

HOUSE BILL NO. HB0107

Interstate medical licensure compact.

Sponsored by: Representative(s) Wilson, Berger, Harvey, Stubson and Throne and Senator(s) Anderson, J.D. (SD02), Hastert, Landen and Peterson

A BILL

for

1 AN ACT relating to professions and occupations; adopting
2 the Interstate Medical Licensure Compact; requiring
3 reporting; making a conforming amendment; and providing for
4 an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 33-26-701 through 33-26-703 are
9 created to read:

10

11

ARTICLE 7

12

INTERSTATE MEDICAL LICENSURE COMPACT

13

14

33-26-701. Short title.

15

1 This act shall be known and may be cited as the "Interstate
2 Medical Licensure Compact."

3

4 **33-26-702. Compact provisions generally.**

5

6 The Interstate Medical Licensure Compact is enacted into
7 law and entered into on behalf of this state with all other
8 states legally joining in the compact in a form
9 substantially as follows.

10

11 ARTICLE I

12 Purpose

13

14 In order to strengthen access to health care and in
15 recognition of the advances in the delivery of health care,
16 the member states of the Interstate Medical Licensure
17 Compact have allied in common purpose to develop a
18 comprehensive process that complements the existing
19 licensing and regulatory authority of state medical boards,
20 provides a streamlined process that allows physicians to
21 become licensed in multiple states, thereby enhancing the
22 portability of a medical license and ensuring the safety of
23 patients. The compact creates another pathway for licensure

1 and does not otherwise change a state's existing medical
2 practice act. The compact also adopts the prevailing
3 standard for licensure and affirms that the practice of
4 medicine occurs where the patient is located at the time of
5 the physician-patient encounter and therefore requires the
6 physician to be under the jurisdiction of the state medical
7 board where the patient is located. State medical boards
8 that participate in the compact retain the jurisdiction to
9 impose an adverse action against a license to practice
10 medicine in that state issued to a physician through the
11 procedures in the compact.

12

13

ARTICLE II

14

Definitions

15

16 (a) In this compact:

17

18 (i) "Bylaws" means those bylaws established by
19 the interstate commission pursuant to article XI for its
20 governance or for directing and controlling its actions and
21 conduct;

22

1 (ii) "Commissioner" means the voting
2 representative appointed by each member board pursuant to
3 article XI;

4

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

12

13 (iv) "Expedited license" means a full and
14 unrestricted medical license granted by a member state to
15 an eligible physician through the process set forth in the
16 compact;

17

18 (v) "Interstate commission" means the interstate
19 commission created pursuant to article XI;

20

21 (vi) "License" means authorization by a state
22 for a physician to engage in the practice of medicine,
23 which would be unlawful without the authorization;

1

2 (vii) "Medical practice act" means laws and
3 regulations governing the practice of allopathic and
4 osteopathic medicine within a member state;

5

6 (viii) "Member board" means a state agency in a
7 member state that acts in the sovereign interests of the
8 state by protecting the public through licensure,
9 regulation and education of physicians as directed by the
10 state government;

11

12 (ix) "Member state" means a state that has
13 enacted the compact;

14

15 (x) "Practice of medicine" means the clinical
16 prevention, diagnosis or treatment of human disease, injury
17 or condition requiring a physician to obtain and maintain a
18 license in compliance with the medical practice act of a
19 member state;

20

21 (xi) "Physician" means any person who:

22

1 (A) Is a graduate of a medical school
2 accredited by the liaison committee on medical education,
3 the commission on osteopathic college accreditation or a
4 medical school listed in the international medical
5 education directory or its equivalent;

6
7 (B) Passed each component of the United
8 States medical licensing examination (USMLE) or the
9 comprehensive osteopathic medical licensing examination
10 (COMLEX-USA) within three (3) attempts or any of its
11 predecessor examinations accepted by a state medical board
12 as an equivalent examination for licensure purposes;

13
14 (C) Successfully completed graduate medical
15 education approved by the accreditation council for
16 graduate medical education or the American osteopathic
17 association;

18
19 (D) Holds specialty certification or a time
20 unlimited specialty certificate recognized by the American
21 board of medical specialties or the American osteopathic
22 association's bureau of osteopathic specialists;

23

1 (E) Possesses a full and unrestricted
2 license to engage in the practice of medicine issued by a
3 member board;

4

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

9

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

15

16 (H) Has never had a controlled substance
17 license or permit suspended or revoked by a state or the
18 United States drug enforcement administration; and

19

20 (J) Is not under active investigation by a
21 licensing agency or law enforcement authority in any state,
22 federal or foreign jurisdiction.

23

1 (xii) "Offense" means a felony, gross
2 misdemeanor or crime of moral turpitude;

3

4 (xiii) "Rule" means a written statement by the
5 interstate commission promulgated pursuant to article XII
6 of the compact that is of general applicability,
7 implements, interprets or prescribes a policy or provision
8 of the compact or an organizational, procedural or practice
9 requirement of the interstate commission, and has the force
10 and effect of statutory law in a member state and includes
11 the amendment, repeal or suspension of an existing rule;

12

13 (xiv) "State" means any state, commonwealth,
14 district or territory of the United States;

15

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

21

22

ARTICLE III

23

Eligibility

1

2 (a) A physician must meet the eligibility
3 requirements as defined in article II(a)(xi) to receive an
4 expedited license under the terms and provisions of the
5 compact.

6

7 (b) A physician who does not meet the requirements of
8 article II(a)(xi) may obtain a license to practice medicine
9 in a member state if the individual complies with all laws
10 and requirements, other than the compact, relating to the
11 issuance of a license to practice medicine in that state.

12

13

ARTICLE IV

14

Designation of State of Principal License

15

16 (a) A physician shall designate a member state as the
17 state of principal license for purposes of registration for
18 expedited licensure through the compact if the physician
19 possesses a full and unrestricted license to practice
20 medicine in that state and the state is:

21

22 (i) The state of primary residence for the
23 physician;

1

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

4

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

7

8 (iv) If no state qualifies under paragraph
9 (a)(i), (ii) or (iii) of this article, the state designated
10 as state of residence for purpose of federal income tax.

11

12 (b) A physician may redesignate a member state as
13 state of principal license at any time, as long as the
14 state meets the requirements in subsection (a) of this
15 article.

16

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

20

21

ARTICLE V

22

Application and issuance of expedited licensure

23

1 (a) A physician seeking licensure through the compact
2 shall file an application for an expedited license with the
3 member board of the state selected by the physician as the
4 state of principal license.

5
6 (b) Upon receipt of an application for an expedited
7 license, the member board within the state selected as the
8 state of principal license shall evaluate whether the
9 physician is eligible for expedited licensure and issue a
10 letter of qualification, verifying or denying the
11 physician's eligibility, to the interstate commission,
12 subject to the following:

13
14 (i) Static qualifications, which include
15 verification of medical education, graduate medical
16 education, results of any medical or licensing examination
17 and other qualifications as determined by the interstate
18 commission through rule, shall not be subject to additional
19 primary source verification where primary sources have
20 already been verified by the state of principal license;

21
22 (ii) The member board within the state selected
23 as the state of principal license shall, in the course of

1 verifying eligibility, perform a criminal background check
2 of an applicant, including the use of the results of
3 fingerprint or other biometric data checks compliant with
4 the requirements of the federal bureau of investigation,
5 with the exception of federal employees who have
6 suitability determination in accordance with 5 C.F.R. §
7 731.202;

8

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

12

13 (c) Upon verification under subsection (b) of this
14 article, physicians eligible for an expedited license shall
15 complete the registration process established by the
16 interstate commission to receive a license in a member
17 state selected pursuant to subsection (a) of this article,
18 including the payment of any applicable fees.

19

20 (d) After receiving verification of eligibility under
21 subsection (b) of this article and any fees under
22 subsection (c) of this article, a member board shall issue
23 an expedited license to the physician. This license shall

1 authorize the physician to practice medicine in the issuing
2 state consistent with the medical practice act and all
3 applicable laws and regulations of the issuing member board
4 and member state.

5

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

11

12 (f) An expedited license obtained through the compact
13 shall be terminated if a physician fails to maintain a
14 license in the state of principal licensure for a
15 nondisciplinary reason, without redesignation of a new
16 state of principal licensure.

17

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

22

23

ARTICLE VI

1 Fees for Expedited Licensure

2

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

7

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

10

11 ARTICLE VII

12 Renewal and Continued Participation

13

14 (a) A physician seeking to renew an expedited license
15 granted in a member state shall complete a renewal process
16 with the interstate commission if the physician:

17

18 (i) Maintains a full and unrestricted license in
19 a state of principal license;

20

21 (ii) Has not been convicted, received
22 adjudication, deferred adjudication, community supervision

1 or deferred disposition for any offense by a court of
2 appropriate jurisdiction;

3

4 (iii) Has not had a license authorizing the
5 practice of medicine subject to discipline by a licensing
6 agency in any state, federal or foreign jurisdiction,
7 excluding any action related to nonpayment of fees related
8 to a license; and

9

10 (iv) Has not had a controlled substance license
11 or permit suspended or revoked by a state or the United
12 States drug enforcement administration.

13

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

18

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

22

1 (d) Upon receipt of any renewal fees collected under
2 subsection (c) of this article, a member board shall renew
3 the physician's license.

4

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

8

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

12

13

ARTICLE VIII

14

Coordinated Information System

15

16 (a) The interstate commission shall establish a
17 database of all physicians licensed, or who have applied
18 for licensure, under article V.

19

20 (b) Notwithstanding any other provision of law,
21 member boards shall report to the interstate commission any
22 public action or complaints against a licensed physician

1 who has applied or received an expedited license through
2 the compact.

3

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

7

8 (d) Member boards may report any nonpublic complaint,
9 disciplinary or investigatory information not required by
10 subsection (c) of this article, to the interstate
11 commission.

12

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

16

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

21

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

4

5 ARTICLE IX

6 Joint Investigations

7

8 (a) Licensure and disciplinary records of physicians
9 are deemed investigative.

10

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

16

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

19

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

1

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

6

7

ARTICLE X

8

Disciplinary Actions

9

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

16

17 (b) If a license granted to a physician by the member
18 board in the state of principal license is revoked,
19 surrendered or relinquished in lieu of discipline, or
20 suspended, then all licenses issued to the physician by
21 member boards shall automatically be placed, without
22 further action necessary by any member board, on the same
23 status. If the member board in the state of principal

1 license subsequently reinstates the physician's license, a
2 license issued to the physician by any other member board
3 shall remain encumbered until that respective member board
4 takes action to reinstate the license in a manner
5 consistent with the medical practice act of that state.

6

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

11

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

15

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

19

20 (d) If a license granted to a physician by a member
21 board is revoked, surrendered or relinquished in lieu of
22 discipline or suspended, then any license issued to the
23 physician by any other member board shall be suspended,

1 automatically and immediately without further action
2 necessary by the other member board, for ninety (90) days
3 upon entry of the order by the disciplining board, to
4 permit the member board to investigate the basis for the
5 action under the medical practice act of that state. A
6 member board may terminate the automatic suspension of the
7 license it issued prior to the completion of the ninety
8 (90) day suspension period in a manner consistent with the
9 medical practice act of that state.

10

11

ARTICLE XI

12

Interstate Medical Licensure Compact Commission

13

14 (a) The member states hereby create the "Interstate
15 Medical Licensure Compact Commission."

16

17 (b) The purpose of the interstate commission is the
18 administration of the Interstate Medical Licensure Compact,
19 which is a discretionary state function.

20

21 (c) The interstate commission shall be a body
22 corporate and shall have all the responsibilities, powers
23 and duties set forth in the compact and such additional

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

4

5 (d) The interstate commission shall consist of two
6 (2) voting representatives appointed by each member state
7 who shall serve as commissioners. In states where
8 allopathic and osteopathic physicians are regulated by
9 separate member boards, or if the licensing and
10 disciplinary authority is split between multiple member
11 boards within a member state, the member state shall
12 appoint one (1) representative from each member board. A
13 commissioner shall be:

14

15 (i) An allopathic or osteopathic physician
16 appointed to a member board;

17

18 (ii) An executive director, executive secretary
19 or similar executive of a member board; or

20

21 (iii) A member of the public appointed to a
22 member board.

23

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

8

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

12

13 (g) Each commissioner participating at a meeting of
14 the interstate commission is entitled to one (1) vote. A
15 majority of commissioners shall constitute a quorum for the
16 transaction of business, unless a larger quorum is required
17 by the bylaws of the interstate commission. A commissioner
18 shall not delegate a vote to another commissioner. In the
19 absence of its commissioner, a member state may delegate
20 voting authority for a specified meeting to another person
21 from that state who shall meet the requirements of
22 subsection (d) of this article.

23

1 (h) The interstate commission shall provide public
2 notice of all meetings and all meetings shall be open to
3 the public. The interstate commission may close a meeting,
4 in full or in portion, where it determines by a two-thirds
5 (2/3) vote of the commissioners present that an open
6 meeting would be likely to:

7

8 (i) Relate solely to the internal personnel
9 practices and procedures of the interstate commission;

10

11 (ii) Discuss matters specifically exempted from
12 disclosure by federal statute;

13

14 (iii) Discuss trade secrets, commercial or
15 financial information that is privileged or confidential;

16

17 (iv) Involve accusing a person of a crime or
18 formally censuring a person;

19

20 (v) Discuss information of a personal nature
21 where disclosure would constitute a clearly unwarranted
22 invasion of personal privacy;

23

1 (vi) Discuss investigative records compiled for
2 law enforcement purposes; or

3

4 (vii) Specifically relate to the participation
5 in a civil action or other legal proceeding.

6

7 (j) The interstate commission shall keep minutes
8 which shall fully describe all matters discussed in a
9 meeting and shall provide a full and accurate summary of
10 actions taken, including record of any roll call votes.

11

12 (k) The interstate commission shall make its
13 information and official records, to the extent not
14 otherwise designated in the compact or by its rules,
15 available to the public for inspection.

16

17 (m) The interstate commission shall establish an
18 executive committee, which shall include officers, members
19 and others as determined by the bylaws. The executive
20 committee shall have the power to act on behalf of the
21 interstate commission, with the exception of rulemaking,
22 during periods when the interstate commission is not in
23 session. When acting on behalf of the interstate

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

5

6 (n) The interstate commission may establish other
7 committees for governance and administration of the
8 compact.

9

10

ARTICLE XII

11

Powers and Duties of the Interstate Commission

12

13 (a) The interstate commission shall have the duty and
14 power to:

15

16 (i) Oversee and maintain the administration of
17 the compact;

18

19 (ii) Promulgate rules which shall be binding to
20 the extent and in the manner provided for in the compact;

21

22 (iii) Issue, upon the request of a member state
23 or member board, advisory opinions concerning the meaning

1 or interpretation of the compact, its bylaws, rules and
2 actions;

3

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

8

9 (v) Establish and appoint committees including,
10 but not limited to, an executive committee as required by
11 article XI, which shall have the power to act on behalf of
12 the interstate commission in carrying out its powers and
13 duties;

14

15 (vi) Pay or provide for the payment of the
16 expenses related to the establishment, organization and
17 ongoing activities of the interstate commission;

18

19 (vii) Establish and maintain one (1) or more
20 offices;

21

22 (viii) Borrow, accept, hire or contract for
23 services of personnel;

1

2 (ix) Purchase and maintain insurance and bonds;

3

4 (x) Employ an executive director who shall have
5 such powers to employ, select or appoint employees, agents
6 or consultants and to determine their qualifications,
7 define their duties and fix their compensation;

8

9 (xi) Establish personnel policies and programs
10 relating to conflicts of interest, rates of compensation
11 and qualifications of personnel;

12

13 (xii) Accept donations and grants of money,
14 equipment, supplies, materials and services and to receive,
15 utilize and dispose of it in a manner consistent with the
16 conflict of interest policies established by the interstate
17 commission;

18

19 (xiii) Lease, purchase, accept contributions or
20 donations of or otherwise to own, hold, improve or use, any
21 property, real, personal or mixed;

22

1 (xiv) Sell, convey, mortgage, pledge, lease,
2 exchange, abandon or otherwise dispose of any property,
3 real, personal or mixed;

4

5 (xv) Establish a budget and make expenditures;

6

7 (xvi) Adopt a seal and bylaws governing the
8 management and operation of the interstate commission;

9

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

16

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

20

21 (xix) Maintain records in accordance with the
22 bylaws;

23

1 (xx) Seek and obtain trademarks, copyrights and
2 patents; and

3
4 (xxi) Perform such functions as may be necessary
5 or appropriate to achieve the purposes of the compact.

6

7

ARTICLE XIII

8

Finance Powers

9

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

20

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

1

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

5

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

10

11

ARTICLE XIV

12 Organization and operation of the Interstate Commission

13

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

19

20 (b) The interstate commission shall elect or appoint
21 annually from among its commissioners a chairperson, a
22 vice-chairperson and a treasurer, each of whom shall have
23 such authority and duties as may be specified in the

1 bylaws. The chairperson, or in the chairperson's absence or
2 disability, the vice-chairperson, shall preside at all
3 meetings of the interstate commission.

4

5 (c) Officers selected in subsection (b) of this
6 article shall serve without remuneration from the
7 interstate commission.

8

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

23

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

15
16 (ii) The interstate commission shall defend the
17 executive director, its employees and, subject to the
18 approval of the attorney general or other appropriate legal
19 counsel of the member state represented by an interstate
20 commission representative, shall defend an interstate
21 commission representative in any civil action seeking to
22 impose liability arising out of an actual or alleged act,
23 error or omission that occurred within the scope of

1 interstate commission employment, duties or
2 responsibilities, or that the defendant had a reasonable
3 basis for believing occurred within the scope of interstate
4 commission employment, duties or responsibilities, provided
5 that the actual or alleged act, error or omission did not
6 result from intentional or willful and wanton misconduct on
7 the part of the officer or employee;

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

1

2

ARTICLE XV

3

Rulemaking functions of the Interstate Commission

4

5 (a) The interstate commission shall promulgate
6 reasonable rules in order to effectively and efficiently
7 achieve the purposes of the compact. Notwithstanding the
8 foregoing, in the event the interstate commission exercises
9 its rulemaking authority in a manner that is beyond the
10 scope of the purposes of the compact, or the powers granted
11 hereunder, then such an action by the interstate commission
12 shall be invalid and have no force or effect.

13

14 (b) Rules deemed appropriate for the operations of
15 the interstate commission shall be made pursuant to a
16 rulemaking process that substantially conforms to the
17 "Model State Administrative Procedure Act" of 2010 and
18 subsequent amendments thereto.

19

20 (c) Not later than thirty (30) days after a rule is
21 promulgated, any person may file a petition for judicial
22 review of the rule in the United States District Court for
23 the District of Columbia or the federal district where the

1 interstate commission has its principal offices, provided
2 that the filing of such a petition shall not stay or
3 otherwise prevent the rule from becoming effective unless
4 the court finds that the petitioner has a substantial
5 likelihood of success. The court shall give deference to
6 the actions of the interstate commission consistent with
7 applicable law and shall not find the rule to be unlawful
8 if the rule represents a reasonable exercise of the
9 authority granted to the interstate commission.

10

11 ARTICLE XVI

12 Oversight of Interstate Compact

13

14 (a) The executive, legislative and judicial branches
15 of state government in each member state shall enforce the
16 compact and shall take all actions necessary and
17 appropriate to effectuate the compact's purposes and
18 intent. The provisions of the compact and the rules
19 promulgated hereunder shall have standing as statutory law
20 but shall not override existing state authority to regulate
21 the practice of medicine.

22

1 (b) All courts shall take judicial notice of the
2 compact and the rules in any judicial or administrative
3 proceeding in a member state pertaining to the subject
4 matter of the compact which may affect the powers,
5 responsibilities or actions of the interstate commission.

6

7 (c) The interstate commission shall be entitled to
8 receive all service of process in any such proceeding and
9 shall have standing to intervene in the proceeding for all
10 purposes. Failure to provide service of process to the
11 interstate commission shall render a judgment or order void
12 as to the interstate commission, the compact or promulgated
13 rules.

14

15

ARTICLE XVII

16

Enforcement of Interstate Compact

17

18 (a) The interstate commission, in the reasonable
19 exercise of its discretion, shall enforce the provisions
20 and rules of the compact.

21

22 (b) The interstate commission may, by majority vote
23 of the commissioners, initiate legal action in the United

1 States District Court for the District of Columbia or, at
2 the discretion of the interstate commission, in the federal
3 district where the interstate commission has its principal
4 offices, to enforce compliance with the provisions of the
5 compact and its promulgated rules and bylaws, against a
6 member state in default. The relief sought may include both
7 injunctive relief and damages. In the event judicial
8 enforcement is necessary, the prevailing party shall be
9 awarded all costs of such litigation including reasonable
10 attorney's fees.

11

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

16

17

ARTICLE XVIII

18

Default Procedures

19

20 (a) The grounds for default include, but are not
21 limited to, failure of a member state to perform such
22 obligations or responsibilities imposed upon it by the

1 compact or the rules and bylaws of the interstate
2 commission promulgated under the compact.

3

4 (b) If the interstate commission determines that a
5 member state has defaulted in the performance of its
6 obligations or responsibilities under the compact or the
7 bylaws or promulgated rules, the interstate commission
8 shall:

9

10 (i) Provide written notice to the defaulting
11 state and other member states, of the nature of the
12 default, the means of curing the default and any action
13 taken by the interstate commission. The interstate
14 commission shall specify the conditions by which the
15 defaulting state must cure its default; and

16

17 (ii) Provide remedial training and specific
18 technical assistance regarding the default.

19

20 (c) If the defaulting state fails to cure the
21 default, the defaulting state shall be terminated from the
22 compact upon an affirmative vote of a majority of the
23 commissioners and all rights, privileges and benefits

1 conferred by the compact shall terminate on the effective
2 date of termination. A cure of the default does not relieve
3 the offending state of obligations or liabilities incurred
4 during the period of the default.

5

6 (d) Termination of membership in the compact shall be
7 imposed only after all other means of securing compliance
8 have been exhausted. Notice of intent to terminate shall be
9 given by the interstate commission to the governor, the
10 majority and minority leaders of the defaulting state's
11 legislature and each of the member states.

12

13 (e) The interstate commission shall establish rules
14 and procedures to address licenses and physicians that are
15 materially impacted by the termination of a member state or
16 the withdrawal of a member state.

17

18 (f) The member state which has been terminated is
19 responsible for all dues, obligations and liabilities
20 incurred through the effective date of termination
21 including obligations, the performance of which extends
22 beyond the effective date of termination.

23

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

6

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

13

14

ARTICLE XIX

15

Dispute Resolution

16

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

21

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

4

5

ARTICLE XX

6

Member States, Effective Date and Amendments

7

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

10

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

16

17 (c) The governors of nonmember states or their
18 designees, shall be invited to participate in the
19 activities of the interstate commission on a nonvoting
20 basis prior to adoption of the compact by all states.

21

22 (d) The interstate commission may propose amendments
23 to the compact for enactment by the member states. No

1 amendment shall become effective and binding upon the
2 interstate commission and the member states unless and
3 until it is enacted into law by unanimous consent of the
4 member states.

5

6

ARTICLE XXI

7

Withdrawal

8

9 (a) Once effective, the compact shall continue in
10 force and remain binding upon each and every member state,
11 provided that a member state may withdraw from the compact
12 by specifically repealing the statute which enacted the
13 compact into law.

14

15 (b) Withdrawal from the compact shall be by the
16 enactment of a statute repealing the same, but shall not
17 take effect until one (1) year after the effective date of
18 such statute and until written notice of the withdrawal has
19 been given by the withdrawing state to the governor of each
20 other member state.

21

22 (c) The withdrawing state shall immediately notify
23 the chairperson of the interstate commission in writing

1 upon the introduction of legislation repealing the compact
2 in the withdrawing state.

3

4 (d) The interstate commission shall notify the other
5 member states of the withdrawing state's intent to withdraw
6 within sixty (60) days of its receipt of notice provided
7 under subsection (c) of this article.

8

9 (e) The withdrawing state is responsible for all
10 dues, obligations and liabilities incurred through the
11 effective date of withdrawal, including obligations, the
12 performance of which extend beyond the effective date of
13 withdrawal.

14

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

19

20 (g) The interstate commission is authorized to
21 develop rules to address the impact of the withdrawal of a
22 member state on licenses granted in other member states to

1 physicians who designated the withdrawing member state as
2 the state of principal license.

3

4

ARTICLE XXII

5

Dissolution

6

7 (a) The compact shall dissolve effective upon the
8 date of the withdrawal or default of the member state which
9 reduces the membership in the compact to one (1) member
10 state.

11

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

17

18

ARTICLE XXIII

19

Severability and Construction

20

21 (a) The provisions of the compact shall be severable
22 and if any phrase, clause, sentence or provision is deemed

1 unenforceable, the remaining provisions of the compact
2 shall be enforceable.

3

4 (b) The provisions of the compact shall be liberally
5 construed to effectuate its purposes.

6

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

10

11

ARTICLE XXIV

12

Binding Effect of Compact and Other Laws

13

14 (a) Nothing herein prevents the enforcement of any
15 other law of a member state that is not inconsistent with
16 the compact.

17

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

20

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

1

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

5

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

11

12 **33-26-703. Interstate commission members.**

13

14 Pursuant to article VII(d) of the Interstate Medical
15 Licensure Compact, the governor shall appoint two (2)
16 voting representatives to the interstate medical licensure
17 compact commission. The representatives shall serve
18 staggered two (2) year terms as commissioners.

19

20 **Section 2.** W.S. 33-26-303(a)(intro) is amended to
21 read:

22

23 **33-26-303. Requirements for granting license.**

1

2 (a) The board may grant a license to practice
3 medicine in this state as provided in the Interstate
4 Medical Licensure Compact or, under this article, to any
5 applicant who demonstrates, to the board, that he:

6

7 **Section 3.** This act is effective July 1, 2015.

8

9

(END)