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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - THE INTERSTATE MEDICAL
LICENSURE COMPACT

Introduced By: Representatives McNamara, Solomon, Morin, Coughlin, and Ackerman

Date Introduced: February 25, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 37.8

4 THE INTERSTATE MEDICAL LICENSURE COMPACT

5 **5-37.8-1. Short title.** -- This chapter shall be known and may be cited as the "Interstate
6 Medical Licensure Compact".

7 **5-37.8-2. Purpose.** -- In order to strengthen access to health care, and in recognition of
8 the advances in the delivery of health care, the member states of the Interstate Medical Licensure
9 Compact (compact) have allied in common purpose to develop a comprehensive process that
10 complements the existing licensing and regulatory authority of state medical boards, provides a
11 streamlined process that allows physicians to become licensed in multiple states, thereby
12 enhancing the portability of a medical license and ensuring the safety of patients. The compact
13 creates another pathway for licensure and does not otherwise change a state's existing medical
14 practice act. The compact also adopts the prevailing standard for licensure and affirms that the
15 practice of medicine occurs where the patient is located at the time of the physician-patient
16 encounter, and therefore, requires the physician to be under the jurisdiction of the state medical
17 board where the patient is located. State medical boards that participate in the compact retain the
18 jurisdiction to impose an adverse action against a license to practice medicine in that state issued

1 to a physician through the procedures in the compact.

2 **5-37.8-3. Definitions.** -- As used in this chapter, the following words and terms shall
3 have the following meanings:

4 (1) "Bylaws" means those bylaws established by the interstate commission pursuant to §
5 5-37.8-12 for its governance, or for directing and controlling its actions and conduct.

6 (2) "Commissioner" means the voting representative appointed by each member board
7 pursuant to § 5-37.8-12.

8 (3) "Conviction" means a finding by a court that an individual is guilty of a criminal
9 offense through adjudication, or entry of a plea of guilt, nolo contendere, or no contest to the
10 charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court
11 shall be considered final for purposes of disciplinary action by a member board.

12 (4) "Expedited license" means a full and unrestricted medical license granted by a
13 member state to an eligible physician through the process set forth in the compact.

14 (5) "Interstate commission" means the interstate commission created pursuant to § 5-
15 37.8-12.

16 (6) "License" means authorization by a state for a physician to engage in the practice of
17 medicine, which would be unlawful without the authorization.

18 (7) "Medical practice act" means laws and regulations governing the practice of
19 allopathic and osteopathic medicine within a member state.

20 (8) "Member board" means a state agency in a member state that acts in the sovereign
21 interests of the state by protecting the public through licensure, regulation, and education of
22 physicians as directed by the state government.

23 (9) "Member state" means a state that has enacted the compact.

24 (10) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of
25 human disease, injury, or condition requiring a physician to obtain and maintain a license in
26 compliance with the medical practice act of this state.

27 (11) "Physician" means any person who:

28 (i) Is a graduate of a medical school accredited by the Liaison Committee on Medical
29 Education, the Commission on Osteopathic College Accreditation, or a medical school listed in
30 the International Medical Education Directory or its equivalent;

31 (ii) Passed each component of the United States Medical Licensing Examination
32 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)
33 within three (3) attempts, or any of its predecessor examinations accepted by a state medical
34 board as an equivalent examination for licensure purposes;

1 (iii) Successfully completed graduate medical education approved by the Accreditation
2 Council for Graduate Medical Education or the American Osteopathic Association;

3 (iv) Holds specialty certification or a time-unlimited specialty certificate recognized by
4 the American Board of Medical Specialties or the American Osteopathic Association's Bureau of
5 Osteopathic Specialists;

6 (v) Possesses a full and unrestricted license to engage in the practice of medicine issued
7 by a member board;

8 (vi) Has never been convicted, received adjudication, deferred adjudication, community
9 supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

10 (vii) Has never held a license authorizing the practice of medicine subjected to discipline
11 by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to
12 non-payment of fees related to a license;

13 (viii) Has never had a controlled substance license or permit suspended or revoked by a
14 state or the United States Drug Enforcement Administration; and

15 (ix) Is not under active investigation by a licensing agency or law enforcement authority
16 in any state, federal, or foreign jurisdiction.

17 (12) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

18 (13) "Rule" means a written statement by the interstate commission promulgated
19 pursuant to § 5-37.8-13 of the compact that is of general applicability, implements, interprets, or
20 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
21 requirement of the interstate commission, and has the force and effect of statutory law in a
22 member state, and includes the amendment, repeal, or suspension of an existing rule.

23 (14) "State" means any state, commonwealth, district, or territory of the United States.

24 (15) "State of principal license" means a member state where a physician holds a license
25 to practice medicine and which has been designated as such by the physician for purposes of
26 registration and participation in the compact.

27 **5-37.8-4. Eligibility. --** (a) A physician must meet the eligibility requirements as defined
28 in § 5-37.8-3(11) to receive an expedited license under the terms and provisions of the compact.

29 (b) A physician who does not meet the requirements of § 5-37.8-3(11) may obtain a
30 license to practice medicine in a member state if the individual complies with all laws and
31 requirements, other than the compact, relating to the issuance of a license to practice medicine in
32 that state.

33 **5-37.8-5. Designation of state principal license. --** (a) A physician shall designate a
34 member state as the state of principal license for purposes of registration for expedited licensure

1 through the compact if the physician possesses a full and unrestricted license to practice medicine
2 in that state, and the state is:

3 (1) The state of primary residence for the physician; or

4 (2) The state where at least twenty-five percent (25%) of the practice of medicine occurs;

5 or

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

7 (4) If no state qualifies under §§ 5-37.8-5(a)(1), (2), or (3), the state designated as state of
8 residence for purpose of federal income tax.

9 (b) A physician may redesignate a member state as state of principal license at any time,
10 as long as the state meets the requirements in § 5-37.8-5(a).

11 (c) The interstate commission is authorized to develop rules to facilitate redesignation of
12 another member state as the state of principal license.

13 **5-37.8-6. Application and issuance of expedited licensure.** -- (a) A physician seeking
14 licensure through the compact shall file an application for an expedited license with the member
15 board of the state selected by the physician as the state of principal license.

16 (b) Upon receipt of an application for an expedited license, the member board within the
17 state selected as the state of principal license shall evaluate whether the physician is eligible for
18 expedited licensure and issue a letter of qualification, verifying or denying the physician's
19 eligibility, to the interstate commission.

20 (1) State qualifications, which include verification of medical education, graduate
21 medical education, results of any medical or licensing examination, and other qualifications as
22 determined by the interstate commission through rule, shall not be subject to additional primary
23 source verification where already primary source verified by the state of principal license.

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

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

31 (c) Upon verification in § 5-37.8-6(b), physicians eligible for an expedited license shall
32 complete the registration process established by the interstate commission to receive a license in a
33 member state selected pursuant to § 5-37.8-6(a), including the payment of any applicable fees.

34 (d) After receiving verification of eligibility under § 5-37.8-6(b) and any fees under § 5-

1 37.8-6(c), a member board shall issue an expedited license to the physician. This license shall
2 authorize the physician to practice medicine in the issuing state consistent with the medical
3 practice act and all applicable laws and regulations of the issuing member board and member
4 state.

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

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

11 (g) The interstate commission is authorized to develop rules regarding the application
12 process, including payment of any applicable fees, and the issuance of an expedited license.

13 **5-37.8-7. Fees for expedited licensure. --** (a) A member state issuing an expedited
14 license authorizing the practice of medicine in that state may impose a fee for a license issued or
15 renewed through the compact.

16 (b) The interstate commission is authorized to develop rules regarding fees for expedited
17 licenses.

18 **5-37.8-8. Renewal and continued participation. --** (a) A physician seeking to renew an
19 expedited license granted in a member state shall complete a renewal process with the interstate
20 commission if the physician:

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

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

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

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

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

31 (c) The interstate commission shall collect any renewal fees charged for the renewal of a
32 license and distribute the fees to the applicable member board.

33 (d) Upon receipt of any renewal fees collected in § 5-37.8-8(c), a member board shall
34 renew the physician's license.

1 (e) Physician information collected by the interstate commission during the renewal
2 process will be distributed to all member boards.

3 (f) The interstate commission is authorized to develop rules to address renewal of
4 licenses obtained through the compact.

5 **5-37.8-9. Coordinated information system.** -- (a) The interstate commission shall
6 establish a database of all physicians licensed, or who have applied for licensure, under § 5-37.8-
7 6.

8 (b) Notwithstanding any other provision of law, member boards shall report to the
9 interstate commission any public action or complaints against a licensed physician who has
10 applied or received an expedited license through the compact.

11 (c) Member boards shall report disciplinary or investigatory information determined as
12 necessary and proper by rule of the interstate commission.

13 (d) Member boards may report any non-public complaint, disciplinary, or investigatory
14 information not required by § 5-37.8-6(c) to the interstate commission.

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

17 (f) All information provided to the interstate commission or distributed by member
18 boards shall be confidential, filed under seal, and used only for investigatory or disciplinary
19 matters.

20 (g) The interstate commission is authorized to develop rules for mandated or
21 discretionary sharing of information by member boards.

22 **5-37.8-10. Joint investigations.** -- (a) Licensure and disciplinary records of physicians
23 are deemed investigative.

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

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

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

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

33 **5-37.8-11. Disciplinary actions.** -- (a) Any disciplinary action taken by any member
34 board against a physician licensed through the compact shall be deemed unprofessional conduct

1 which may be subject to discipline by other member boards, in addition to any violation of the
2 medical practice act or regulations in that state.

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

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

13 (1) impose the same or lesser sanction(s) against the physician so long as such sanctions
14 are consistent with the medical practice act of that state; or

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

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

25 **5-37.8-12. Interstate medical licensure compact commission.** -- (a) The member states
26 hereby create the "Interstate Medical Licensure Compact commission".

27 (b) The purpose of the interstate commission is the administration of the interstate
28 medical licensure compact, which is a discretionary state function.

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

33 (d) The interstate commission shall consist of two (2) voting representatives appointed by
34 each member state who shall serve as commissioners. In states where allopathic and osteopathic

1 physicians are regulated by separate member boards, or if the licensing and disciplinary authority
2 is split between multiple member boards within a member state, the member state shall appoint
3 one representative from each member board. A commissioner shall be a(n):

4 (1) Allopathic or osteopathic physician appointed to a member board;

5 (2) Executive director, executive secretary, or similar executive of a member board; or

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

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

11 (f) The bylaws may provide for meetings of the interstate commission to be conducted by
12 telecommunication or electronic communication.

13 (g) Each commissioner participating at a meeting of the interstate commission is entitled
14 to one vote. A majority of commissioners shall constitute a quorum for the transaction of
15 business, unless a larger quorum is required by the bylaws of the interstate commission. A
16 commissioner shall not delegate a vote to another commissioner. In the absence of its
17 commissioner, a member state may delegate voting authority for a specified meeting to another
18 person from that state who shall meet the requirements of § 5-37.8-12(d).

19 (h) The interstate commission shall provide public notice of all meetings and all meetings
20 shall be open to the public. The interstate commission may close a meeting, in full or in portion,
21 where it determines by a two-thirds (2/3) vote of the commissioners present that an open meeting
22 would be likely to:

23 (1) Relate solely to the internal personnel practices and procedures of the interstate
24 commission;

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

26 (3) Discuss trade secrets, commercial, or financial information that is privileged or
27 confidential;

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

29 (5) Discuss information of a personal nature where disclosure would constitute a clearly
30 unwarranted invasion of personal privacy;

31 (6) Discuss investigative records compiled for law enforcement purposes; or

32 (7) Specifically relate to the participation in a civil action or other legal proceeding.

33 (i) The interstate commission shall keep minutes which shall fully describe all matters
34 discussed in a meeting and shall provide a full and accurate summary of actions taken, including

1 record of any roll call votes.

2 (j) The interstate commission shall make its information and official records, to the extent
3 not otherwise designated in the compact or by its rules, available to the public for inspection.

4 (k) The interstate commission shall establish an executive committee, which shall include
5 officers, members, and others as determined by the bylaws. The executive committee shall have
6 the power to act on behalf of the interstate commission, with the exception of rulemaking, during
7 periods when the interstate commission is not in session. When acting on behalf of the interstate
8 commission, the executive committee shall oversee the administration of the compact including
9 enforcement and compliance with the provisions of the compact, its bylaws and rules, and other
10 such duties as necessary.

11 (l) The interstate commission may establish other committees for governance and
12 administration of the compact.

13 **5-37.8-13. Powers and duties of the interstate commission. --** The interstate
14 commission shall have the duty and power to:

15 (1) Oversee and maintain the administration of the compact;

16 (2) Promulgate rules which shall be binding to the extent and in the manner provided for
17 in the compact;

18 (3) Issue, upon the request of a member state or member board, advisory opinions
19 concerning the meaning or interpretation of the compact, its bylaws, rules, and actions;

20 (4) Enforce compliance with compact provisions, the rules promulgated by the interstate
21 commission, and the bylaws, using all necessary and proper means, including, but not limited to,
22 the use of judicial process;

23 (5) Establish and appoint committees including, but not limited to, an executive
24 committee as required by § 5-37.8-12, which shall have the power to act on behalf of the
25 interstate commission in carrying out its powers and duties;

26 (6) Pay, or provide for the payment of the expenses related to the establishment,
27 organization, and ongoing activities of the interstate commission;

28 (7) Establish and maintain one or more offices;

29 (8) Borrow, accept, hire, or contract for services of personnel;

30 (9) Purchase and maintain insurance and bonds;

31 (10) Employ an executive director who shall have such powers to employ, select or
32 appoint employees, agents, or consultants, and to determine their qualifications, define their
33 duties, and fix their compensation;

34 (11) Establish personnel policies and programs relating to conflicts of interest, rates of

1 compensation, and qualifications of personnel;

2 (12) Accept donations and grants of money, equipment, supplies, materials and services,
3 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest
4 policies established by the interstate commission;

5 (13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
6 improve or use, any property, real, personal, or mixed;

7 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
8 any property, real, personal, or mixed;

9 (15) Establish a budget and make expenditures;

10 (16) Adopt a seal and bylaws governing the management and operation of the interstate
11 commission;

12 (17) Report annually to the legislatures and governors of the member states concerning
13 the activities of the interstate commission during the preceding year. Such reports shall also
14 include reports of financial audits and any recommendations that may have been adopted by the
15 interstate commission;

16 (18) Coordinate education, training, and public awareness regarding the compact, its
17 implementation, and its operation;

18 (19) Maintain records in accordance with the bylaws;

19 (20) Seek and obtain trademarks, copyrights, and patents; and

20 (21) Perform such functions as may be necessary or appropriate to achieve the purposes
21 of the compact.

22 **5-37.8-14. Finance powers. --** (a) The interstate commission may levy on and collect an
23 annual assessment from each member state to cover the cost of the operations and activities of the
24 interstate commission and its staff. The total assessment must be sufficient to cover the annual
25 budget approved each year for which revenue is not provided by other sources. The aggregate
26 annual assessment amount shall be allocated upon a formula to be determined by the interstate
27 commission, which shall promulgate a rule binding upon all member states.

28 (b) The interstate commission shall not incur obligations of any kind prior to securing the
29 funds adequate to meet the same.

30 (c) The interstate commission shall not pledge the credit of any of the member states,
31 except by, and with the authority of, the member state.

32 (d) The interstate commission shall be subject to a yearly financial audit conducted by a
33 certified or licensed public accountant and the report of the audit shall be included in the annual
34 report of the interstate commission.

1 **5-37.8-15. Organization and operation of the interstate commission.** -- (a) The
2 interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to
3 govern its conduct as may be necessary or appropriate to carry out the purposes of the compact
4 within twelve (12) months of the first interstate commission meeting.

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

10 (c) Officers selected in § 5-37.8-15(b) shall serve without remuneration from the
11 interstate commission.

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

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

28 (2) The interstate commission shall defend the executive director, its employees, and
29 subject to the approval of the attorney general or other appropriate legal counsel of the member
30 state represented by an interstate commission representative, shall defend such interstate
31 commission representative in any civil action seeking to impose liability arising out of an actual
32 or alleged act, error or omission that occurred within the scope of interstate commission
33 employment, duties or responsibilities, or that the defendant had a reasonable basis for believing
34 occurred within the scope of interstate commission employment, duties, or responsibilities,

1 provided that the actual or alleged act, error, or omission did not result from intentional or willful
2 and wanton misconduct on the part of such person.

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

11 **5-37.8-16. Rulemaking functions of the interstate commission.** -- (a) The interstate
12 commission shall promulgate reasonable rules in order to effectively and efficiently achieve the
13 purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission
14 exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the
15 compact, or the powers granted hereunder, then such an action by the interstate commission shall
16 be invalid and have no force or effect.

17 (b) Rules deemed appropriate for the operations of the interstate commission shall be
18 made pursuant to a rulemaking process that substantially conforms to the "model state
19 administrative procedure act" of 2010, and subsequent amendments thereto.

20 (c) Not later than thirty (30) days after a rule is promulgated, any person may file a
21 petition for judicial review of the rule in the United States District Court for the District of
22 Columbia or the federal district where the interstate commission has its principal offices,
23 provided that the filing of such a petition shall not stay or otherwise prevent the rule from
24 becoming effective unless the court finds that the petitioner has a substantial likelihood of
25 success. The court shall give deference to the actions of the interstate commission consistent with
26 applicable law and shall not find the rule to be unlawful if the rule represents a reasonable
27 exercise of the authority granted to the interstate commission.

28 **5-37.8-17. Oversight of the interstate compact.** -- (a) The executive, legislative, and
29 judicial branches of state government in each member state shall enforce the compact and shall
30 take all actions necessary and appropriate to effectuate the compact's purposes and intent. The
31 provisions of the compact and the rules promulgated hereunder shall have standing as statutory
32 law but shall not override existing state authority to regulate the practice of medicine.

33 (b) All courts shall take judicial notice of the compact and the rules in any judicial or
34 administrative proceeding in a member state pertaining to the subject matter of the compact

1 which may affect the powers, responsibilities or actions of the interstate commission.

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

6 **5-37.8-18. Enforcement of interstate compact.** -- (a) The interstate commission, in the
7 reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

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

15 (c) The remedies herein shall not be the exclusive remedies of the interstate commission.
16 The interstate commission may avail itself of any other remedies available under state law or the
17 regulation of a profession.

18 **5-37.8-19. Default procedures.** -- (a) The grounds for default include, but are not limited
19 to, failure of a member state to perform such obligations or responsibilities imposed upon it by
20 the compact, or the rules and bylaws of the interstate commission promulgated under the
21 compact.

22 (b) If the interstate commission determines that a member state has defaulted in the
23 performance of its obligations or responsibilities under the compact, or the bylaws or
24 promulgated rules, the interstate commission shall:

25 (1) Provide written notice to the defaulting state and other member states, of the nature of
26 the default, the means of curing the default, and any action taken by the interstate commission.
27 The interstate commission shall specify the conditions by which the defaulting state must cure its
28 default; and

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

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

1 (d) Termination of membership in the compact shall be imposed only after all other
2 means of securing compliance have been exhausted. Notice of intent to terminate shall be given
3 by the interstate commission to the governor, the speaker, the senate president and minority
4 leaders of the defaulting state's legislature, and each of the member states.

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

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

11 (g) The interstate commission shall not bear any costs relating to any state that has been
12 found to be in default or which has been terminated from the compact, unless otherwise mutually
13 agreed upon in writing between the interstate commission and the defaulting state.

14 (h) The defaulting state may appeal the action of the interstate commission by petitioning
15 the United States District Court for the District of Columbia or the federal district where the
16 interstate commission has its principal offices. The prevailing party shall be awarded all costs of
17 such litigation including reasonable attorney's fees.

18 **5-37.8-20. Dispute resolution.** -- (a) The interstate commission shall attempt, upon the
19 request of a member state, to resolve disputes which are subject to the compact and which may
20 arise among member states or member boards.

21 (b) The interstate commission shall promulgate rules providing for both mediation and
22 binding dispute resolution as appropriate.

23 **5-37.8-21. Member states, effective date and amendment.** -- (a) Any state is eligible to
24 become a member state of the compact.

25 (b) The compact shall become effective and binding upon legislative enactment of the
26 compact into law by no less than seven (7) states. Thereafter, it shall become effective and
27 binding on a state upon enactment of the compact into law by that state.

28 (c) The governors of non-member states, or their designees, shall be invited to participate
29 in the activities of the interstate commission on a non-voting basis prior to adoption of the
30 compact by all states.

31 (d) The interstate commission may propose amendments to the compact for enactment by
32 the member states. No amendment shall become effective and binding upon the interstate
33 commission and the member states unless and until it is enacted into law by unanimous consent
34 of the member states.

1 **5-37.8-22. Withdrawal.** -- (a) Once effective, the compact shall continue in force and
2 remain binding upon each and every member state; provided that a member state may withdraw
3 from the compact by specifically repealing the statute which enacted the compact into law.

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

8 (c) The withdrawing state shall immediately notify the chairperson of the interstate
9 commission in writing upon the introduction of legislation repealing the compact in the
10 withdrawing state.

11 (d) The interstate commission shall notify the other member states of the withdrawing
12 state's intent to withdraw within sixty (60) days of its receipt of notice provided under § 5-37.8-
13 22(c).

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

17 (f) Reinstatement following withdrawal of a member state shall occur upon the
18 withdrawing state reenacting the compact or upon such later date as determined by the interstate
19 commission.

20 (g) The interstate commission is authorized to develop rules to address the impact of the
21 withdrawal of a member state on licenses granted in other member states to physicians who
22 designated the withdrawing member state as the state of principal license.

23 **5-37.8-23. Dissolution.** -- (a) The compact shall dissolve effective upon the date of the
24 withdrawal or default of the member state which reduces the membership in the compact to one
25 member state.

26 (b) Upon the dissolution of the compact, the compact becomes null and void and shall be
27 of no further force or effect, and the business and affairs of the interstate commission shall be
28 concluded and surplus funds shall be distributed in accordance with the bylaws.

29 **5-37.8-24. Severability and construction.** -- (a) The provisions of the compact shall be
30 severable, and if any 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 effectuate its purposes.

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

1 **5-37.8-25. Binding effect of compact and other laws.** -- (a) Nothing herein prevents the
2 enforcement of any other law of a member state that is not inconsistent with the compact.

3 (b) All laws in a member state in conflict with the compact are superseded to the extent
4 of the conflict.

5 (c) All lawful actions of the interstate commission, including all rules and bylaws
6 promulgated by the commission, are binding upon the member states.

7 (d) All agreements between the interstate commission and the member states are binding
8 in accordance with their terms.

9 (e) In the event any provision of the compact exceeds the constitutional limits imposed on
10 the legislature of any member state, such provision shall be ineffective to the extent of the
11 conflict with the constitutional provision in question in that member state.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - THE INTERSTATE MEDICAL
LICENSURE COMPACT

1 This act would establish Rhode Island's membership in the interstate medical licensure
2 compact. It details the procedure to be followed in order to allow physicians to become licensed
3 in multiple states, while ensuring the safety of patients.

4 This act would take effect upon passage.

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LC001548
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