

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 6**

**Senators Roegner, Huffman, S.**

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**A BILL**

To enact sections 4731.11, 4731.111, and 4731.112 1  
of the Revised Code to enter into the Interstate 2  
Medical Licensure Compact. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4731.11, 4731.111, and 4731.112 4  
of the Revised Code be enacted to read as follows: 5

Sec. 4731.11. The "Interstate Medical Licensure Compact" 6  
is hereby ratified, enacted into law, and entered into by the 7  
state of Ohio as a party to the compact with any other state 8  
that has legally joined in the compact as follows: 9

INTERSTATE MEDICAL LICENSURE COMPACT 10

SECTION 1. PURPOSE 11

In order to strengthen access to health care, and in 12  
recognition of the advances in the delivery of health care, the 13  
member states of the Interstate Medical Licensure Compact have 14  
allied in common purpose to develop a comprehensive process that 15  
complements the existing licensing and regulatory authority of 16  
state medical boards, provides a streamlined process that allows 17  
physicians to become licensed in multiple states, thereby 18

enhancing the portability of a medical license and ensuring the 19  
safety of patients. The Compact creates another pathway for 20  
licensure and does not otherwise change a state's existing 21  
Medical Practice Act. The Compact also adopts the prevailing 22  
standard for licensure and affirms that the practice of medicine 23  
occurs where the patient is located at the time of the 24  
physician-patient encounter, and therefore, requires the 25  
physician to be under the jurisdiction of the state medical 26  
board where the patient is located. State medical boards that 27  
participate in the Compact retain the jurisdiction to impose an 28  
adverse action against a license to practice medicine in that 29  
state issued to a physician through the procedures in the 30  
Compact. 31

SECTION 2. DEFINITIONS 32

In this compact: 33

(a) "Bylaws" means those bylaws established by the 34  
Interstate Commission pursuant to Section 11. 35

(b) "Commissioner" means the voting representative 36  
appointed by each member board pursuant to Section 11. 37

(c) "Conviction" means a finding by a court that an 38  
individual is guilty of a criminal offense through adjudication, 39  
or entry of a plea of guilt or no contest to the charge by the 40  
offender. Evidence of an entry of a conviction of a criminal 41  
offense by the court shall be considered final for purposes of 42  
disciplinary action by a member board. 43

(d) "Expedited License" means a full and unrestricted 44  
medical license granted by a member state to an eligible 45  
physician through the process set forth in the Compact. 46

(e) "Interstate Commission" means the interstate 47

commission created pursuant to Section 11. 48

(f) "License" means authorization by a member state for a  
physician to engage in the practice of medicine, which would be  
unlawful without authorization. 49  
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(g) "Medical Practice Act" means laws and regulations  
governing the practice of allopathic and osteopathic medicine  
within a member state. 52  
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(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. 55  
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(i) "Member State" means a state that has enacted the  
Compact. 59  
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(j) "Practice of Medicine" means that 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. 61  
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(k) "Physician" means any person who: 65

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; 66  
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2) Passed each component of the United State 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; 70  
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- 3) Successfully completed graduate medical education 76  
approved by the Accreditation Council for Graduate Medical 77  
Education or the American Osteopathic Association; 78
- 4) Holds specialty certification or a time-unlimited 79  
specialty certificate recognized by the American Board of 80  
Medical Specialties or the American Osteopathic Association's 81  
Bureau of Osteopathic Specialists; 82
- 5) Possesses a full and unrestricted license to 83  
engage in the practice of medicine issued by a member board; 84
- 6) Has never been convicted, received adjudication, 85  
deferred adjudication, community supervision, or deferred 86  
disposition for any offense by a court of appropriate 87  
jurisdiction; 88
- 7) Has never held a license authorizing the practice 89  
of medicine subjected to discipline by a licensing agency in any 90  
state, federal, or foreign jurisdiction, excluding any action 91  
related to non-payment of fees related to a license; 92
- 8) Has never had a controlled substance license or 93  
permit suspended or revoked by a state or the United States Drug 94  
Enforcement Administration; and 95
- 9) Is not under active investigation by a licensing 96  
agency or law enforcement authority in any state, federal, or 97  
foreign jurisdiction. 98
- (l) "Offense" means a felony, gross misdemeanor, or crime 99  
of moral turpitude. 100
- (m) "Rule" means a written statement by the Interstate 101  
Commission promulgated pursuant to Section 12 of the Compact 102  
that is of general applicability, implements, interprets, or 103

prescribes a policy or provision of the Compact, or an 104  
organizational, procedural, or practice requirement of the 105  
Interstate Commission, and has the force and effect of statutory 106  
law in a member state, and includes the amendment, repeal, or 107  
suspension of an existing rule. 108

(n) "State" means any state, commonwealth, district, or 109  
territory of the United States. 110

(o) "State of Principal License" means a member state 111  
where a physician holds a license to practice medicine and which 112  
has been designated as such by the physician for purposes of 113  
registration and participation in the Compact. 114

SECTION 3. ELIGIBILITY 115

(a) A physician must meet the eligibility requirements as 116  
defined in Section 2(k) to receive an expedited license under 117  
the terms and provisions of the Compact. 118

(b) A physician who does not meet the requirements of 119  
Section 2(k) may obtain a license to practice medicine in a 120  
member state if the individual complies with all laws and 121  
requirements, other than the Compact, relating to the issuance 122  
of a license to practice medicine in that state. 123

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE 124

(a) A physician shall designate a member state as the 125  
state of principal license for purposes of registration for 126  
expedited licensure through the Compact if the physician 127  
possesses a full and unrestricted license to practice medicine 128  
in that state, and the state is: 129

1) The state of principal residence for the 130  
physician, or 131

<u>2) The state where at least 25% of the practice of</u>	132
<u>medicine occurs, or</u>	133
<u>3) The location of the physician's employer, or</u>	134
<u>4) If no state qualifies under subsection (1),</u>	135
<u>subsection (2), or subsection (3), the state designated as state</u>	136
<u>of residence for purpose of federal income tax.</u>	137
<u>(b) A physician may redesignate a member state as state of</u>	138
<u>principal license at any time, as long as the state meets the</u>	139
<u>requirements of subsection (a).</u>	140
<u>(c) The Interstate Commission is authorized to develop</u>	141
<u>rules to facilitate redesignation of another member state as the</u>	142
<u>state of principal license.</u>	143
<u>SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE</u>	144
<u>(a) A physician seeking licensure through the Compact</u>	145
<u>shall file an application for an expedited license with the</u>	146
<u>member board of the state selected by the physician as the state</u>	147
<u>of principal license.</u>	148
<u>(b) Upon receipt of an application for an expedited</u>	149
<u>license, the member board within the state selected as the state</u>	150
<u>of principal license shall evaluate whether the physician is</u>	151
<u>eligible for expedited licensure and issue a letter of</u>	152
<u>qualification, verifying or denying the physician's eligibility,</u>	153
<u>to the Interstate Commission.</u>	154
<u>1) Static qualifications, which include verification</u>	155
<u>of medical education, graduate medical education, results of any</u>	156
<u>medical or licensing examination, and other qualifications as</u>	157
<u>determined by the Interstate Commission through rule, shall not</u>	158
<u>be subject to additional primary source verification where</u>	159

already primary source verified by the state of principal 160  
license. 161

2) The member board within the state selected as the 162  
state of principal license shall, in the course of verifying 163  
eligibility, perform a criminal background check of an 164  
applicant, including the use of the results of fingerprint or 165  
other biometric data checks compliant with the requirements of 166  
the Federal Bureau of Investigation, with the exception of 167  
federal employees who have suitability determination in 168  
accordance with 5 C.F.R. §731.202. 169

3) Appeal on the determination of eligibility shall 170  
be made to the member state where the application was filed and 171  
shall be subject to the law of that state. 172

(c) Upon verification in subsection (b), physicians 173  
eligible for an expedited license shall complete the 174  
registration process established by the Interstate Commission to 175  
receive a license in a member state selected pursuant to 176  
subsection (a), including the payment of any applicable fees. 177

(d) After receiving verification of eligibility under 178  
subsection (b) and any fees under subsection (c), a member board 179  
shall issue an expedited license to the physician. This license 180  
shall authorize the physician to practice medicine in the 181  
issuing state consistent with the Medical Practice Act and all 182  
applicable laws and regulations of the issuing member board and 183  
member state. 184

(e) An expedited license shall be valid for a period 185  
consistent with the licensure period in the member state and in 186  
the same manner as required for other physicians holding a full 187  
and unrestricted license within the member state. 188

(f) An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non disciplinary reason, without redesignation of a new state of principal licensure. 189  
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(g) The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license. 194  
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SECTION 6. FEES FOR EXPEDITED LICENSURE 197

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact. 198  
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(b) The Interstate Commission is authorized to develop rules regarding fees for expedited licenses. 201  
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SECTION 7. RENEWAL AND CONTINUED PARTICIPATION 203

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician: 204  
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1) Maintains a full and unrestricted license in a state of principal license; 207  
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2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction; 209  
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3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and 213  
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4) Has not had a controlled substance license or 217  
permit suspended or revoked by a state or the United States Drug 218  
Enforcement Administration. 219

(b) Physicians shall comply with all continuing 220  
professional development or continuing medical education 221  
requirements for renewal of a license issued by a member state. 222

(c) The Interstate Commission shall collect any renewal 223  
fees charged for the renewal of a license and distribute the 224  
fees to the applicable member board. 225

(d) Upon receipt of any renewal fees collected in 226  
subsection (c), a member board shall renew the physician's 227  
license. 228

(e) Physician information collected by the Interstate 229  
Commission during the renewal process will be distributed to all 230  
member boards. 231

(f) The Interstate Commission is authorized to develop 232  
rules to address renewal of licenses obtained through the 233  
Compact. 234

SECTION 8. COORDINATED INFORMATION SYSTEM 235

(a) The Interstate Commission shall establish a database 236  
of all physicians licensed, or who have applied for licensure, 237  
under Section 5. 238

(b) Notwithstanding any other provision of law, member 239  
boards shall report to the Interstate Commission any public 240  
action or complaints against a licensed physician who has 241  
applied or received an expedited license through the Compact. 242

(c) Member boards shall report disciplinary or 243  
investigatory information determined as necessary and proper by 244

<u>rule of the Interstate Commission.</u>	245
<u>(d) Member boards may report any non-public complaint,</u>	246
<u>disciplinary, or investigatory information not required by</u>	247
<u>subsection (c) to the Interstate Commission.</u>	248
<u>(e) Member boards shall share complaint or disciplinary</u>	249
<u>information about a physician upon request of another member</u>	250
<u>board.</u>	251
<u>(f) All information provided to the Interstate Commission</u>	252
<u>or distributed by member boards shall be confidential, filed</u>	253
<u>under seal, and used only for investigatory or disciplinary</u>	254
<u>matters.</u>	255
<u>(g) The Interstate Commission is authorized to develop</u>	256
<u>rules for mandated or discretionary sharing of information by</u>	257
<u>member boards.</u>	258
<u>SECTION 9. JOINT INVESTIGATIONS</u>	259
<u>(a) Licensure and disciplinary records of physicians are</u>	260
<u>deemed investigative.</u>	261
<u>(b) In addition to the authority granted to a member board</u>	262
<u>by its respective Medical Practice Act or other applicable state</u>	263
<u>law, a member board may participate with other member boards in</u>	264
<u>joint investigations of physicians licensed by the member</u>	265
<u>boards.</u>	266
<u>(c) A subpoena issued by a member state shall be</u>	267
<u>enforceable in other member states.</u>	268
<u>(d) Member boards may share any investigative, litigation,</u>	269
<u>or compliance materials in furtherance of any joint or</u>	270
<u>individual investigation initiate under the Compact.</u>	271

(e) Any member state may investigate actual or alleged 272  
violations of the statutes authorizing the practice of medicine 273  
in any other member state in which a physician holds a license 274  
to practice medicine. 275

SECTION 10. DISCIPLINARY ACTIONS 276

(a) Any disciplinary action taken by any member board 277  
against a physician licensed through the Compact shall be deemed 278  
unprofessional conduct which may be subject to discipline by 279  
other member boards, in addition to any violation of the Medical 280  
Practice Act or regulations in that state. 281

(b) If a license granted to a physician by the member 282  
board in the state of principal license is revoked, surrendered 283  
or relinquished in lieu of discipline, or suspended, then all 284  
licenses issued to the physician by member boards shall 285  
automatically be placed, without further action necessary by any 286  
member board, on the same status. If the member board in the 287  
state of principal license subsequently reinstates the 288  
physician's license, a license issued to the physician by any 289  
other member board shall remain encumbered until that respective 290  
member board takes action to reinstate the license in a manner 291  
consistent with the Medical Practice Act of that state. 292

(c) If disciplinary action is taken against a physician by 293  
a member board not in the state of principal license, any other 294  
member board may deem the action conclusive as to matter of law 295  
and fact decided, and: 296

1) Impose the same or lesser sanction(s) against the 297  
physician so long as such sanctions are consistent with the 298  
Medical Practice Act of that state; or 299

2) Pursue separate disciplinary action against the 300

physician under its respective Medical Practice Act, regardless 301  
of the action taken in other member states. 302

(d) If a license granted to a physician by a member board 303  
is revoked, surrendered or relinquished in lieu of discipline, 304  
or suspended, then any license(s) issued to the physician by any 305  
other member board(s) shall be suspended, automatically and 306  
immediately without further action necessary by the other member 307  
board(s), for ninety (90) days upon entry of the order by the 308  
disciplining board, to permit the member board(s) to investigate 309  
the basis for the action under the Medical Practice Act of that 310  
state. A member board may terminate the automatic suspension of 311  
the license it issued prior to the completion of the ninety (90) 312  
day suspension period in a manner consistent with the Medical 313  
Practice Act of that state. 314

SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT 315  
COMMISSION 316

(a) The member states hereby create the "Interstate 317  
Medical Licensure Compact Commission". 318

(b) The purpose of the Interstate Commission is the 319  
administration of the Interstate Medical Licensure Compact, 320  
which is a discretionary state function. 321

(c) The Interstate Commission shall be a body corporate 322  
and joint agency of the member states and shall have all the 323  
responsibilities, powers, and duties set forth in the Compact, 324  
and such additional powers as may be conferred upon it by a 325  
subsequent concurrent action of the respective legislatures of 326  
the member states in accordance with the terms of the Compact. 327

(d) The Interstate Commission shall consist of two voting 328  
representatives appointed by each member state who shall serve 329

as Commissioners. In states where allopathic and osteopathic 330  
physicians are regulated by separate member boards, or if the 331  
licensing and disciplinary authority is split between separate 332  
member boards, or if the licensing and disciplinary authority is 333  
split between multiple member boards within a member state, the 334  
member state shall appoint one representative from each member 335  
board. A Commissioner shall be a(n): 336

1) Allopathic or osteopathic physician appointed to a 337  
member board; 338

2) Executive director, executive secretary, or 339  
similar executive of a member board; or 340

3) Member of the public appointed to a member board. 341

(e) The Interstate Commission shall meet at least once 342  
each calendar year. A portion of this meeting shall be a 343  
business meeting to address such matters as may properly come 344  
before the Commission, including the election of officers. The 345  
chairperson may call additional meetings and shall call for a 346  
meeting upon the request of a majority of the member states. 347

(f) The bylaws may provide for meetings of the Interstate 348  
Commission to be conducted by telecommunication or electronic 349  
communication. 350

(g) Each Commissioner participating at a meeting of the 351  
Interstate Commission is entitled to one vote. A majority of 352  
Commissioners shall constitute a quorum for the transaction of 353  
business, unless a larger quorum is required by the bylaws of 354  
the Interstate Commission. A Commission shall not delegate a 355  
vote to another Commissioner. In the absence of its 356  
Commissioner, a member state may delegate voting authority for a 357  
specified meeting to another person from that state who shall 358

meet the requirements of subsection (d). 359

(h) The Interstate Commission shall provide public notice 360  
of all meetings and all meetings shall be open to the public. 361  
The Interstate Commission may close a meeting, in full or in 362  
portion, where it determines by a two-thirds vote of the 363  
Commissioners present that an open meeting would be likely to: 364

1) Relate solely to the internal personnel practice 365  
and procedures of the Interstate Commission; 366

2) Discuss matters specifically exempted from 367  
disclosure by federal statute; 368

3) Discuss trade secrets, commercial, or financial 369  
information that is privileged or confidential; 370

4) Involve accusing a person of a crime, or formally 371  
censuring a person; 372

5) Discuss information of a personal nature where 373  
disclosure would constitute a clearly unwarranted invasion of 374  
personal privacy; 375

6) Discuss investigative records compiled for law 376  
enforcement purposes; or 377

7) Specifically relate to the participation in a 378  
civil action or other legal proceeding. 379

(i) The Interstate Commission shall keep minutes which 380  
shall fully describe all matters discussed in a meeting and 381  
shall provide a full and accurate summary of actions taken, 382  
including record of any roll call votes. 383

(j) The Interstate Commission shall make its information 384  
and official records, to the extent not otherwise designated in 385

the Compact or by its rules, available to the public for 386  
inspection. 387

(k) The Interstate Commission shall establish an executive 388  
committee, which shall include officers, members, and others as 389  
determined by the bylaws. The executive committee shall have the 390  
power to act on behalf of the Interstate Commission, with the 391  
exception of rulemaking, during periods when the Interstate 392  
Commission is not in session. When acting on behalf of the 393  
Interstate Commission, the executive committee shall oversee the 394  
administration of the Compact including enforcement and 395  
compliance with the provisions of the Compact, its bylaws and 396  
rules, and other such duties as necessary. 397

(l) The Interstate Commission shall establish other 398  
committees for governance and administration of the Compact. 399

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION 400

(a) Oversee and maintain the administration of the 401  
Compact; 402

(b) Promulgate rules which shall be binding to the extent 403  
and in the manner provided for in the Compact; 404

(c) Issue, upon the request of a member state or member 405  
board, advisory opinions concerning the meaning or 406  
interpretation of the Compact, its bylaws, rules, and actions; 407

(d) Enforce compliance with Compact provisions, the rules 408  
promulgated by the Interstate Commission, and the bylaws, using 409  
all necessary and proper means, including but not limited to the 410  
use of judicial process; 411

(e) Establish and appoint committees including, but not 412  
limited to, an executive committee as required by Section 11, 413

<u>which shall have the power to act on behalf of the Interstate</u>	414
<u>Commission in carrying out its powers and duties;</u>	415
<u>(f) Pay, or provide for the payment of the expenses</u>	416
<u>related to the establishment, organization, and ongoing</u>	417
<u>activities of the Interstate Commission;</u>	418
<u>(g) Establish and maintain one or more offices;</u>	419
<u>(h) Borrow, accept, hire, or contract for services of</u>	420
<u>personnel;</u>	421
<u>(i) Purchase and maintain insurance and bonds;</u>	422
<u>(j) Employ an executive director who shall have such</u>	423
<u>powers to employ, select or appoint employees, agents, or</u>	424
<u>consultants, and to determine their qualifications, define their</u>	425
<u>duties, and fix their compensation;</u>	426
<u>(k) Establish personnel policies and programs relating to</u>	427
<u>conflicts of interest, rates of compensation, and qualifications</u>	428
<u>of personnel;</u>	429
<u>(l) Accept donations and grants of money, equipment,</u>	430
<u>supplies, materials, and services and to receive, utilize, and</u>	431
<u>dispose of it in a manner consistent with the conflict of</u>	432
<u>interest policies established by the Interstate Commission;</u>	433
<u>(m) Lease, purchase, accept contributions or donations of,</u>	434
<u>or otherwise to own, hold, improve or use, any property, real,</u>	435
<u>personal, or mixed;</u>	436
<u>(n) Sell, convey, mortgage, pledge, lease, exchange,</u>	437
<u>abandon, or otherwise dispose of any property, real, personal,</u>	438
<u>or mixed;</u>	439
<u>(o) Establish a budget and make expenditures;</u>	440

(p) Adopt a seal and bylaws governing the management and 441  
operation of the Interstate Commission; 442

(q) Report annually to the legislatures and governors of 443  
the member states concerning the activities of the Interstate 444  
Commission during the preceding year. Such reports shall also 445  
include reports of financial audits and any recommendations that 446  
may have been adopted by the Interstate Commission; 447

(r) Coordinate education, training, and public awareness 448  
regarding the Compact, its implementation, and its operation; 449

(s) Maintain records in accordance with the bylaws; 450

(t) Seek and obtain trademarks, copyrights, and patents; 451  
and 452

(u) Perform such functions as may be necessary or 453  
appropriate to achieve the purpose of the Compact. 454

SECTION 13. FINANCE POWERS 455

(a) The Interstate Commission may levy on and collect an 456  
annual assessment from each member state to cover the cost of 457  
the operations and activities of the Interstate Commission and 458  
its staff. The total assessment must be sufficient to cover the 459  
annual budget approved each year for which revenue is not 460  
provided by other sources. The aggregate annual assessment 461  
amount shall be allocated upon a formula to be determined by the 462  
Interstate Commission, which shall promulgate a rule binding 463  
upon all member states. 464

(b) The Interstate Commission shall not incur obligations 465  
of any kind prior to securing the funds adequate to meet the 466  
same. 467

(c) The Interstate Commission shall not pledge the credit 468

of any of the member states, except by, and with the authority 469  
of, the member state. 470

(d) The Interstate Commission shall be subject to a yearly 471  
financial audit conducted by a certified or licensed accountant 472  
and the report of the audit shall be included in the annual 473  
report of the Interstate Commission. 474

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 475  
COMMISSION 476

(a) The Interstate Commission shall, by a majority of 477  
Commissioners present and voting, adopt bylaws to govern its 478  
conduct as may be necessary or appropriate to carry out the 479  
purposes of the Compact within twelve (12) months of the first 480  
Interstate Commission meeting. 481

(b) The Interstate Commission shall elect or appoint 482  
annually from among its Commissioners a chairperson, a vice- 483  
chairperson, and a treasurer, each of whom shall have such 484  
authority and duties as may be specified in the bylaws. The 485  
chairperson, or in the chairperson's absence or disability, the 486  
vice-chairperson, shall preside at all meetings of the 487  
Interstate Commission. 488

(c) Officers selected in subsection (b) shall serve 489  
without remuneration for the Interstate Commission. 490

(d) The officers and employees of the Interstate 491  
Commission shall be immune from suit and liability, either 492  
personally or in their official capacity, for a claim for damage 493  
to or loss of property or personal injury or other civil 494  
liability caused or arising out of, or relating to, an actual or 495  
alleged act, error, or omission that occurred, or that such 496  
person had a reasonable basis for believing occurred, within the 497

scope of Interstate Commission employment, duties, or 498  
responsibilities; provided that such person shall not be 499  
protected from suit or liability for damage, loss, injury, or 500  
liability caused by the intentional or willful and wanton 501  
misconduct of such person. 502

(e) The liability of the executive director and employees 503  
of the Interstate Commission or representatives of the 504  
Interstate Commission, acting within the scope of such person's 505  
employment or duties for acts, errors, or omissions occurring 506  
within such person's state, may not exceed the limits of 507  
liability set forth under the constitution and laws of that 508  
state for state officials, employees, and agents. The Interstate 509  
Commission is considered to be an instrumentality of the states 510  
for the purpose of any such action. Nothing in this subsection 511  
shall be construed to protect such person from suit or liability 512  
for damage, loss, injury, or liability caused by the intentional 513  
or willful and wanton misconduct of such person. 514

(f) The Interstate Commission shall defend the executive 515  
director, its employees, and subject to the approval of the 516  
attorney general or other appropriate legal counsel of the 517  
member state represented by an Interstate Commission 518  
representative, shall defend such Interstate Commission 519  
representative in any civil action seeking to impose liability 520  
arising out of an actual or alleged act, error or omission that 521  
occurred within the scope of Interstate Commission employment, 522  
duties or responsibilities, or that the defendant had a 523  
reasonable basis for believing occurred within the scope of 524  
Interstate Commission employment, duties, or responsibilities, 525  
provided that the actual or alleged act, error, or omission did 526  
not result from intentional or willful and wanton misconduct on 527  
the part of such person. 528

(g) To the extent not covered by the state involved, 529  
member state, or the Interstate Commission, the representatives 530  
or employees of the Interstate Commission shall be held harmless 531  
in the amount of a settlement or judgement, including attorney's 532  
fees and costs, obtained against such persons arising out of an 533  
actual or alleged act, error, or omission that occurred within 534  
the scope of the Interstate Commission employment, duties, or 535  
responsibilities, or that such persons had a reasonable basis 536  
for believing occurred within the scope of Interstate Commission 537  
employment, duties, or responsibilities, provided that the 538  
actual or alleged act, error, or omission did not result from 539  
intentional or willful and wanton misconduct on the part of such 540  
person. 541

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE 542  
COMMISSION 543

(a) The Interstate Commission shall promulgate reasonable 544  
rules in order to effectively and efficiently achieve the 545  
purpose of the Compact. Notwithstanding the foregoing, in the 546  
event the Interstate Commission exercises its rulemaking 547  
authority in a manner that is beyond the scope of the purposes 548  
of the Compact, or the powers granted hereunder, then such an 549  
action by the Interstate Commission shall be invalid and have no 550  
force or effect. 551

(b) Rules deemed appropriate for the operations of the 552  
Interstate Commission shall be made pursuant to a rulemaking 553  
process that substantially conforms to the "Model State 554  
Administrative Procedure Act" of 2010, and subsequent amendments 555  
thereto. 556

(c) Not later than thirty (30) days after a rule is 557  
promulgated, any person may file a petition for judicial review 558

of the rule in the United States District Court for the District 559  
of Columbia or the federal district where the Interstate 560  
Commission has its principal offices, provided that the filing 561  
of such a petition shall not stay or otherwise prevent the rule 562  
from becoming effective unless the court finds that the 563  
petitioner has a substantial likelihood of success. The court 564  
shall give deference to the actions of the Interstate Commission 565  
consistent with applicable law and shall not find the rule to be 566  
unlawful if the rule represents a reasonable exercise of the 567  
authority granted to the Interstate Commission. 568

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT 569

(a) The executive, legislative, and judicial branches of 570  
state government in each member state shall enforce the Compact 571  
and shall take all actions necessary and appropriate to 572  
effectuate the Compact's purposes and intent. The provisions of 573  
the Compact and the rules promulgated hereunder shall have 574  
standing as statutory law but shall not override existing state 575  
authority to regulate the practice of medicine. 576

(b) All courts shall take judicial notice of the Compact 577  
and the rules in any judicial or administrative proceeding in a 578  
member state pertaining to the subject matter of the Compact 579  
which may affect the powers, responsibilities or actions of the 580  
Interstate Commission. 581

(c) The Interstate Commission shall be entitled to receive 582  
all services of process in any such proceeding, and shall have 583  
standing to intervene in the proceeding for all purposes. 584  
Failure to provide service of process to the Interstate 585  
Commission shall render a judgment or order void as to the 586  
Interstate Commission, the Compact, or promulgated rules. 587

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

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

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

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SECTION 18. DEFAULT PROCEDURES

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

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

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1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and 617  
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2) Provide remedial training and specific technical assistance regarding the default. 623  
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(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default. 625  
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(d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. 632  
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(e) The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state. 638  
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(f) The member state which has been terminated is responsible for all due, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of 642  
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termination. 646

(g) The Interstate Commission shall not bear any costs 647  
relating to any state that has been found to be in default or 648  
which has been terminated from the Compact, unless otherwise 649  
mutually agreed upon in writing between the Interstate 650  
Commission and the defaulting state. 651

(h) The defaulting state may appeal the action of the 652  
Interstate Commission by petitioning the United States District 653  
Court for the District of Columbia or the federal district where 654  
the Interstate Commission has its principal offices. The 655  
prevailing party shall be awarded all costs of such litigation 656  
including reasonable attorney's fees. 657

SECTION 19. DISPUTE RESOLUTION 658

(a) The Interstate Commission shall attempt, upon the 659  
request of a member state, to resolve disputes which are subject 660  
to the Compact and which may arise among member states or member 661  
boards. 662

(b) The Interstate Commission shall promulgate rules 663  
providing for both mediation and binding dispute resolution as 664  
appropriate. 665

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 666

(a) Any state is eligible to become a member of the 667  
Compact. 668

(b) The Compact shall become effective and binding upon 669  
legislative enactment of the Compact into law by no less than 670  
seven (7) states. Thereafter, it shall become effective and 671  
binding on a state upon enactment of the Compact into law by 672  
that state. 673

(c) The governors of non-member states, or their 674  
designees, shall be invited to participate in the activities of 675  
the Interstate Commission on a non-voting basis prior to 676  
adoption of the Compact by all states. 677

(d) The Interstate Commission may propose amendments to 678  
the Compact for enactment by the member states. No amendment 679  
shall become effective and binding upon the Interstate 680  
Commission and the member states unless and until it is enacted 681  
into law by unanimous consent of the member states. 682

SECTION 21. WITHDRAWAL 683

(a) Once effective, the Compact shall continue in force 684  
and remain binding upon each and every member state; provided 685  
that a member state may withdraw from the Compact by 686  
specifically repealing the statute which enacted the Compact 687  
into law. 688

(b) Withdrawal from the Compact shall be by the enactment 689  
of a statute repealing the same, but shall not take effect until 690  
one (1) year after the effective date of such statute and until 691  
written notice of the withdrawal has been given by the 692  
withdrawing state to the governor of each other member state. 693

(c) The withdrawing state shall immediately notify the 694  
chairperson of the Interstate Commission in writing upon the 695  
introduction of legislation repealing the Compact in the 696  
withdrawing state. 697

(d) The Interstate Commission shall notify the other 698  
member states of the withdrawing state's intent to withdraw 699  
within sixty (60) days of its receipt of notice provided under 700  
subsection (c). 701

(e) The withdrawing state is responsible for all dues, 702

obligations and liabilities incurred through the effective date 703  
of withdrawal, including obligations, the performance of which 704  
extend beyond the effective date of withdrawal. 705

(f) Reinstatement following withdrawal of a member state 706  
shall occur upon the withdrawing date reenacting the Compact or 707  
upon such later date as determined by the Interstate Commission. 708

(g) The Interstate Commission is authorized to develop 709  
rules to address the impact of the withdrawal of a member state 710  
on licenses granted in other member states to physicians who 711  
designated the withdrawing member state as the state of 712  
principal license. 713

SECTION 22. DISSOLUTION 714

(a) The Compact shall dissolve effective upon the date of 715  
the withdrawal or default of the member state which reduces the 716  
membership of the Compact to one (1) member state. 717

(b) Upon the dissolution of the Compact, the Compact 718  
becomes null and void and shall be of no further force or 719  
effect, and the business and affairs of the Interstate 720  
Commission shall be concluded, and surplus funds shall be 721  
distributed in accordance with the bylaws. 722

SECTION 23. SEVERABILITY AND CONSTRUCTION 723

(a) The provisions of the Compact shall be severable, and 724  
if any phrase, clause, sentence, or provision is deemed 725  
unenforceable, the remaining provisions of the Compact shall be 726  
enforceable. 727

(b) The provisions of the Compact shall be liberally 728  
construed to effectuate its purposes. 729

(c) Nothing in the Compact shall be construed to prohibit 730

the applicability of other interstate compacts to which the 731  
member states are members. 732

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS 733

(a) Nothing herein prevents the enforcement of any other 734  
law of a member state that is not inconsistent with the Compact. 735

(b) All laws in a member state in conflict with the 736  
Compact are superseded to the extent of the conflict. 737

(c) All lawful actions of the Interstate Commission, 738  
including all rules and bylaws promulgated by the Commission, 739  
are binding upon the member states. 740

(d) All agreements between the Interstate Commission and 741  
the member states are binding in accordance with their terms. 742

(e) In the event any provision of the Compact exceeds the 743  
constitutional limits imposed on the legislature of any member 744  
state, such provision shall be ineffective to the extent of the 745  
conflict with the constitutional provision in question in that 746  
member state. 747

**Sec. 4731.111.** Not later than thirty days after the 748  
"Interstate Medical Licensure Compact" is entered into under 749  
section 4731.11 of the Revised Code, the state medical board, in 750  
accordance with section 11 of the compact, shall select two 751  
individuals to serve as commissioners to the interstate medical 752  
licensure compact commission created under the compact. The 753  
board shall fill any vacancy in either or both of the positions 754  
not later than thirty days after such a vacancy occurs. 755

**Sec. 4731.112.** As part of performing a criminal background 756  
check of an applicant as set forth in section 5(b)(2) of the 757  
"Interstate Medical Licensure Compact" entered into under 758

section 4731.11 of the Revised Code, the state medical board may 759  
require the applicant to comply with sections 4776.01 to 4776.04 760  
of the Revised Code. 761

**Section 2.** Sections 4731.11, 4731.111, and 4731.112 of the 762  
Revised Code, as enacted by this act, take effect six months 763  
after the effective date of this section. 764