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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 321

01/22/2015 Authored by Mack; Liebling; Dean, M.; Zerwas and Loeffler
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health occupations; providing for an interstate medical licensure
1.3 compact project; proposing coding for new law in Minnesota Statutes, chapter
1.4 147.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[147.38] INTERSTATE MEDICAL LICENSURE COMPACT.**

1.7 The Interstate Medical Licensure Compact is enacted into law and entered into with
1.8 all other jurisdictions legally joining in it, in the form substantially as follows:

1.9 ARTICLE 1

1.10 PURPOSE

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

ARTICLE 2

DEFINITIONS

(a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to article 11 for its governance, or for directing and controlling its actions and conduct.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to article 11.

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

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

(e) "Interstate Commission" means the Interstate Commission created pursuant to article 11.

(f) "License" means authorization by a state for a physician to engage in the practice of medicine that would be unlawful without the authorization.

(g) "Medical Practice Act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

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

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

(j) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the Medical Practice Act of a member state.

(k) "Physician" means any person who:

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

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

(3) successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

3.1 (4) holds specialty certification or a time-unlimited specialty certificate recognized
 3.2 by the American Board of Medical Specialties or the American Osteopathic Association's
 3.3 Bureau of Osteopathic Specialists;

3.4 (5) possesses a full and unrestricted license to engage in the practice of medicine
 3.5 issued by a member board;

3.6 (6) has never been convicted, received adjudication, deferred adjudication, received
 3.7 community supervision, or deferred disposition for any offense by a court of appropriate
 3.8 jurisdiction;

3.9 (7) has never held a license authorizing the practice of medicine subjected to
 3.10 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any
 3.11 action related to nonpayment of fees related to a license;

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

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

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

3.17 (m) "Rule" means a written statement by the Interstate Commission promulgated
 3.18 pursuant to article 12 of the compact that is of general applicability, and implements,
 3.19 interprets, or prescribes a policy or provision of the compact, or is an organizational,
 3.20 procedural, or practice requirement of the Interstate Commission, and has the force
 3.21 and effect of statutory law in a member state, and includes the amendment, repeal, or
 3.22 suspension of an existing rule.

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

3.24 (o) "State of principal license" means a member state where a physician holds a
 3.25 license to practice medicine and has been designated as such by the physician for purposes
 3.26 of registration and participation in the compact.

3.27 ARTICLE 3

3.28 ELIGIBILITY

3.29 (a) A physician must meet the eligibility requirements as defined in article 2 to
 3.30 receive an expedited license under the terms and provisions of the compact.

3.31 (b) An individual who does not meet the requirements of article 2 may obtain a
 3.32 license to practice medicine in a member state if the individual complies with all laws
 3.33 and requirements, other than the compact, relating to the issuance of a license to practice
 3.34 medicine in that state.

3.35 ARTICLE 4

3.36 DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

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

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

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

4.7 (4) if no state qualifies under clause (1), (2), or (3), the state designated as the
4.8 physician's state of residence for purposes of federal income tax.

4.9 (b) A physician may redesignate a member state as the state of principal license at
4.10 any time, as long as the state meets the requirements in paragraph (a).

4.11 (c) The Interstate Commission is authorized to develop rules to facilitate
4.12 redesignation of another member state as the state of principal license.

4.13 ARTICLE 5

4.14 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

4.15 (a) A physician seeking licensure through the compact in a selected member state
4.16 shall file an application for an expedited license with the member board of the state
4.17 selected by the physician as the state of principal license.

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

4.22 Static qualifications, which include verification of medical education, graduate
4.23 medical education, results of any medical or licensing examination, and other qualifications
4.24 as determined by the Interstate Commission through rule, shall not be subject to additional
4.25 primary source verification if already verified by the state of principal license.

4.26 The member board within the state selected as the state of principal license shall, in
4.27 the course of verifying eligibility, perform a criminal background check of an applicant,
4.28 including the use of the results of fingerprint or other biometric data checks compliant
4.29 with the requirements of the Federal Bureau of Investigation, with the exception of
4.30 federal employees who have suitability determination in accordance with Code of Federal
4.31 Regulations, section 731.202.

4.32 An appeal on the determination of eligibility shall be made to the member state
4.33 where the application was filed and shall be subject to the law of that state.

4.34 (c) Upon verification in paragraph (b), physicians eligible for an expedited license
4.35 shall complete the registration process established by the Interstate Commission to receive

5.1 a license in a member state selected pursuant to paragraph (a), including the payment of
5.2 any applicable fees.

5.3 (d) After receiving verification of eligibility under paragraph (b) and any fees under
5.4 paragraph (c), a member board shall issue an expedited license to the physician. This
5.5 license shall authorize the physician to practice medicine in the issuing state consistent
5.6 with the Medical Practice Act and all applicable laws and regulations of the issuing
5.7 member board and member state.

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

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

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

5.16 ARTICLE 6

5.17 FEEES FOR EXPEDITED LICENSURE

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

5.20 (b) The Interstate Commission is authorized to develop rules regarding fees for
5.21 expedited licenses.

5.22 ARTICLE 7

5.23 RENEWAL AND CONTINUED PARTICIPATION

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

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

5.27 (2) has never been convicted, received adjudication, deferred adjudication, received
5.28 community supervision, or deferred disposition for any offense by a court of appropriate
5.29 jurisdiction;

5.30 (3) has not had a license authorizing the practice of medicine subject to discipline
5.31 by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action
5.32 related to nonpayment of fees related to a license; and

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

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

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

6.6 (d) Upon receipt of any renewal fees collected in paragraph (c), a member board
 6.7 shall renew the physician's license.

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

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

ARTICLE 8

COORDINATED INFORMATION SYSTEM

6.14 (a) The Interstate Commission shall establish a database of all licensed physicians,
 6.15 or those physicians who have applied for licensure, under article 5.

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

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

6.21 (d) Member boards may report any nonpublic complaint or disciplinary or
 6.22 investigatory information not required by paragraph (c) to the Interstate Commission.

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

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

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

ARTICLE 9

JOINT INVESTIGATIONS

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

6.33 (b) In addition to the authority granted to a member board by its respective Medical
 6.34 Practice Act or other applicable state law, a member board may participate with other
 6.35 member boards in joint investigations of physicians licensed by the member boards.

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

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

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

7.6 ARTICLE 10

7.7 DISCIPLINARY ACTIONS

7.8 (a) Any disciplinary action taken by any member board against a physician licensed
7.9 through the compact shall be deemed unprofessional conduct that may be subject to
7.10 discipline by other member boards, in addition to any violation of the Medical Practice
7.11 Act or regulations in that state.

7.12 (b) If a license granted to a physician by the member board in the state of principal
7.13 license is revoked, surrendered, relinquished in lieu of discipline, or suspended, then all
7.14 licenses issued to the physician by member boards shall automatically be placed, without
7.15 further action necessary by any member board, on the same status. If the member board
7.16 in the state of principal license subsequently reinstates the physician's license, a license
7.17 issued to the physician by any other member board shall remain encumbered until that
7.18 respective member board takes action to reinstate the license in a manner consistent with
7.19 the Medical Practice Act of that state.

7.20 (c) If a license granted to a physician by a member board is revoked, surrendered,
7.21 relinquished in lieu of discipline, or suspended by a member board that is not the state of
7.22 the principal, then any licenses issued to the physician by any other member boards shall
7.23 be suspended automatically and immediately without further action necessary by the other
7.24 member boards for 90 days upon entry of the order by the disciplining board, to permit
7.25 the member boards to investigate the basis for the action under the Medical Practice Act
7.26 of that state. A member board may terminate the automatic suspension of the license it
7.27 issued prior to the completion of the 90-day suspension period in a manner consistent
7.28 with the Medical Practice Act of that state.

7.29 (d) If disciplinary action other than a license being revoked, surrendered, or
7.30 relinquished in lieu of discipline or suspension is taken against a physician by a member
7.31 board, any other member board may deem the action conclusive as to matter of law and
7.32 fact decided, and:

7.33 (1) impose the same or lesser sanctions against the physician so long as such
7.34 sanctions are consistent with the Medical Practice Act of that state; or

7.35 (2) pursue separate disciplinary action against the physician under its respective
7.36 Medical Practice Act, regardless of the action taken in other member states.

ARTICLE 11

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

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

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

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

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

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

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

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

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

(f) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunications or electronic communications.

(g) Each commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of paragraph (d).

(h) The Interstate Commission shall provide public notice of all meetings which shall be open to the public. The Interstate Commission may close a meeting, in full or

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

9.3 (1) relate solely to the internal personnel practices and procedures of the Interstate
 9.4 Commission;

9.5 (2) discuss matters specifically exempted from disclosure by federal statute;

9.6 (3) discuss trade secrets or commercial or financial information that is privileged
 9.7 or confidential;

9.8 (4) involve accusing a person of a crime, or formally censuring a person;

9.9 (5) discuss information of a personal nature where disclosure would constitute a
 9.10 clearly unwarranted invasion of personal privacy;

9.11 (6) discuss investigative records compiled for law enforcement purposes; or

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

9.13 (i) The Interstate Commission shall keep minutes that fully describe all matters
 9.14 discussed in the meeting and shall provide a full and accurate summary of actions taken,
 9.15 including a record of any roll call votes.

9.16 (j) The Interstate Commission shall make its information and official records, to the
 9.17 extent not otherwise designated in the compact or by its rules, available to the public
 9.18 for inspection.

9.19 (k) The Interstate Commission shall establish an executive committee, which shall
 9.20 include officers, members, and others as determined by the bylaws. The executive
 9.21 committee shall have the power to act on behalf of the Interstate Commission, with the
 9.22 exception of rulemaking, during periods when the Interstate Commission is not in session.
 9.23 When acting on behalf of the Interstate Commission, the executive committee shall
 9.24 oversee the administration of the compact, including enforcement and compliance with
 9.25 the provisions of the compact, its bylaws and rules, and other such duties as necessary.

9.26 (l) The Interstate Commission may establish other committees for governance and
 9.27 administration of the compact.

9.28 ARTICLE 12

9.29 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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

9.31 (1) oversee and maintain the administration of the compact;

9.32 (2) promulgate rules which shall be binding to the extent and in the manner provided
 9.33 for in the compact;

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

10.1 (4) enforce compliance with compact provisions, the rules promulgated by the
10.2 Interstate Commission, and the bylaws, using all necessary and proper means, including,
10.3 but not limited to, the use of judicial process;

10.4 (5) establish and appoint committees, including, but not limited to, an executive
10.5 committee as required by article 11, which shall have the power to act on behalf of the
10.6 Interstate Commission in carrying out its powers and duties;

10.7 (6) pay or provide for the payment of the expenses related to the establishment,
10.8 organization, and ongoing activities of the Interstate Commission;

10.9 (7) establish and maintain one or more offices;

10.10 (8) borrow, accept, hire, or contract for services of personnel;

10.11 (9) purchase and maintain insurance and bonds;

10.12 (10) employ an executive director who shall employ, select or appoint employees,
10.13 agents, or consultants, and determine their qualifications, define their duties, and fix their
10.14 compensation;

10.15 (11) establish personnel policies and programs relating to conflicts of interest, rates
10.16 of compensation, and qualifications of personnel;

10.17 (12) accept donations and grants of money, equipment, supplies, materials, and
10.18 services, and to receive, utilize, and dispose of them in a manner consistent with the
10.19 conflict of interest policies established by the Interstate Commission;

10.20 (13) lease, purchase, accept contributions or donations of, or otherwise to own, hold,
10.21 improve or use, any property, real, personal, or mixed;

10.22 (14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
10.23 of any property, real, personal, or mixed;

10.24 (15) establish a budget and make expenditures;

10.25 (16) adopt a seal and bylaws governing the management and operation of the
10.26 Interstate Commission;

10.27 (17) report annually to the legislatures and governors of the member states
10.28 concerning the activities of the Interstate Commission during the preceding year. The
10.29 reports shall also include reports of financial audits and any recommendations that may
10.30 have been adopted by the Interstate Commission;

10.31 (18) coordinate education, training, and public awareness regarding the compact, its
10.32 implementation, and its operation;

10.33 (19) maintain records in accordance with the bylaws;

10.34 (20) seek and obtain trademarks, copyrights, and patents; and

10.35 (21) perform such functions as may be necessary or appropriate to achieve the
10.36 purposes of the compact.

11.1 ARTICLE 13

11.2 FINANCE POWERS

11.3 (a) The Interstate Commission may levy on and collect an annual assessment from
11.4 each member state to cover the cost of the operations and activities of the Interstate
11.5 Commission and its staff. The total assessment must be sufficient to cover the annual
11.6 budget approved each year for which revenue is not provided by other sources. The
11.7 aggregate annual assessment amount shall be allocated upon a formula to be determined by
11.8 the Interstate Commission, which shall promulgate a rule binding upon all member states.

11.9 (b) The Interstate Commission shall not incur obligations of any kind prior to
11.10 securing the funds adequate to meet the same.

11.11 (c) The Interstate Commission shall not pledge the credit of any of the member
11.12 states, except by, and with the authority of, the member state.

11.13 (d) The Interstate Commission shall be subject to a yearly financial audit conducted
11.14 by a certified or licensed public accountant and the report of the audit shall be included in
11.15 the annual report of the Interstate Commission.

11.16 ARTICLE 14

11.17 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

11.18 (a) The Interstate Commission shall, by a majority of commissioners present and
11.19 voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out
11.20 the purposes of the compact within 12 months of the first Interstate Commission meeting.

11.21 (b) The Interstate Commission shall elect or appoint annually from among its
11.22 commissioners a chairperson, a vice chairperson, and a treasurer, each of whom shall have
11.23 such authority and duties as may be specified in the bylaws. The chairperson, or in the
11.24 chairperson's absence or disability, the vice chairperson, shall preside at all meetings of
11.25 the Interstate Commission.

11.26 (c) Officers selected in paragraph (b) shall serve without remuneration from the
11.27 Interstate Commission.

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

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

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

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

12.27 ARTICLE 15

12.28 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

13.4 (c) Not later than 30 days after a rule is promulgated, any person may file a petition
 13.5 for judicial review of the rule in the United States District Court for the District of
 13.6 Columbia or the federal district where the Interstate Commission has its principal offices,
 13.7 provided that the filing of such a petition shall not stay or otherwise prevent the rule from
 13.8 becoming effective unless the court finds that the petitioner has a substantial likelihood
 13.9 of success. The court shall give deference to the actions of the Interstate Commission
 13.10 consistent with applicable law and shall not find the rule to be unlawful if the rule
 13.11 represents a reasonable exercise of the authority granted to the Interstate Commission.

13.12 ARTICLE 16

13.13 OVERSIGHT OF INTERSTATE COMPACT

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

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

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

13.26 ARTICLE 17

13.27 ENFORCEMENT OF INTERSTATE COMPACT

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

13.30 (b) The Interstate Commission may, by majority vote of the commissioners, initiate
 13.31 legal action in the United States District Court for the District of Columbia, or, at the
 13.32 discretion of the Interstate Commission, in the federal district where the Interstate
 13.33 Commission has its principal offices, to enforce compliance with the provisions of the
 13.34 compact, and its promulgated rules and bylaws, against a member state in default. The
 13.35 relief sought may include both injunctive relief and damages. In the event judicial

14.1 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation,
14.2 including reasonable attorney fees.

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

14.6 ARTICLE 18

14.7 DEFAULT PROCEDURES

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

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

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

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

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

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

14.28 (e) The Interstate Commission shall establish rules and procedures to address
14.29 licenses and physicians that are materially impacted by the termination of a member
14.30 state or the withdrawal of a member state.

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

14.34 (g) The Interstate Commission shall not bear any costs relating to any state that
14.35 has been found to be in default or that has been terminated from the compact, unless

15.1 otherwise mutually agreed upon in writing between the Interstate Commission and the
15.2 defaulting state.

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

15.7 ARTICLE 19

15.8 DISPUTE RESOLUTION

15.9 (a) The Interstate Commission shall attempt, upon the request of a member state,
15.10 to resolve disputes that are subject to the compact and that may arise among member
15.11 states or member boards.

15.12 (b) The Interstate Commission shall promulgate rules providing for both mediation
15.13 and binding dispute resolution as appropriate.

15.14 ARTICLE 20

15.15 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

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

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

15.20 (c) The governors of nonmember states, or their designees, shall be invited to
15.21 participate in the activities of the Interstate Commission on a nonvoting basis prior to
15.22 adoption of the compact by all states.

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

15.27 ARTICLE 21

15.28 WITHDRAWAL

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

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

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

16.4 (d) The Interstate Commission shall notify the other member states of the
16.5 withdrawing state's intent to withdraw within 60 days of its receipt of notice provided
16.6 under paragraph (c).

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

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

16.13 (g) The Interstate Commission is authorized to develop rules to address the impact of
16.14 the withdrawal of a member state on licenses granted in other member states to physicians
16.15 who designated the withdrawing member state as the state of principal license.

16.16 ARTICLE 22

16.17 DISSOLUTION

16.18 (a) The compact shall dissolve effective upon the date of the withdrawal or default
16.19 of a member state, that reduces the membership in the compact to one member state.

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

16.23 ARTICLE 23

16.24 SEVERABILITY AND CONSTRUCTION

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

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

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

16.32 ARTICLE 24

16.33 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

17.3 (c) All lawful actions of the Interstate Commission, including all rules and bylaws
17.4 promulgated by the commission, are binding upon the member states.

17.5 (d) All agreements between the Interstate Commission and the member states are
17.6 binding in accordance with their terms.

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

17.10 **Sec. 2. [147.381] APPLICATION OF INTERSTATE MEDICAL LICENSURE**
17.11 **COMPACT TO EXISTING LAWS.**

17.12 (a) Uniform rules developed by the Interstate Commission established under section
17.13 147.38 shall not be subject to the provisions of sections 14.05 to 14.389.

17.14 (b) Complaints against physicians licensed in Minnesota under the expedited
17.15 licensure process in section 147.38 shall be handled as provided in sections 214.10 and
17.16 214.103.

17.17 (c) All provisions of section 147.38 authorizing or requiring the board to provide data
17.18 to the Interstate Commission are authorized by section 214.10, subdivision 8, paragraph (d).

17.19 (d) The provisions of sections 214.17 to 214.25 apply to physicians licensed in
17.20 Minnesota through the provisions of section 147.38 when the practice involves direct
17.21 physical contact between the physician and a patient.

17.22 **Sec. 3. EFFECTIVE DATE.**

17.23 Sections 1 and 2 are effective upon the adoption of the Interstate Medical Licensure
17.24 Compact by at least six other states, but no sooner than July 1, 2015.