take judicial notice of the Compact in any judicial proceeding that may affect the powers, responsibilities, or actions of the Interstate Commission. The Interstate Commission is entitled to receive service of process and intervene in any such proceeding, and the failure to provide service of process will render a judgment or order void as to the Interstate Commission.

Member states may be found in default of the Compact based on the failure to perform obligations or responsibilities imposed by the Compact. The Interstate Commission is to provide written notice to a defaulting state and the other member states of the nature of the default, the means of curing the default, and any specific action or conditions necessary to cure the default. The Interstate Commission is to additionally provide remedial training and specific technical assistance regarding the default. Failure to cure a default will result in the member state being terminated from the Compact.

As reported by the committee, Senate Bill No. 523 is identical to Assembly Bill No. 1112 which was reported by the committee on this date.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### SENATE, No. 523

# STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Health Committee reports favorably Senate Bill No. 523.

This bill enters New Jersey into the Interstate Medical Licensure Compact (Compact), which is an interstate agreement that provides a streamlined process for physicians who are in good standing in their own states to quickly and easily become licensed in other member states without the need to complete the full standard licensing process in the other state. A license issued under the Compact for a member state constitutes a full and unrestricted license to practice medicine in that member state. The Compact does not change the medical practice laws in any member state, and the requirements to obtain expedited licensure reflect the prevailing standard for physician licensure nationwide. Physicians providing health care services are subject to the medical practice laws of the state in which the patient is located. The Compact will be administered by the “Interstate Medical Licensure Compact Commission” (Interstate Commission), which is comprised of delegates from each member state.

#### Expedited Licensure

To qualify for licensure in another state through the Compact, a physician will be required to be a graduate of an accredited medical school, have passed the licensing examination within three attempts, have successfully completed graduate medical education, hold a specialty certification, possess a full and unrestricted license to practice medicine in the physician’s principal state of licensure, have no criminal convictions, have never been subject to license-related disciplinary action, have never had a controlled substance license or permit suspended or revoked, and not be under active investigation by a licensing or law enforcement agency. A physician who does not meet the requirements for expedited licensure may still apply for licensure in another state under that state’s standard licensure process.

A physician applying for expedited licensure will be required to designate a state of principal license, which will be the physician’s state of primary residence, the state where at least 25 percent of the physician’s practice of medicine occurs, or the location of the physician’s employer; if no state meets these criteria, the state of principal license will be the state designated as the physician’s state of

residence for federal income tax purposes. Physicians may change their states of principal license, provided the physician's ties to the new state meet the requirements for designation.

An application for expedited licensure is to be filed with the physician's state of principal license. The licensing board in that state will evaluate the physician's eligibility based on a review of the physician's educational background, the results of the physician's licensing examinations, and a criminal history record background check. Once the state of principal license verifies the physician's eligibility, it will submit a letter to the Interstate Commission, and the physician will receive member state licenses in each state requested by the physician for which the physician pays the applicable licensure fee. License and renewal fees are independently established by each member state.

A member state license will be valid for a period consistent with that state's laws, and the physician will be required to comply with all practice laws in the member state. There is no limit to the number of member state licenses a physician may obtain under the Compact; however, after the initial application process, an additional fee applies to subsequent applications for expedited licensure. A member state license will be renewed if the physician continues to meet the eligibility requirements for licensure under the Compact. Physicians are subject to continuing professional education requirements for each state in which the physician maintains a license.

The Interstate Commission will be required to establish a database of all physicians who apply for or who are issued a license under the Compact. The licensing boards in each member state are required to report to the database complaints, public actions, and disciplinary actions taken against a physician listed in the database, and may additionally report non-public complaints, disciplinary actions, and investigations. Information reported to the database is to be kept confidential.

Member boards are authorized to engage in joint investigations of a physician, share investigative and related materials with other member states, and issue subpoenas, which other member states are required to comply with. Member states may investigate alleged violations of the medical practice laws of any other member state. A disciplinary action taken by a member board against a physician constitutes grounds for other member states to institute disciplinary action against the physician.

If a license granted to a physician by the member board in the state of principal license is suspended, revoked, surrendered, or relinquished in lieu of discipline, all licenses issued to the physician by member boards will automatically be placed on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board will remain encumbered until that respective member board takes action to reinstate the license. If a state other than the state

of principal license takes disciplinary action against a physician, all other member states may use the same grounds to impose the same or a lesser sanction against the physician or take independent action against the physician under that state's own laws. If a physician's license is revoked, surrendered, or relinquished in a member state, all other member state licenses will be suspended for 90 days.

#### Interstate Medical Licensure Compact Commission

The Interstate Commission will consist of two voting representatives appointed by each member state, called "commissioners." Each commissioner is required to be a member of that state's medical licensure board. The Interstate Commission will meet at least once each calendar year and at other times when called by the chair or upon request of a majority of member states. Meetings are generally open to the public, but closed meetings may be conducted to discuss internal personnel matters, matters involving privileged or confidential information, criminal accusations and formal censures, private personal information, criminal investigations, or civil proceedings. Interstate Commission records will be available to the public for inspection, unless otherwise held confidential. The Compact provides for limited liability and indemnification for the executive director, officers, and employees of the Interstate Commission in connection with their official duties.

The Interstate Commission has the power to promulgate rules, establish bylaws, issue advisory opinions, enforce compliance, initiate litigation, establish and appoint committees, employ an executive director, report to the member states, and take other actions necessary to administer and achieve the purposes of the Compact. The Interstate Commission will establish an executive committee, which will have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, including overseeing the administration and enforcement of the Compact. The Interstate Commission will additionally be tasked with resolving disputes among member states upon request.

The Interstate Commission may collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which is to be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The Interstate Commission may not incur obligations until it has secured funds to cover the obligation. The Interstate Commission will be subject to a yearly financial audit, which will be included in its annual report.

#### Membership in the Compact

States can join the Compact by enacting a statute adopting the Compact language. The Compact took effect upon adoption by seven

states, and, according to the Interstate Medical Licensure Compact website, currently 25 states, the District of Columbia, and Guam have adopted enabling legislation, including Alabama, Arizona, Colorado, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. States may withdraw from the Compact by repealing the enabling statute, and the Compact will dissolve when the number of member states is reduced to one.

Amendments may be made to the Compact if each member state enacts legislation adopting the amendment.

The provisions of the Compact will not override existing state authority to regulate the practice of medicine; however, the Compact provides that other laws in member states that are in conflict with the Compact are superseded to the extent of the conflict, and all lawful actions of the Interstate Commission are binding on the member states. When the Compact exceeds constitutional limits within a member state, the relevant provision of the Compact is ineffective to the extent of the conflict.

The executive, legislative, and judicial branches of state government in each member state are to enforce the Compact and take all actions necessary and appropriate to effectuate the purposes and intent of the Compact. Courts are to take judicial notice of the Compact in any judicial proceeding that may affect the powers, responsibilities, or actions of the Interstate Commission. The Interstate Commission is entitled to receive service of process and intervene in any such proceeding, and the failure to provide service of process will render a judgment or order void as to the Interstate Commission.

Member states may be found in default of the Compact based on the failure to perform obligations or responsibilities imposed by the Compact. The Interstate Commission is to provide written notice to a defaulting state and the other member states of the nature of the default, the means of curing the default, and any specific action or conditions necessary to cure the default. The Interstate Commission is to additionally provide remedial training and specific technical assistance regarding the default. Failure to cure a default will result in the member state being terminated from the Compact.

As reported by the committee, Senate Bill No. 523 is identical to Assembly Bill No. 1112 which was reported by the committee on this date.

**ASSEMBLY, No. 1112**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Enters New Jersey into Interstate Medical Licensure Compact.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/5/2020)**

1 AN ACT entering New Jersey into the Interstate Medical Licensure  
2 Compact and supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Interstate  
8 Medical Licensure Compact with all other jurisdictions that legally  
9 join the compact in the form substantially as follows:

10

11 Section 1. Purpose.

12

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

31

32 Section 2. Definitions.

33

34 As used in this compact:

35 a. "Bylaws" means the bylaws established by the Interstate  
36 Commission pursuant to section 11 of this compact for its  
37 governance, or for directing and controlling its actions and conduct.

38 b. "Commissioner" means the voting representative appointed  
39 by each member board pursuant to section 11 of this compact.

40 c. "Conviction" means a finding by a court that an individual is  
41 guilty of a criminal offense through adjudication, or entry of a plea  
42 of guilt or no contest to the charge by the offender. Evidence of an  
43 entry of a conviction of a criminal offense by the court shall be  
44 considered final for purposes of disciplinary action by a member  
45 board.

46 d. "Expedited license" means a full and unrestricted medical  
47 license granted by a member state to an eligible physician through  
48 the process set forth in the compact.



- 1 e. “Interstate Commission” means the Interstate Medical  
2 Licensure Compact Commission created pursuant to section 11 of  
3 this compact.
- 4 f. “License” means authorization by a state for a physician to  
5 engage in the practice of medicine, which would be unlawful  
6 without the authorization.
- 7 g. “Medical practice act” means laws and regulations  
8 governing the practice of allopathic and osteopathic medicine  
9 within a member state.
- 10 h. “Member board” means a state agency in a member state  
11 that acts in the sovereign interests of the state by protecting the  
12 public through licensure, regulation, and education of physicians as  
13 directed by the state government.
- 14 i. “Member state” means a state that has enacted the compact.
- 15 j. “Practice of medicine” means the clinical prevention,  
16 diagnosis, or treatment of human disease, injury, or condition  
17 requiring a physician to obtain and maintain a license in compliance  
18 with the medical practice act of a member state.
- 19 k. “Physician” means any person who:
- 20 (1) Is a graduate of a medical school accredited by the Liaison  
21 Committee on Medical Education, the Commission on Osteopathic  
22 College Accreditation, or a medical school listed in the  
23 International Medical Education Directory or its 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  
28 accepted by a state medical board as an equivalent examination for  
29 licensure purposes;
- 30 (3) Successfully completed graduate medical education  
31 approved by the Accreditation Council for Graduate Medical  
32 Education or the American Osteopathic Association;
- 33 (4) Holds specialty certification or a time-unlimited specialty  
34 certificate recognized by the American Board of Medical  
35 Specialties or the American Osteopathic Association’s Bureau of  
36 Osteopathic Specialists;
- 37 (5) Possesses a full and unrestricted license to engage in the  
38 practice of medicine issued by a member board;
- 39 (6) Has never been convicted, received adjudication, deferred  
40 adjudication, community supervision, or deferred disposition for  
41 any offense by a court of appropriate jurisdiction;
- 42 (7) Has never held a license authorizing the practice of medicine  
43 subjected to discipline by a licensing agency in any state, federal, or  
44 foreign jurisdiction, excluding any action related to non-payment of  
45 fees related to a license;
- 46 (8) Has never had a controlled substance license or permit  
47 suspended or revoked by a state or the United States Drug  
48 Enforcement Administration; and

1 (9) Is not under active investigation by a licensing agency or  
2 law enforcement authority in any state, federal, or foreign  
3 jurisdiction.

4 l. "Offense" means a felony, gross misdemeanor, or crime of  
5 moral turpitude.

6 m. "Rule" means a written statement by the Interstate  
7 Commission promulgated pursuant to section 12 of this compact  
8 that is of general applicability, implements, interprets, or prescribes  
9 a policy or provision of the compact, or an organizational,  
10 procedural, or practice requirement of the Interstate Commission,  
11 and has the force and effect of statutory law in a member state, and  
12 includes the amendment, repeal, or suspension of an existing rule.

13 n. "State" means any state, commonwealth, district, or territory  
14 of the United States.

15 o. "State of principal license" means a member state where a  
16 physician holds a license to practice medicine and which has been  
17 designated as such by the physician for purposes of registration and  
18 participation in the compact.

19  
20 Section 3. Eligibility.

21  
22 a. A physician shall meet the eligibility requirements specified  
23 in subsection k. of section 2 of this compact to receive an expedited  
24 license under the terms and provisions of the compact.

25 b. A physician who does not meet the eligibility requirements  
26 set forth in subsection k. of section 2 of this compact may obtain a  
27 license to practice medicine in a member state if the individual  
28 complies with all laws and requirements, other than the compact,  
29 related to the issuance of a license to practice medicine in that state.

30  
31 Section 4. Designation of State of Principal License.

32  
33 a. A physician shall designate a member state as the state of  
34 principal license for purposes of registration for expedited licensure  
35 through the compact if the physician possesses a full and  
36 unrestricted license to practice medicine in that state, and the state  
37 is:

38 (1) the state of primary residence for the physician;

39 (2) the state where at least 25 percent of the physician's practice  
40 of medicine occurs;

41 (3) the location of the physician's employer; or

42 (4) if no state qualifies under paragraphs (1) through (3) of this  
43 subsection, the state designated as the physician's state of residence  
44 for federal income tax purposes.

45 b. A physician may redesignate a member state as the  
46 physician's state of principal license at any time, provided the state  
47 meets the requirements for designation set forth in subsection a. of  
48 this section.

1 c. The Interstate Commission is authorized to develop rules to  
2 facilitate redesignation of another member state as the physician's  
3 state of principal license.

4  
5 Section 5. Application and Issuance of Expedited Licensure.

6  
7 a. A physician seeking licensure through the compact shall file  
8 an application for an expedited license with the member board of  
9 the state selected by the physician as the physician's state of  
10 principal license.

11 b. Upon receipt of an application for an expedited license, the  
12 member board within the state selected as the physician's state of  
13 principal license shall evaluate whether the physician is eligible for  
14 expedited licensure and issue a letter of qualification to the  
15 Interstate Commission verifying or denying the physician's  
16 eligibility.

17 (1) Static qualifications, which include verification of medical  
18 education, graduate medical education, results of any medical or  
19 licensing examination, and other qualifications as determined by the  
20 Interstate Commission through rule, shall not be subject to  
21 additional primary source verification where already primary source  
22 verified by the physician's state of principal license.

23 (2) The member board within the state selected as the  
24 physician's state of principal license shall, in the course of verifying  
25 eligibility, perform a criminal background check of an applicant,  
26 including the use of the results of fingerprint or other biometric data  
27 checks compliant with the requirements of the Federal Bureau of  
28 Investigation, with the exception of federal employees who have  
29 suitability determination in accordance with 5 CFR 731.202.

30 (3) Appeal on the determination of eligibility shall be made to  
31 the member state where the application was filed and shall be  
32 subject to the law of that state.

33 c. Upon verification of a physician's eligibility for expedited  
34 licensure pursuant to subsection b. of this section, the physician  
35 shall complete the registration process established by the Interstate  
36 Commission to receive a license in a member state selected  
37 pursuant to subsection a. of this section, including the payment of  
38 any applicable fees.

39 d. Upon receiving verification of a physician's eligibility for  
40 expedited licensure pursuant to subsection b. of this section and  
41 payment of any applicable fees pursuant to subsection c. of this  
42 section, a member board shall issue an expedited license to the  
43 physician. The license shall authorize the physician to practice  
44 medicine in the issuing state consistent with the medical practice at  
45 and all applicable laws and regulations of the issuing member board  
46 and member state.

47 e. An expedited license shall be valid for a period consistent  
48 with the licensure period in the member state and in the same

1 manner as required for other physicians holding a full and  
2 unrestricted license within the member state.

3 f. An expedited license obtained through the compact shall be  
4 terminated if the physician fails to maintain a license in the  
5 physician's state of principal licensure for a non-disciplinary  
6 reason, without redesignation of a new state of principal licensure.

7 g. The Interstate Commission is authorized to develop rules  
8 regarding the application process, including payment of any  
9 applicable fees and the issuance of an expedited license.

10

11 Section 6. Fees for Expedited Licensure.

12

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

16 b. The Interstate Commission is authorized to develop rules  
17 regarding fees for expedited licenses.

18

19 Section 7. Renewal and Continued Participation.

20

21 a. A physician seeking to renew an expedited license granted in  
22 a member state shall complete a renewal process with the Interstate  
23 Commission if the physician:

24 (1) Maintains a full and unrestricted license in a state of  
25 principal license;

26 (2) Has not been convicted, received adjudication, deferred  
27 adjudication, community supervision, or deferred disposition for  
28 any offense by a court of appropriate jurisdiction;

29 (3) Has not had a license authorizing the practice of medicine  
30 subject to discipline by a licensing agency in any state, federal, or  
31 foreign jurisdiction, excluding any action related to non-payment of  
32 fees related to a license; and

33 (4) Has not had a controlled substance license or permit  
34 suspended or revoked by a state or the United States Drug  
35 Enforcement Administration.

36 b. Physicians shall comply with all continuing professional  
37 development or continuing medical education requirements for  
38 renewal of a license issued by a member state.

39 c. The Interstate Commission shall collect any renewal fees  
40 charged for the renewal of a license and distribute the fees to the  
41 applicable member board.

42 d. Upon receipt of any renewal fees collected pursuant to  
43 subsection c. of this section, a member board shall renew the  
44 physician's license.

45 e. Physician information collected by the Interstate  
46 Commission during the renewal process will be distributed to all  
47 member boards.

1 f. The Interstate Commission is authorized to develop rules to  
2 address renewal of licenses obtained through the compact.

3  
4 Section 8. Coordinated Information System.

5  
6 a. The Interstate Commission shall establish a database of all  
7 physicians licensed, or who have applied for licensure, pursuant to  
8 section 5 of this compact.

9 b. Notwithstanding any other provision of law, member boards  
10 shall report to the Interstate Commission any public action or  
11 complaints against a licensed physician who has applied for or  
12 received an expedited license through the compact.

13 c. Member boards shall report disciplinary or investigatory  
14 information determined as necessary and proper by rule of the  
15 Interstate Commission.

16 d. Member boards may report any non-public complaint,  
17 disciplinary, or investigatory information not required pursuant to  
18 subsection c. of this section.

19 e. Member boards shall share complaint or disciplinary  
20 information about a physician upon request of another member  
21 board.

22 f. All information provided to the Interstate Commission or  
23 distributed by member boards shall be confidential, filed under seal,  
24 and used only for investigatory or disciplinary matters.

25 g. The Interstate Commission is authorized to develop rules for  
26 mandated or discretionary sharing of information by member  
27 boards.

28  
29 Section 9. Joint Investigations.

30  
31 a. Licensure and disciplinary records of physicians are deemed  
32 investigative.

33 b. In addition to the authority granted to a member board by its  
34 respective medical practice act or other applicable state law, a  
35 member board may participate with other member boards in joint  
36 investigations of physicians licensed by the member boards.

37 c. A subpoena issued by a member state shall be enforceable in  
38 other member states.

39 d. Member boards may share any investigative, litigation, or  
40 compliance materials in furtherance of any joint or individual  
41 investigation initiated under the compact.

42 e. Any member state may investigate actual or alleged  
43 violations of the statutes authorizing the practice of medicine in any  
44 other member state in which a physician holds a license to practice  
45 medicine.

46  
47 Section 10. Disciplinary Actions.

1 a. Any disciplinary action taken by any member board against  
2 a physician licensed through the compact shall be deemed  
3 unprofessional conduct which may be subject to discipline by other  
4 member boards, in addition to any violation of the medical practice  
5 act or regulations in that state.

6 b. If a license granted to a physician by the member board in  
7 the state of principal license is revoked, surrendered, or  
8 relinquished in lieu of discipline, or suspended, then all licenses  
9 issued to the physician by member boards shall automatically be  
10 placed, without further action necessary by any member board, on  
11 the same status. If the member board in the state of principal  
12 license subsequently reinstates the physician's license, a license  
13 issued to the physician by any other member board shall remain  
14 encumbered until that respective member board takes action to  
15 reinstate the license in a manner consistent with the medical  
16 practice act of that state.

17 c. If disciplinary action is taken against a physician by a  
18 member board not in the state of principal license, any other  
19 member board may deem the action conclusive as to matter of law  
20 and fact decided, and:

21 (1) impose the same or a lesser sanction against the physician,  
22 provided that the sanction is consistent with the medical practice act  
23 of that state; or

24 (2) pursue separate disciplinary action against the physician  
25 under its respective medical practice act, regardless of the action  
26 taken in other member states.

27 d. If a license granted to a physician by a member board is  
28 revoked, surrendered, or relinquished in lieu of discipline, or  
29 suspended, then any license issued to the physician by any other  
30 member board shall be suspended, automatically and immediately  
31 without further action necessary by the other member board, for 90  
32 days upon entry of the order by the disciplining board, to permit the  
33 member board to investigate the basis for the action under the  
34 medical practice act of that state. A member board may terminate  
35 the automatic suspension of the license it issued prior to the  
36 completion of the 90 day suspension period in a manner consistent  
37 with the medical practice act of that state.

38  
39 Section 11. Interstate Medical Licensure Compact Commission.

40  
41 a. The member states hereby create the "Interstate Medical  
42 Licensure Compact Commission."

43 b. The purpose of the Interstate Commission is the  
44 administration of the Interstate Medical Licensure Compact, which  
45 is a discretionary state function.

46 c. The Interstate Commission shall be a body corporate and  
47 joint agency of the member states and shall have all the  
48 responsibilities, powers, and duties set forth in the compact, and

1 such additional powers as may be conferred upon it by a subsequent  
2 concurrent action of the respective legislatures of the member states  
3 in accordance with the terms of the compact.

4 d. The Interstate Commission shall consist of two voting  
5 representatives appointed by each member state, who shall serve as  
6 commissioners. In states where allopathic and osteopathic  
7 physicians are regulated by separate member boards, or if the  
8 licensing and disciplinary authority is split between multiple  
9 member boards within a member state, the member state shall  
10 appoint one representative from each member board. Each  
11 commissioner shall be:

12 (1) an allopathic or osteopathic physician appointed to a  
13 member board;

14 (2) an executive director, executive secretary, or similar  
15 executive of a member board; or

16 (3) a member of the public appointed to a member board.

17 e. The Interstate Commission shall meet at least once each  
18 calendar year. A portion of the meeting shall be a business meeting  
19 to address such matters as may properly come before the  
20 commission, including the election of officers. The chairperson  
21 may call additional meetings and shall call for a meeting upon the  
22 request of a majority of the member states.

23 f. The bylaws may provide for meetings of the Interstate  
24 Commission to be conducted by telecommunication or electronic  
25 communication.

26 g. Each commissioner participating at a meeting of the  
27 Interstate Commission is entitled to one vote. A majority of  
28 commissioners shall constitute a quorum for the transaction of  
29 business, unless a larger quorum is required by the bylaws of the  
30 Interstate Commission. A commissioner shall not delegate a vote to  
31 another commissioner. In the absence of its commissioner, a  
32 member state may delegate voting authority for a specified meeting  
33 to another person from that state who meets the requirements to  
34 serve as a commissioner pursuant to subsection d. of this section.

35 h. The Interstate Commission shall provide public notice of all  
36 meetings and all meeting shall be open to the public. The Interstate  
37 Commission may close a meeting in full or in part, where it  
38 determines by a two-thirds vote of the commissioners present that  
39 an open meeting would be likely to:

40 (1) Relate solely to the internal personnel practices and  
41 procedures of the Interstate Commission;

42 (2) Discuss matters specifically exempted from disclosure by  
43 federal statute;

44 (3) Discuss trade secrets or commercial or financial information  
45 that is privileged or confidential;

46 (4) Involve accusing a person of a crime, or formally censuring  
47 a person;

- 1 (5) Discuss information of a personal nature where disclosure  
2 would constitute a clearly unwarranted invasion of personal  
3 privacy;
- 4 (6) Discuss investigative records compiled for law enforcement  
5 purposes; or
- 6 (7) Specifically relate to the participation in a civil action or  
7 other legal proceeding.
- 8 i. The Interstate Commission shall keep minutes, which shall  
9 fully describe all matters discussed in a meeting and shall provide a  
10 full and accurate summary of actions taken, including a record of  
11 any roll call votes.
- 12 j. The Interstate Commission shall make its information and  
13 official records, to the extent not otherwise designated in the  
14 compact or by its rules, available to the public for inspection.
- 15 k. The Interstate Commission shall establish an executive  
16 committee, which shall include officers, members, and others as  
17 determined by the bylaws. The executive committee shall have the  
18 power to act on behalf of the Interstate Commission, with the  
19 exception of rulemaking, during periods when the Interstate  
20 Commission is not in session. When acting on behalf of the  
21 Interstate Commission, the executive committee shall oversee the  
22 administration of the compact, including enforcement and  
23 compliance with the provisions of the compact, its bylaws and  
24 rules, and other such duties as may be necessary.
- 25 l. The Interstate Commission may establish other committees  
26 for governance and administration of the compact.

27

28 Section 12. Powers and Duties of the Interstate Commission.

29

30 The Interstate Commission shall have the duty and power to:

- 31 a. Oversee and maintain the administration of the compact;
- 32 b. Promulgate rules, which shall be binding to the extent and in  
33 the manner provided for in the compact;
- 34 c. Issue, upon the request of a member state or member board,  
35 advisory opinions concerning the meaning or interpretation of the  
36 compact and its bylaws, rules, and actions;
- 37 d. Enforce compliance with compact provisions, the rules  
38 promulgated by the Interstate Commission, and the bylaws, using  
39 all necessary and proper means, including, but not limited to, the  
40 use of judicial process;
- 41 e. Establish and appoint committees, including, but not limited  
42 to, an executive committee as required pursuant to section 11 of this  
43 compact, which shall have the power to act on behalf of the  
44 Interstate Commission in carrying out its powers and duties;
- 45 f. Pay, or provide for the payment of, the expenses related to  
46 the establishment, organization, and ongoing activities of the  
47 Interstate Commission;



- 1 g. Establish and maintain one or more offices;
- 2 h. Borrow, accept, hire, or contract for services of personnel;
- 3 i. Purchase and maintain insurance and bonds;
- 4 j. Employ an executive director, who shall have the power to  
5 employ, select, or appoint employees, agents, or consultants, and to  
6 determine their qualifications, define their duties, and fix their  
7 compensation;
- 8 k. Establish personnel policies and programs relating to  
9 conflicts of interest, rates of compensation, and qualifications of  
10 personnel;
- 11 l. Accept donations and grants of money, equipment, supplies,  
12 materials, and services, and to receive, utilize, and dispose of the  
13 same in a manner consistent with the conflict of interest policies  
14 established by the Interstate Commission;
- 15 m. Lease, purchase, accept contributions or donations of, or  
16 otherwise own, hold, improve, or use any real or personal property;
- 17 n. Sell, convey, mortgage, pledge, lease, exchange, abandon,  
18 or otherwise dispose of any real or personal property;
- 19 o. Establish a budget and make expenditures;
- 20 p. Adopt a seal and bylaws governing the management and  
21 operation of the Interstate Commission;
- 22 q. Report annually to the legislatures and governors of the  
23 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 that  
26 may have been adopted by the Interstate Commission;
- 27 r. Coordinate education, training, and public awareness  
28 regarding the compact, its implementation, and its operation;
- 29 s. Maintain records in accordance with the bylaws;
- 30 t. Seek and obtain trademarks, copyrights, and patents; and
- 31 u. Perform such functions as may be necessary or appropriate  
32 to achieve the purposes of the compact.

33

34 Section 13. Finance Powers.

35

- 36 a. The Interstate Commission may levy on and collect an  
37 annual assessment from each member state to cover the cost of the  
38 operations and activities of the Interstate Commission and its staff.  
39 The total assessment shall be sufficient to cover the annual budget  
40 approved each year for which revenue is not provided by other  
41 sources. The aggregate annual assessment amount shall be  
42 allocated upon a formula to be determined by the Interstate  
43 Commission, which shall promulgate a rule binding upon all  
44 member states.
- 45 b. The Interstate Commission shall not incur obligations of any  
46 kind prior to securing the funds adequate to meet the same.

1 c. The Interstate Commission shall not pledge the credit of any  
2 of the member states, except by, and with the authority of, the  
3 member state.

4 d. The Interstate Commission shall be subject to a yearly  
5 financial audit conducted by a certified or licensed public  
6 accountant and the report of the audit shall be included in the  
7 Interstate Commission's annual report.

8  
9 Section 14. Organization and Operation of the Interstate  
10 Commission.

11  
12 a. The Interstate Commission shall, within 12 months of the  
13 first Interstate Compact meeting and by a majority of  
14 commissioners present and voting, adopt bylaws to govern its  
15 conduct as may be necessary or appropriate to carry out the  
16 purposes of the compact.

17 b. The Interstate Commission shall elect or appoint annually  
18 from among its commissioners a chairperson, a vice-chairperson,  
19 and a treasurer, each of whom shall have such authority and duties  
20 as may be specified in the bylaws. The chairperson, or in the  
21 chairperson's absence or disability, the vice-chairperson, shall  
22 preside at all meetings of the Interstate Commission.

23 c. Officers selected pursuant to subsection b. of this section  
24 shall serve without remuneration from the Interstate Commission.

25 d. The officers and employees of the Interstate Commission  
26 shall be immune from suit and liability, either personally or in their  
27 official capacity, for a claim for damage to or loss of property or  
28 personal injury or other civil liability caused or arising out of, or  
29 relating to, an actual or alleged act, error, or omission that occurred,  
30 or that such person has a reasonable basis for believing occurred,  
31 within the scope of Interstate Commission employment, duties, or  
32 responsibilities; provided that such person shall not be protected  
33 from suit or liability for damage, loss, injury, or liability caused by  
34 the intentional or willful and wanton misconduct of such person.

35 (1) The liability of the executive director and employees of the  
36 Interstate Commission or representatives of the Interstate  
37 Commission, acting within the scope of such person's employment  
38 or duties for acts, errors, or omissions occurring within such  
39 person's state, may not exceed the limits of liability set forth under  
40 the constitution and laws of that state for state officials, employees,  
41 and agents. The Interstate Commission is considered to be an  
42 instrumentality of the states for the purposes of any such action.  
43 Nothing in this subsection shall be construed to protect such person  
44 from suit or liability for damage, loss, injury, or liability caused by  
45 the intentional or willful and wanton misconduct of such person.

46 (2) The Interstate Commission shall defend the executive  
47 director and its employees and, subject to the approval of the  
48 attorney general or other appropriate legal counsel of the member

1 state represented by an Interstate Commission representative, shall  
2 defend such Interstate Commission representative in any civil  
3 action seeking to impose liability arising out of an actual or alleged  
4 act, error, or omission that occurred within the scope of Interstate  
5 Commission employment, duties, or responsibilities, or that the  
6 defendant had a reasonable basis for believing occurred within the  
7 scope of Interstate Commission employment, duties, or  
8 responsibilities, provided that the actual or alleged act, error, or  
9 omission did not result from intentional or willful and wanton  
10 misconduct on the part of such person.

11 (3) To the extent not covered by the state involved, member  
12 state, or the Interstate Commission, the representatives or  
13 employees of the Interstate Commission shall be held harmless in  
14 the amount of a settlement or judgment, including attorney's fees  
15 and costs, obtained against such person arising out of an actual or  
16 alleged act, error, or omission that occurred within the scope of  
17 Interstate Commission employment, duties, or responsibilities, or  
18 that such persons had a reasonable basis for believing occurred  
19 within the scope of Interstate Commission employment, duties, or  
20 responsibilities, provided that the actual or alleged act, error, or  
21 omission did not result from intentional or willful and wanton  
22 misconduct on the part of such persons.

23

24 Section 15. Rulemaking Functions of the Interstate Commission.

25

26 a. The Interstate Commission shall promulgate reasonable rules  
27 in order to effectively and efficiently achieve the purposes of the  
28 Compact. Notwithstanding the foregoing, in the event the Interstate  
29 Commission exercises its rulemaking authority in a manner that is  
30 beyond the scope of the purposes of the compact, or the powers  
31 granted hereunder, then such an action by the Interstate  
32 Commission shall be invalid and have no force or effect.

33 b. Rules deemed appropriate for the operations of the Interstate  
34 Commission shall be made pursuant to a rulemaking process that  
35 substantially conforms to the "Model State Administrative  
36 Procedure Act" of 2010, and subsequent amendments thereto.

37 c. No later than 30 days after a rule is promulgated, any person  
38 may file a petition for judicial review of the rule in the United  
39 States District Court for the District of Columbia or the federal  
40 district where the Interstate Commission has its principal offices,  
41 provided that the filing of such a petition shall not stay or otherwise  
42 prevent the rule from becoming effective unless the court finds that  
43 the petitioner has a substantial likelihood of success. The court  
44 shall give deference to the actions of the Interstate Commission  
45 consistent with applicable law and shall not find the rule to be  
46 unlawful if the rule represents a reasonable exercise of the authority  
47 granted to the Interstate Commission.

1       Section 16. Oversight of the Interstate Compact.

2

3       a. The executive, legislative, and judicial branches of state  
4 government in each member state shall enforce the compact and  
5 shall take all actions necessary and appropriate to effectuate the  
6 purposes and intent of the compact. The provisions of the compact  
7 and the rules promulgated hereunder shall have standing as  
8 statutory law but shall not override existing state authority to  
9 regulate the practice of medicine.

10       b. All courts shall take judicial notice of the compact and the  
11 rules in any judicial or administrative proceeding in a member state  
12 pertaining to the subject matter of the compact which may affect the  
13 powers, responsibilities, or actions of the Interstate Commission.

14       c. The Interstate Commission shall be entitled to receive all  
15 service of process in any such proceeding, and shall have standing  
16 to intervene in the proceeding for all purposes. Failure to provide  
17 service of process to the Interstate Commission shall render a  
18 judgment or order void as to the Interstate Commission, the  
19 compact, or promulgated rules.

20

21       Section 17. Enforcement of Interstate Compact.

22

23       a. The Interstate Commission, in the reasonable exercise of its  
24 discretion, shall enforce the provisions and rules of the compact.

25       b. The Interstate Commission may, by majority vote of the  
26 commissioners, initiate legal action in the United States District  
27 Court for the District of Columbia, or, at the discretion of the  
28 Interstate Commission, in the federal district where the Interstate  
29 Commission has its principal offices, to enforce compliance with  
30 the provisions of the Compact, and its promulgated rules and  
31 bylaws, against a member state in default. The relief sought may  
32 include both injunctive relief and damages. In the event judicial  
33 enforcement is necessary, the prevailing party shall be awarded all  
34 costs of such litigation, including reasonable attorney's fees.

35       c. The remedies herein shall not be the exclusive remedies of  
36 the Interstate Commission. The Interstate Commission may avail  
37 itself of any other remedies available under state law or the  
38 regulation of a profession.

39

40       Section 18. Default Procedures.

41

42       a. The grounds for default include, but are not limited to,  
43 failure of a member state to perform such obligations or  
44 responsibilities imposed on it by the compact or the rules and  
45 bylaws of the Interstate Commission promulgated under the  
46 compact.

47       b. If the Interstate Commission determines that a member state  
48 has defaulted in the performance of its obligations or

1 responsibilities under the compact, or the bylaws or promulgated  
2 rules, the Interstate Commission shall:

3 (1) Provide written notice to the defaulting state and other  
4 member states of the nature of the default, the means of curing the  
5 default, and any action taken by the Interstate Commission. The  
6 Interstate Commission shall specify the conditions by which the  
7 defaulting state shall cure its default; and

8 (2) Provide remedial training and specific technical assistance  
9 regarding the default.

10 c. If the defaulting state fails to cure the default, the defaulting  
11 state shall be terminated from the compact upon an affirmative vote  
12 of a majority of the commissioners and all rights, privileges, and  
13 benefits conferred by the compact shall terminate on the effective  
14 date of termination. A cure of the default does not relieve the  
15 offending state of obligations or liabilities incurred during the  
16 period of the default.

17 d. Termination of membership in the compact shall be imposed  
18 only after all other means of securing compliance have been  
19 exhausted. Notice of intent to terminate shall be given by the  
20 Interstate Commission to the governor, the majority and minority  
21 leaders of the defaulting state's legislature, and each of the member  
22 states.

23 e. The Interstate Commission shall establish rules and  
24 procedures to address licenses and physicians that are materially  
25 affected by the termination of a member state or the withdrawal of a  
26 member state.

27 f. The member state which has been terminated is responsible  
28 for all dues, obligations, and liabilities incurred through the  
29 effective date of termination, including any obligations for which  
30 the performance of the obligation extends beyond the effective date  
31 of termination.

32 g. The Interstate Commission shall not bear any costs relating  
33 to any state that has been found to be in default or which has been  
34 terminated from the compact, unless otherwise mutually agreed  
35 upon in writing between the Interstate Commission and the  
36 defaulting state.

37 h. The defaulting state may appeal the action of the Interstate  
38 Commission by petitioning the United States District Court for the  
39 District of Columbia or the federal district where the Interstate  
40 Commission has its principal offices. The prevailing party shall be  
41 awarded all costs of such litigation, including reasonable attorney's  
42 fees.

43

44 Section 19. Dispute Resolution.

45

46 a. The Interstate Commission shall attempt, upon the request of  
47 a member state, to resolve disputes which are subject to the

1 compact and which may arise among member states or member  
2 boards.

3 b. The Interstate Commission shall promulgate rules providing  
4 for both mediation and binding dispute resolution, as appropriate.

5

6 Section 20. Member States, Effective Date, and Amendment.

7

8 a. Any state is eligible to become a member state of the  
9 compact.

10 b. The compact shall become effective and binding upon  
11 legislative enactment of the compact into law by no less than seven  
12 states. Thereafter, it shall become effective and binding on a state  
13 upon enactment of the compact into law by that state.

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

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

23

24 Section 21. Withdrawal.

25

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

30 b. Withdrawal from the compact shall be by the enactment of a  
31 statute repealing the same, but shall not take effect until one year  
32 after the effective date of such statute and until written notice of the  
33 withdrawal has been given by the withdrawing state to the governor  
34 of each member state.

35 c. The withdrawing state shall immediately notify the  
36 chairperson of the Interstate Commission in writing upon the  
37 introduction of legislation repealing the compact in the withdrawing  
38 state.

39 d. The Interstate Commission shall notify the other member  
40 states of the withdrawing state's intent to withdraw within 60 days  
41 after receiving notice provided pursuant to subsection c. of this  
42 section.

43 e. The withdrawing state shall be responsible for all dues,  
44 obligations, and liabilities incurred through the effective date of  
45 withdrawal, including any obligations for which the performance of  
46 the obligation extends beyond the effective date of withdrawal.

1 f. Reinstatement following withdrawal of a member state shall  
2 occur upon the withdrawing state reenacting the compact or upon  
3 such later date as determined by the Interstate Commission.

4 g. The Interstate Commission shall be authorized to develop  
5 rules to address the effect of withdrawal of a member state on  
6 licenses granted in other member states to physicians who  
7 designated the withdrawing member state as the state of principal  
8 licensure.

9  
10 Section 22. Dissolution.

11  
12 a. The compact shall dissolve effective upon the date of the  
13 withdrawal or default of the member state which reduces the  
14 membership in the compact to one member state.

15 b. Upon the dissolution of the compact, the compact becomes  
16 null and void and shall be of no further force or effect, and the  
17 business and affairs of the Interstate Commission shall be  
18 concluded and surplus finds shall be distributed in accordance with  
19 the bylaws.

20  
21 Section 23. Severability and Construction.

22  
23 a. The provisions of the compact shall be severable, and if any  
24 phrase, clause, sentence, or provision is deemed unenforceable, the  
25 remaining provisions of the compact shall be enforceable.

26 b. The provisions of the compact shall be liberally construed to  
27 effectuate its purposes.

28 c. Nothing in the compact shall be construed to prohibit the  
29 applicability of other interstate compacts to which the states are  
30 members.

31  
32 Section 24. Binding Effect of Compact and Other Laws.

33  
34 a. Nothing herein prevents the enforcement of any other law of  
35 a member state that is not inconsistent with the compact.

36 b. All laws in a member state in conflict with the compact are  
37 superseded to the extent of the conflict.

38 c. All lawful actions of the Interstate Commission, including  
39 all rules and bylaws promulgated by the Commission, are binding  
40 upon the member states.

41 d. All agreements between the Interstate Commission and the  
42 member states are binding in accordance with their terms.

43 e. In the event any provision of the compact exceeds the  
44 constitutional limits imposed on the legislature of any member  
45 state, such provision shall be ineffective to the extent of the conflict  
46 with the constitutional provision in question in that member state.

47  
48 2. This act shall take effect immediately.

## STATEMENT

1  
2  
3 This bill enters New Jersey into the Interstate Medical Licensure  
4 Compact (Compact), which is an interstate agreement that provides  
5 a streamlined process for physicians who are in good standing in  
6 their own states to quickly and easily become licensed in other  
7 member states without the need to complete the full standard  
8 licensing process in the other state. A license issued under the  
9 Compact for a member state constitutes a full and unrestricted  
10 license to practice medicine in that member state. The Compact  
11 does not change the medical practice laws in any member state, and  
12 the requirements to obtain expedited licensure reflect the prevailing  
13 standard for physician licensure nationwide. Physicians providing  
14 health care services are subject to the medical practice laws of the  
15 state in which the patient is located. The Compact will be  
16 administered by the “Interstate Medical Licensure Compact  
17 Commission” (Interstate Commission), which is comprised of  
18 delegates from each member state.

Expedited Licensure

19  
20  
21  
22 To qualify for licensure in another state through the Compact, a  
23 physician will be required to be a graduate of an accredited medical  
24 school, have passed the licensing examination within three  
25 attempts, have successfully completed graduate medical education,  
26 hold a specialty certification, possess a full and unrestricted license  
27 to practice medicine in the physician’s principal state of licensure,  
28 have no criminal convictions, have never been subject to license-  
29 related disciplinary action, have never had a controlled substance  
30 license or permit suspended or revoked, and not be under active  
31 investigation by a licensing or law enforcement agency. A  
32 physician who does not meet the requirements for expedited  
33 licensure may still apply for licensure in another state under that  
34 state’s standard licensure process.

35 A physician applying for expedited licensure will be required to  
36 designate a state of principal license, which will be the physician’s  
37 state of primary residence, the state where at least 25 percent of the  
38 physician’s practice of medicine occurs, the location of the  
39 physician’s employer, or the state designated as the physician’s  
40 state of residence for federal income tax purposes. Physicians may  
41 change their states of principal license, provided the physician’s ties  
42 to the new state meet the requirements for designation.

43 An application for expedited licensure is to be filed with the  
44 physician’s state of principal license. The licensing board in that  
45 state will evaluate the physician’s eligibility based on a review of  
46 the physician’s educational background, the results of the  
47 physician’s licensing examinations, and a criminal background  
48 check. Once the state of principal license verifies the physician’s



1 eligibility, it will submit a letter to the Interstate Commission, and  
2 the physician will receive member state licenses in each state  
3 requested by the physician and for which the physician pays the  
4 applicable licensure fee. License and renewal fees are  
5 independently established by each member state.

6 The member state license will be valid for a period consistent  
7 with that state's laws, and the physician will be required to comply  
8 with all practice laws in the member state. There is no limit to the  
9 number of member state licenses a physician may obtain under the  
10 Compact; however, after the initial application process, an  
11 additional fee applies to subsequent applications for expedited  
12 licensure. A member state license will be renewed if the physician  
13 continues to meet the eligibility requirements for licensure under  
14 the Compact. Physicians are subject to continuing professional  
15 education requirements for each state in which the physician  
16 maintains a license.

17 The Interstate Commission will be required to establish a  
18 database of all physicians who apply for or who are issued a license  
19 under the Compact. The licensing boards in each member state  
20 are required to report to the database complaints, public actions, and  
21 disciplinary actions taken against a physician listed in the database,  
22 and may additionally report non-public complaints, disciplinary  
23 actions, and investigations. Information reported to the database is  
24 to be kept confidential.

25 Member boards are authorized to engage in joint investigations  
26 of a physician, share investigative and related materials with other  
27 member states, and issue subpoenas, which other member states are  
28 required to comply with. Member states may investigate alleged  
29 violations of the medical practice laws of any other member state.  
30 A disciplinary action taken by a member board against a physician  
31 constitutes grounds for other member states to institute disciplinary  
32 action against the physician.

33 If a license granted to a physician by the member board in the  
34 state of principal license is suspended, revoked, surrendered, or  
35 relinquished in lieu of discipline, all licenses issued to the physician  
36 by member boards will automatically be placed on the same status.  
37 If the member board in the state of principal license subsequently  
38 reinstates the physician's license, a license issued to the physician  
39 by any other member board will remain encumbered until that  
40 respective member board takes action to reinstate the license. If a  
41 state other than the state of principal license takes disciplinary  
42 action against a physician, all other member states may use the  
43 same grounds to impose the same or a lesser sanction against the  
44 physician or take independent action against the physician under  
45 that state's own laws. If a physician's license is revoked,  
46 surrendered, or relinquished in a member state, all other member  
47 state licenses will be suspended for 90 days.

1                   Interstate Medical Licensure Compact Commission

2  
3       The Interstate Commission will consist of two voting  
4 representatives appointed by each member state, called  
5 “commissioners.” Each commissioner is required to be a member  
6 of that state’s medical licensure board. The Interstate Commission  
7 will meet at least once each calendar year and at other times when  
8 called by the chair or upon request of a majority of member states.  
9 Meetings are generally open to the public, but closed meetings may  
10 be conducted to discuss internal personnel matters, matters  
11 involving privileged or confidential information, criminal  
12 accusations and formal censures, private personal information,  
13 criminal investigations, or civil proceedings. Interstate  
14 Commission records will be available to the public for inspection,  
15 unless otherwise held confidential. The Compact provides for  
16 limited liability and indemnification for the executive director,  
17 officers, and employees of the Interstate Commission in connection  
18 with their official duties.

19       The Interstate Commission has the power to promulgate rules,  
20 establish bylaws, issue advisory opinions, enforce compliance,  
21 initiate litigation, establish and appoint committees, employ an  
22 executive director, report to the member states, and take other  
23 actions necessary to administer and achieve the purposes of the  
24 Compact. The Interstate Commission will establish an executive  
25 committee, which will have the power to act on behalf of the  
26 Interstate Commission during periods when the Interstate  
27 Commission is not in session, including overseeing the  
28 administration and enforcement of the Compact. The Interstate  
29 Commission will additionally be tasked with resolving disputes  
30 among member states upon request.

31       The Interstate Commission may collect an annual assessment  
32 from each member state to cover the cost of the operations and  
33 activities of the Interstate Commission and its staff, which is to be  
34 sufficient to cover the annual budget approved each year for which  
35 revenue is not provided by other sources. The Interstate  
36 Commission may not incur obligations until it has secured funds to  
37 cover the obligation. The Interstate Commission will be subject to  
38 a yearly financial audit, which will be included in its annual report.

39

40                   Membership in the Compact

41

42       States can join the Compact by enacting a statute adopting the  
43 Compact language. The Compact took effect upon adoption by  
44 seven states, and currently 24 states, the District of Columbia, and  
45 Guam have adopted enabling legislation; the current member states  
46 include Alabama, Arizona, Colorado, Idaho, Illinois, Iowa, Kansas,  
47 Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, New  
48 Hampshire, Nevada, Pennsylvania, South Dakota, Tennessee, Utah,

1 Vermont, Washington, West Virginia, Wisconsin, and Wyoming.  
2 States may withdraw from the Compact by repealing the enabling  
3 statute, and the Compact will dissolve when the number of member  
4 states is reduced to one.

5 Amendments may be made to the Compact if each member state  
6 enacts legislation adopting the amendment.

7 The provisions of the Compact will not override existing state  
8 authority to regulate the practice of medicine; however, the  
9 Compact provides that other laws in member states that are in  
10 conflict with the Compact are superseded to the extent of the  
11 conflict, and all lawful actions of the Interstate Commission are  
12 binding on the member states. When the Compact exceeds  
13 constitutional limits within a member state, the relevant provision  
14 of the Compact is ineffective to the extent of the conflict.

15 The executive, legislative, and judicial branches of state  
16 government in each member state are to enforce the Compact and  
17 take all actions necessary and appropriate to effectuate the purposes  
18 and intent of the Compact. Courts are to take judicial notice of the  
19 Compact in any judicial proceeding that may affect the powers,  
20 responsibilities, or actions of the Interstate Commission. The  
21 Interstate Commission is entitled to receive service of process and  
22 intervene in any such proceeding, and the failure to provide service  
23 of process will render a judgment or order void as to the Interstate  
24 Commission.

25 Member states may be found in default of the Compact based on  
26 the failure to perform obligations or responsibilities imposed by the  
27 Compact. The Interstate Commission is to provide written notice to  
28 a defaulting state and the other member states of the nature of the  
29 default, the means of curing the default, and any specific action or  
30 conditions necessary to cure the default. The Interstate  
31 Commission is to additionally provide remedial training and  
32 specific technical assistance regarding the default. Failure to cure a  
33 default will result in the member state being terminated from the  
34 Compact.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1112

# STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Health Committee reports favorably Assembly Bill No. 1112.

This bill enters New Jersey into the Interstate Medical Licensure Compact (Compact), which is an interstate agreement that provides a streamlined process for physicians who are in good standing in their own states to quickly and easily become licensed in other member states without the need to complete the full standard licensing process in the other state. A license issued under the Compact for a member state constitutes a full and unrestricted license to practice medicine in that member state. The Compact does not change the medical practice laws in any member state, and the requirements to obtain expedited licensure reflect the prevailing standard for physician licensure nationwide. Physicians providing health care services are subject to the medical practice laws of the state in which the patient is located. The Compact will be administered by the “Interstate Medical Licensure Compact Commission” (Interstate Commission), which is comprised of delegates from each member state.

#### Expedited Licensure

To qualify for licensure in another state through the Compact, a physician will be required to be a graduate of an accredited medical school, have passed the licensing examination within three attempts, have successfully completed graduate medical education, hold a specialty certification, possess a full and unrestricted license to practice medicine in the physician’s principal state of licensure, have no criminal convictions, have never been subject to license-related disciplinary action, have never had a controlled substance license or permit suspended or revoked, and not be under active investigation by a licensing or law enforcement agency. A physician who does not meet the requirements for expedited licensure may still apply for licensure in another state under that state’s standard licensure process.

A physician applying for expedited licensure will be required to designate a state of principal license, which will be the physician’s state of primary residence, the state where at least 25 percent of the physician’s practice of medicine occurs, or the location of the physician’s employer; if no state meets these criteria, the state of principal license will be the state designated as the physician’s state of

residence for federal income tax purposes. Physicians may change their states of principal license, provided the physician's ties to the new state meet the requirements for designation.

An application for expedited licensure is to be filed with the physician's state of principal license. The licensing board in that state will evaluate the physician's eligibility based on a review of the physician's educational background, the results of the physician's licensing examinations, and a criminal history record background check. Once the state of principal license verifies the physician's eligibility, it will submit a letter to the Interstate Commission, and the physician will receive member state licenses in each state requested by the physician for which the physician pays the applicable licensure fee. License and renewal fees are independently established by each member state.

A member state license will be valid for a period consistent with that state's laws, and the physician will be required to comply with all practice laws in the member state. There is no limit to the number of member state licenses a physician may obtain under the Compact; however, after the initial application process, an additional fee applies to subsequent applications for expedited licensure. A member state license will be renewed if the physician continues to meet the eligibility requirements for licensure under the Compact. Physicians are subject to continuing professional education requirements for each state in which the physician maintains a license.

The Interstate Commission will be required to establish a database of all physicians who apply for or who are issued a license under the Compact. The licensing boards in each member state are required to report to the database complaints, public actions, and disciplinary actions taken against a physician listed in the database, and may additionally report non-public complaints, disciplinary actions, and investigations. Information reported to the database is to be kept confidential.

Member boards are authorized to engage in joint investigations of a physician, share investigative and related materials with other member states, and issue subpoenas, which other member states are required to comply with. Member states may investigate alleged violations of the medical practice laws of any other member state. A disciplinary action taken by a member board against a physician constitutes grounds for other member states to institute disciplinary action against the physician.

If a license granted to a physician by the member board in the state of principal license is suspended, revoked, surrendered, or relinquished in lieu of discipline, all licenses issued to the physician by member boards will automatically be placed on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board will remain encumbered until that respective member board takes action to reinstate the license. If a state other than the state

of principal license takes disciplinary action against a physician, all other member states may use the same grounds to impose the same or a lesser sanction against the physician or take independent action against the physician under that state's own laws. If a physician's license is revoked, surrendered, or relinquished in a member state, all other member state licenses will be suspended for 90 days.

#### Interstate Medical Licensure Compact Commission

The Interstate Commission will consist of two voting representatives appointed by each member state, called "commissioners." Each commissioner is required to be a member of that state's medical licensure board. The Interstate Commission will meet at least once each calendar year and at other times when called by the chair or upon request of a majority of member states. Meetings are generally open to the public, but closed meetings may be conducted to discuss internal personnel matters, matters involving privileged or confidential information, criminal accusations and formal censures, private personal information, criminal investigations, or civil proceedings. Interstate Commission records will be available to the public for inspection, unless otherwise held confidential. The Compact provides for limited liability and indemnification for the executive director, officers, and employees of the Interstate Commission in connection with their official duties.

The Interstate Commission has the power to promulgate rules, establish bylaws, issue advisory opinions, enforce compliance, initiate litigation, establish and appoint committees, employ an executive director, report to the member states, and take other actions necessary to administer and achieve the purposes of the Compact. The Interstate Commission will establish an executive committee, which will have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, including overseeing the administration and enforcement of the Compact. The Interstate Commission will additionally be tasked with resolving disputes among member states upon request.

The Interstate Commission may collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which is to be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The Interstate Commission may not incur obligations until it has secured funds to cover the obligation. The Interstate Commission will be subject to a yearly financial audit, which will be included in its annual report.

#### Membership in the Compact

States can join the Compact by enacting a statute adopting the Compact language. The Compact took effect upon adoption by seven

states, and, according to the Interstate Medical Licensure Compact website, currently 25 states, the District of Columbia, and Guam have adopted enabling legislation, including Alabama, Arizona, Colorado, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. States may withdraw from the Compact by repealing the enabling statute, and the Compact will dissolve when the number of member states is reduced to one.

Amendments may be made to the Compact if each member state enacts legislation adopting the amendment.

The provisions of the Compact will not override existing state authority to regulate the practice of medicine; however, the Compact provides that other laws in member states that are in conflict with the Compact are superseded to the extent of the conflict, and all lawful actions of the Interstate Commission are binding on the member states. When the Compact exceeds constitutional limits within a member state, the relevant provision of the Compact is ineffective to the extent of the conflict.

The executive, legislative, and judicial branches of state government in each member state are to enforce the Compact and take all actions necessary and appropriate to effectuate the purposes and intent of the Compact. Courts are to take judicial notice of the Compact in any judicial proceeding that may affect the powers, responsibilities, or actions of the Interstate Commission. The Interstate Commission is entitled to receive service of process and intervene in any such proceeding, and the failure to provide service of process will render a judgment or order void as to the Interstate Commission.

Member states may be found in default of the Compact based on the failure to perform obligations or responsibilities imposed by the Compact. The Interstate Commission is to provide written notice to a defaulting state and the other member states of the nature of the default, the means of curing the default, and any specific action or conditions necessary to cure the default. The Interstate Commission is to additionally provide remedial training and specific technical assistance regarding the default. Failure to cure a default will result in the member state being terminated from the Compact.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, Assembly Bill No. 1112 is identical to Senate Bill No. 523 which was reported by the committee on this date.