Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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

CHAPTER 137

HOUSE BILL 2502

AN ACT

AMENDING SECTION 32-1403, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1438 AND 32-1439; AMENDING TITLE 32, CHAPTER 17, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1834 AND 32-1835; AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; APPROPRIATING MONIES; RELATING TO MEDICAL LICENSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-1403, Arizona Revised Statutes, is amended to read:

32-1403. Powers and duties of the board; compensation; immunity; committee on executive director selection and retention

A. The primary duty of the board is to protect the public from unlawful, incompetent, unqualified, impaired or unprofessional practitioners of allopathic medicine through licensure, regulation and rehabilitation of the profession in this state. The powers and duties of the board include:

1. Ordering and evaluating physical, psychological, psychiatric and competency testing of licensed physicians and candidates for licensure as may be determined necessary by the board.

2. Initiating investigations and determining on its own motion if a doctor of medicine has engaged in unprofessional conduct or provided incompetent medical care or is mentally or physically unable to engage in the practice of medicine.

3. Developing and recommending standards governing the profession.

4. Reviewing the credentials and the abilities of applicants whose professional records or physical or mental capabilities may not meet the requirements for licensure or registration as prescribed in article 2 of this chapter in order for the board to make a final determination as to whether the applicant meets the requirements for licensure pursuant to this chapter.

5. Disciplining and rehabilitating physicians.

6. Engaging in a full exchange of information with the licensing and disciplinary boards and medical associations of other states and jurisdictions of the United States and foreign countries and the Arizona medical association and its components.

7. Directing the preparation and circulation of educational material the board determines is helpful and proper for licensees.

8. Adopting rules regarding the regulation and the qualifications of doctors of medicine.

9. Establishing fees and penalties as provided pursuant to section 32-1436.

10. Delegating to the executive director the board's authority pursuant to section 32-1405 or 32-1451. The board shall adopt substantive policy statements pursuant to section 41-1091 for each specific licensing and regulatory authority the board delegates to the executive director.

B. The board may appoint one of its members to the jurisdiction arbitration panel pursuant to section 32-2907, subsection B.

C. There shall be no monetary liability on the part of and no cause of action shall arise against the executive director or such other permanent or temporary personnel or professional medical investigators for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

D. In conducting its investigations pursuant to subsection A, paragraph 2 of this section, the board may receive and review staff reports relating to complaints and malpractice claims.

E. The board shall establish a program that is reasonable and necessary to educate doctors of medicine regarding the uses and advantages of autologous blood transfusions.

F. The board may make statistical information on doctors of medicine and applicants for licensure under this article available to academic and research organizations.

G. The committee on executive director selection and retention is established consisting of the Arizona medical board and the chairperson and vice-chairperson of the Arizona regulatory board of physician assistants. The committee is a public body and is subject to the requirements of title 38, chapter 3, article 3.1. The committee is responsible for the appointment of the executive director pursuant to section 32-1405. All members of the committee are voting members of the committee. The committee shall elect a chairperson and a vice-chairperson when the committee meets but no more frequently than once a year. The chairperson shall call meetings of the committee as necessary, and the vice-chairperson may call meetings of the committee that are necessary if the chairperson is not available. The presence of eight members of the committee at a meeting constitutes a quorum. The committee meetings may be held using ~~communication~~ COMMUNICATIONS equipment that allows all members ~~that~~ WHO are participating in the meeting to hear each other. If any discussions occur in an executive session of the committee, notwithstanding the requirement that discussions made at an executive session be kept confidential as specified in section 38-431.03, the chairperson and vice-chairperson of the Arizona regulatory board of physician assistants may discuss this information with the Arizona regulatory board of physician assistants in executive session. This disclosure of executive session information to the Arizona regulatory board of physician assistants does not constitute a waiver of confidentiality or any privilege, including the attorney-client privilege.

H. The officers of the Arizona medical board and the Arizona regulatory board of physician assistants shall meet twice a year to discuss matters of mutual concern and interest.

I. THE BOARD MAY ACCEPT AND EXPEND GRANTS, GIFTS, DEVISES AND OTHER CONTRIBUTIONS FROM ANY PUBLIC OR PRIVATE SOURCE, INCLUDING THE FEDERAL GOVERNMENT. MONIES RECEIVED UNDER THIS SUBSECTION DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A FISCAL YEAR.

Sec. 2. Title 32, chapter 13, article 2, Arizona Revised Statutes, is amended by adding sections 32-1438 and 32-1439, to read:

32-1438. Temporary licensure; requirements; fee

A. BEGINNING JULY 1, 2017, THE BOARD MAY ISSUE A TEMPORARY LICENSE, WHICH MAY NOT BE RENEWED OR EXTENDED, TO ALLOW A PHYSICIAN WHO IS NOT A

LICENSEE TO PRACTICE IN THIS STATE FOR A TOTAL OF UP TO TWO HUNDRED FIFTY CONSECUTIVE DAYS IF THE PHYSICIAN MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1. HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN A STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

2. HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR SURRENDERED A LICENSE FOR DISCIPLINARY REASONS.

3. IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT.

4. HAS APPLIED FOR A LICENSE PURSUANT TO SECTION 32-1422.

5. HAS PAID ANY APPLICABLE FEES.

B. THE PHYSICIAN SHALL SUBMIT TO THE BOARD A NOTARIZED AFFIDAVIT ATTESTING THAT THE PHYSICIAN MEETS THE REQUIREMENTS OF SUBSECTION A, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION. THE PHYSICIAN SHALL NOTIFY THE BOARD IMMEDIATELY IF ANY CIRCUMSTANCE SPECIFIED IN SUBSECTION A, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION CHANGES DURING THE APPLICATION PERIOD FOR A TEMPORARY LICENSE OR WHILE HOLDING A TEMPORARY LICENSE, AT WHICH TIME THE BOARD MAY DENY OR REVOKE THE TEMPORARY LICENSE.

C. THE BOARD SHALL APPROVE OR DENY AN APPLICATION UNDER THIS SECTION WITHIN THIRTY DAYS AFTER AN APPLICANT FILES A COMPLETE APPLICATION. THE APPROVAL OF A TEMPORARY LICENSE PURSUANT TO THIS SECTION ALLOWS THE PHYSICIAN TO PRACTICE IN THIS STATE WITHOUT RESTRICTION.

D. IF GRANTED, THE PHYSICIAN'S TEMPORARY LICENSE EXPIRES THE EARLIER OF TWO HUNDRED FIFTY DAYS AFTER THE DATE THE TEMPORARY LICENSE IS GRANTED OR ON APPROVAL OR DENIAL OF THE PHYSICIAN'S LICENSE APPLICATION SUBMITTED PURSUANT TO SECTION 32-1422.

E. FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION, AN APPLICANT SHALL PROVIDE THE BOARD THE NAME OF EACH STATE, TERRITORY OR POSSESSION OF THE UNITED STATES IN WHICH THE PERSON IS LICENSED OR HAS HELD A LICENSE AND THE BOARD SHALL VERIFY WITH THE APPLICABLE REGULATORY BOARD THAT THE APPLICANT HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE, HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR SURRENDERED A LICENSE FOR DISCIPLINARY REASONS AND IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT. THE BOARD MAY ACCEPT THE VERIFICATION OF THIS INFORMATION FROM EACH OTHER REGULATORY BOARD VERBALLY, WHICH SHALL BE FOLLOWED BY EITHER AN ELECTRONIC OR HARD COPY BEFORE THE PHYSICIAN'S PERMANENT LICENSE IS GRANTED. IF THE BOARD IS UNABLE TO VERIFY THE INFORMATION WITHIN THE INITIAL THIRTY DAYS AS REQUIRED BY SUBSECTION C OF THIS SECTION, THE BOARD MAY EXTEND THE TIME FRAME BY AN ADDITIONAL THIRTY DAYS TO RECEIVE THE NECESSARY VERIFICATION.

F. THE BOARD MAY ESTABLISH A FEE IN RULE FOR TEMPORARY LICENSURE UNDER THIS SECTION.

32-1439. Specialty certification; prohibited requirement for licensure; definition

A. THE BOARD MAY NOT REQUIRE AN APPLICANT FOR LICENSURE PURSUANT TO THIS ARTICLE TO HOLD OR MAINTAIN A SPECIALTY CERTIFICATION AS A CONDITION OF LICENSURE IN THIS STATE. THIS SUBSECTION DOES NOT PROHIBIT THE BOARD FROM

CONSIDERING AN APPLICANT'S SPECIALTY CERTIFICATION AS A FACTOR IN WHETHER TO GRANT A LICENSE TO THE APPLICANT.

B. FOR THE PURPOSES OF THIS SECTION, "SPECIALTY CERTIFICATION" MEANS CERTIFICATION BY A BOARD THAT SPECIALIZES IN ONE PARTICULAR AREA OF MEDICINE AND THAT MAY REQUIRE EXAMINATIONS IN ADDITION TO THOSE REQUIRED BY THIS STATE TO BE LICENSED TO PRACTICE MEDICINE.

Sec. 3. Title 32, chapter 17, article 2, Arizona Revised Statutes, is amended by adding sections 32-1834 and 32-1835, to read:

32-1834. Temporary licensure; requirements; fee

A. BEGINNING JULY 1, 2017, THE BOARD MAY ISSUE A TEMPORARY LICENSE, WHICH MAY NOT BE RENEWED OR EXTENDED, TO ALLOW A PHYSICIAN WHO IS NOT A LICENSEE TO PRACTICE IN THIS STATE FOR A TOTAL OF UP TO TWO HUNDRED FIFTY CONSECUTIVE DAYS IF THE PHYSICIAN MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1. HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN A STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

2. HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR SURRENDERED A LICENSE FOR DISCIPLINARY REASONS.

3. IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT.

4. HAS APPLIED FOR A LICENSE PURSUANT TO SECTION 32-1822.

5. HAS PAID ANY APPLICABLE FEES.

B. THE PHYSICIAN SHALL SUBMIT TO THE BOARD A NOTARIZED AFFIDAVIT ATTESTING THAT THE PHYSICIAN MEETS THE REQUIREMENTS OF SUBSECTION A, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION. THE PHYSICIAN SHALL NOTIFY THE BOARD IMMEDIATELY IF ANY CIRCUMSTANCE SPECIFIED IN SUBSECTION A, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION CHANGES DURING THE APPLICATION PERIOD FOR A TEMPORARY LICENSE OR WHILE HOLDING A TEMPORARY LICENSE, AT WHICH TIME THE BOARD MAY DENY OR REVOKE THE TEMPORARY LICENSE.

C. THE BOARD SHALL APPROVE OR DENY AN APPLICATION UNDER THIS SECTION WITHIN THIRTY DAYS AFTER AN APPLICANT FILES A COMPLETE APPLICATION. THE APPROVAL OF A TEMPORARY LICENSE PURSUANT TO THIS SECTION ALLOWS THE PHYSICIAN TO PRACTICE IN THIS STATE WITHOUT RESTRICTION.

D. IF GRANTED, THE PHYSICIAN'S TEMPORARY LICENSE EXPIRES THE EARLIER OF TWO HUNDRED FIFTY DAYS AFTER THE DATE THE TEMPORARY LICENSE IS GRANTED OR ON APPROVAL OR DENIAL OF THE PHYSICIAN'S LICENSE APPLICATION SUBMITTED PURSUANT TO SECTION 32-1822.

E. FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION, AN APPLICANT SHALL PROVIDE THE BOARD THE NAME OF EACH STATE, TERRITORY OR POSSESSION OF THE UNITED STATES IN WHICH THE PERSON IS LICENSED OR HAS HELD A LICENSE AND THE BOARD SHALL VERIFY WITH THE APPLICABLE REGULATORY BOARD THAT THE APPLICANT HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE, HAS NEVER HAD A LICENSE REVOKED OR SUSPENDED OR SURRENDERED A LICENSE FOR DISCIPLINARY REASONS AND IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT. THE BOARD MAY ACCEPT THE VERIFICATION OF THIS INFORMATION FROM EACH OTHER REGULATORY BOARD VERBALLY, WHICH SHALL BE FOLLOWED BY EITHER AN ELECTRONIC OR HARD COPY BEFORE THE PHYSICIAN'S

PERMANENT LICENSE IS GRANTED. IF THE BOARD IS UNABLE TO VERIFY THE INFORMATION WITHIN THE INITIAL THIRTY DAYS AS REQUIRED BY SUBSECTION C OF THIS SECTION, THE BOARD MAY EXTEND THE TIME FRAME BY AN ADDITIONAL THIRTY DAYS TO RECEIVE THE NECESSARY VERIFICATION.

F. THE BOARD MAY ESTABLISH A FEE IN RULE FOR TEMPORARY LICENSURE UNDER THIS SECTION.

32-1835. Specialty certification; prohibited requirement for licensure; definition

A. THE BOARD MAY NOT REQUIRE AN APPLICANT FOR LICENSURE PURSUANT TO THIS ARTICLE TO HOLD OR MAINTAIN A SPECIALTY CERTIFICATION AS A CONDITION OF LICENSURE IN THIS STATE. THIS SUBSECTION DOES NOT PROHIBIT THE BOARD FROM CONSIDERING AN APPLICANT'S SPECIALTY CERTIFICATION AS A FACTOR IN WHETHER TO GRANT A LICENSE TO THE APPLICANT.

B. FOR THE PURPOSES OF THIS SECTION, "SPECIALTY CERTIFICATION" MEANS CERTIFICATION BY A BOARD THAT SPECIALIZES IN ONE PARTICULAR AREA OF MEDICINE AND THAT MAY REQUIRE EXAMINATIONS IN ADDITION TO THOSE REQUIRED BY THIS STATE TO BE LICENSED TO PRACTICE MEDICINE.

Sec. 4. Title 32, chapter 32, Arizona Revised Statutes, is amended by adding article 3, to read:

ARTICLE 3. MEDICAL LICENSURE COMPACT

32-3241. Medical licensure compact

THE MEDICAL LICENSURE COMPACT IS ENACTED INTO LAW 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. THIS COMPACT CREATES ANOTHER PATHWAY FOR LICENSURE AND DOES NOT OTHERWISE CHANGE A STATE'S EXISTING MEDICAL PRACTICE ACT. THIS 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:

1. "BYLAWS" MEANS THOSE 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.

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

3. "CONVICTED" 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.

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

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

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

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

8. "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.

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

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

11. "PHYSICIAN" MEANS ANY PERSON WHO:

(a) 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.

(b) 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.

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

(d) 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.

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

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

(g) HAS NEVER HAD 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 NONPAYMENT OF FEES RELATED TO A LICENSE.

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

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

12. "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.

13. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION PROMULGATED PURSUANT TO SECTION 12 OF THIS COMPACT THAT IS OF GENERAL APPLICABILITY, THAT IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR PROVISION OF THIS COMPACT OR AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION, AND THAT HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL OR SUSPENSION OF AN EXISTING RULE.

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

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

SECTION 3. ELIGIBILITY

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

B. A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 2, PARAGRAPH 11 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, RELATING 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 ONE OF THE FOLLOWING:

1. THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN.

2. THE STATE WHERE AT LEAST TWENTY-FIVE PERCENT OF THE PHYSICIAN'S PRACTICE OF MEDICINE OCCURS.

3. THE LOCATION OF THE PHYSICIAN'S EMPLOYER.

4. IF NO STATE QUALIFIES UNDER PARAGRAPH 1, 2 OR 3 OF THIS SUBSECTION, THE STATE DESIGNATED AS STATE OF RESIDENCE FOR PURPOSE OF FEDERAL INCOME TAX.

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

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

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

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 STATE OF PRINCIPAL LICENSE.

2. THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF PRINCIPAL LICENSE IN THE COURSE OF VERIFYING ELIGIBILITY SHALL 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 CODE OF FEDERAL REGULATIONS SECTION 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. ON VERIFICATION IN SUBSECTION B OF THIS SECTION, PHYSICIANS WHO ARE ELIGIBLE FOR AN EXPEDITED LICENSE 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. AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER SUBSECTION B OF THIS SECTION AND PAYMENT OF ANY FEES UNDER SUBSECTION C OF THIS SECTION, A MEMBER BOARD SHALL ISSUE AN EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING STATE CONSISTENT WITH THE MEDICAL PRACTICE ACT 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 THOUGH THE COMPACT SHALL BE TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN THE STATE OF PRINCIPAL LICENSE FOR A NONDISCIPLINARY REASON, WITHOUT REDESIGNATION OF A NEW STATE OF PRINCIPAL LICENSE.

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 OR 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 NONPAYMENT OF FEES RELATED TO A LICENSE.

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. ON 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 WHO ARE LICENSED OR WHO HAVE APPLIED FOR LICENSURE UNDER 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 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 NONPUBLIC COMPLAINT OR DISCIPLINARY OR INVESTIGATORY INFORMATION NOT REQUIRED BY SUBSECTION C OF THIS SECTION TO THE INTERSTATE COMMISSION.

E. MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY INFORMATION ABOUT A PHYSICIAN ON 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 THIS COMPACT SHALL BE DEEMED UNPROFESSIONAL CONDUCT THAT 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 EITHER:

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

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, 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 NINETY DAYS ON 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 BEFORE THE COMPLETION OF THE NINETY-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 THIS COMPACT, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED ON 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. A COMMISSIONER SHALL BE ONE OF THE FOLLOWING:

1. AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO A MEMBER BOARD.

2. AN EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY OR SIMILAR EXECUTIVE OF A MEMBER BOARD.

3. A MEMBER OF THE PUBLIC APPOINTED TO A MEMBER BOARD.

E. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS MEETING TO ADDRESS SUCH MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION, INCLUDING THE ELECTION OF OFFICERS. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL A MEETING ON 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 OF 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, IF IT DETERMINES BY A TWO-THIRDS VOTE OF THE COMMISSIONERS PRESENT THAT AN OPEN MEETING WOULD BE LIKELY TO DO ANY OF THE FOLLOWING:

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 FOR WHICH DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

6. DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.

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

I. THE INTERSTATE COMMISSION SHALL KEEP MINUTES THAT 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 THIS COMPACT OR BY THE COMMISSION'S 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 THIS COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES AS NECESSARY.

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

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

1. OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT.

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

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

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

5. ESTABLISH AND APPOINT COMMITTEES, INCLUDING AN EXECUTIVE COMMITTEE AS REQUIRED BY 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.

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

7. ESTABLISH AND MAINTAIN ONE OR MORE OFFICES.

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

9. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

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

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

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

15. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

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

17. 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.

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

19. MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS.

20. SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS AND PATENTS.

21. PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS 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 MUST 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 ON A FORMULA TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER STATES.

B. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE 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 ANNUAL REPORT OF THE INTERSTATE COMMISSION.

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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 HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, EXCEPT THAT SUCH A PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR

LIABILITY CAUSED BY THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT AS FOLLOWS:

1. THE LIABILITY OF THE EXECUTIVE DIRECTOR AND AN EMPLOYEE OF THE INTERSTATE COMMISSION OR A REPRESENTATIVE OF THE INTERSTATE COMMISSION, ACTING WITHIN THE SCOPE OF THAT PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS OR OMISSIONS OCCURRING WITHIN THAT 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. THIS SUBSECTION DOES NOT PROTECT SUCH A PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

2. THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR AND THE COMMISSION'S 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 AN 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, IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE PERSON'S INTENTIONAL OR WILFUL AND WANTON MISCONDUCT.

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

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 THIS COMPACT. NOTWITHSTANDING THE FOREGOING, IF THE INTERSTATE COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THIS COMPACT, OR THE POWERS GRANTED HEREUNDER, 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. NOT LATER THAN THIRTY 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 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 COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THE COMPACT AND THE RULES PROMULGATED UNDER THE COMPACT 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 THAT 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 THIS COMPACT.

B. THE INTERSTATE COMMISSION, BY MAJORITY VOTE OF THE COMMISSIONERS, MAY 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 THIS COMPACT AND ITS PROMULGATED RULES AND BYLAWS AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY 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 FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES IMPOSED ON IT BY THIS COMPACT OR

THE RULES AND BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THIS COMPACT.

B. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS 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 MUST CURE ITS DEFAULT.

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 THIS COMPACT ON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS 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 THIS 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 IMPACTED BY THE TERMINATION OF A MEMBER STATE OR THE WITHDRAWAL OF A MEMBER STATE.

F. THE MEMBER STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL DUES, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH 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 THAT HAS BEEN TERMINATED FROM THIS COMPACT, UNLESS OTHERWISE MUTUALLY AGREED ON 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 FEES.

SECTION 19. DISPUTE RESOLUTION

A. THE INTERSTATE COMMISSION SHALL ATTEMPT, ON THE REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO THIS COMPACT AND THAT 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 THIS COMPACT.

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

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

D. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THIS COMPACT FOR ENACTMENT BY THE MEMBER STATES. AN AMENDMENT SHALL NOT BECOME EFFECTIVE AND BINDING ON 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, THIS COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING ON EACH AND EVERY MEMBER STATE, EXCEPT THAT A MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY SPECIFICALLY REPEALING THE STATUTE THAT ENACTED THIS COMPACT INTO LAW.

B. WITHDRAWAL FROM THIS 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 OTHER MEMBER STATE.

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

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

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

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

G. THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS THE IMPACT OF THE 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 LICENSE.

SECTION 22. DISSOLUTION

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

B. ON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES 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 THIS COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THIS COMPACT SHALL BE ENFORCEABLE.

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

C. THIS COMPACT SHALL NOT 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 IN THIS COMPACT PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

B. ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THIS 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 ON THE MEMBER STATES.

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

E. IF ANY PROVISION OF THIS 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.

32-3242. Subpoenas from member boards or courts in member states

A SUBPOENA ISSUED PURSUANT TO SECTION 32-3241, SECTION 9 FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM THIS STATE SHALL BE ENFORCED BY ANY COURT OF COMPETENT JURISDICTION IN THIS STATE ACCORDING TO THAT COURT'S PRACTICE AND PROCEDURE IN CONSIDERING SUBPOENAS ISSUED IN THE COURT'S OWN PROCEEDINGS.

32-3243. Participation in compact as condition of employment; prohibition

AN EMPLOYER MAY NOT REQUIRE A PHYSICIAN TO SEEK LICENSURE THROUGH THE MEDICAL LICENSURE COMPACT ENACTED BY SECTION 32-3241 AS A CONDITION OF INITIAL OR CONTINUED EMPLOYMENT AS AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN IN THIS STATE. AN EMPLOYER MAY REQUIRE THAT A PHYSICIAN OBTAIN AND MAINTAIN A LICENSE TO PRACTICE ALLOPATHIC OR OSTEOPATHIC MEDICINE IN MULTIPLE STATES, IF THE PHYSICIAN IS FREE TO OBTAIN AND MAINTAIN THE LICENSES BY ANY MEANS AUTHORIZED BY THE LAWS OF THE RESPECTIVE STATES.

32-3244. Open meeting requirements

IF A MEETING, OR A PORTION OF A MEETING, OF THE INTERSTATE COMMISSION IS CLOSED PURSUANT TO SECTION 32-3241, SECTION 11, SUBSECTION H, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION CONSISTENT WITH TITLE 38, CHAPTER 3, ARTICLE 3.1. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN THE MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN AND THE REASONS FOR THOSE ACTIONS, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN THESE MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR AN ORDER OF A COURT OF COMPETENT JURISDICTION.

32-3245. Arizona medical board; Arizona board of osteopathic examiners in medicine and surgery; notice of commission actions; expenditure of certain monies prohibited

THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY:

1. WITHIN THIRTY DAYS AFTER AN INTERSTATE COMMISSION ACTION SHALL POST ON THE BOARD'S PUBLIC WEBSITE NOTICE OF ANY COMMISSION ACTION THAT MAY AFFECT A PHYSICIAN'S LICENSE.

2. MAY NOT SPEND ANY MONIES RECEIVED FROM PHYSICIANS OR APPLICANTS FOR LICENSURE WHO ARE NOT APPLYING FOR LICENSURE THROUGH THIS COMPACT ON ANY ACTIVITIES, OBLIGATIONS OR DUTIES REQUIRED BY THIS COMPACT.

32-3246. Conditional repeal; notification; withdrawal from compact; request for review

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

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

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

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

C. THE REPEAL OF THIS ARTICLE PURSUANT TO THIS SECTION CONSTITUTES THIS STATE'S IMMEDIATE WITHDRAWAL FROM THE MEDICAL LICENSURE COMPACT ENACTED

BY SECTION 32-3241. THE ATTORNEY GENERAL SHALL SEND WRITTEN NOTIFICATION TO THE GOVERNOR OF EACH OTHER STATE THAT HAS ENACTED THIS COMPACT.

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

Sec. 5. Arizona medical board; Arizona board of osteopathic examiners in medicine and surgery; expedited licensure; report; delayed repeal

A. The Arizona medical board and the Arizona board of osteopathic examiners in medicine and surgery shall each create a proposal for the expedited licensure of a physician who is licensed in at least one other state, whose license is in good standing and who chooses to not be licensed through the medical licensure compact established by title 32, chapter 32, article 3, Arizona Revised Statutes, as added by this act. The proposals shall include recommended statutory changes to implement expedited licensure. On or before December 1, 2017, each board shall submit a report to the senate health and human services committee and the house of representatives health committee, or their successor committees, for review.

B. This section is repealed from and after September 30, 2018.

Sec. 6. Rulemaking exemption

For the purposes of sections 32-1438 and 32-1834, Arizona Revised Statutes, as added by this act, the Arizona medical board and Arizona board of osteopathic examiners in medicine and surgery are exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act.

Sec. 7. Appropriation; Arizona medical board; licensure; exemption

A. The sum of $50,000 and 3 FTE positions are appropriated from the Arizona medical board fund established by section 32-1406, Arizona Revised Statutes, in fiscal year 2016-2017 to the Arizona medical board for licensure.

B. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House March 1, 2016

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate April 25, 2016

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

President of the Senate

Pro Tempore

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

Secretary of State

H.B. 2502

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 4, 2016,

by the following vote: 41 Ayes,

19 Nays, 0 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of May, 2016,

at 8:02 o'clock A. M.

Secretary to the Governor

Approved this 11th day of

May, 2016,

at 9:54 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11TH day of May, 2016,

at 10:40 o'clock A M.

Secretary of State

H.B. 2502