

**As Passed by the Senate**

**134th General Assembly**

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**2021-2022**

**Sub. S. B. No. 6**

**Senators Roegner, Huffman, S.**

**Cosponsors: Senators Romanchuk, Antonio, Brenner, Cirino, Craig, Fedor, Gavarone, Hackett, Johnson, Kunze, Lang, Maharath, Manning, McColley, Peterson, Reineke, Rulli, Sykes, Thomas, Wilson, Yuko**

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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 and to make an 3  
appropriation. 4

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

**Section 1.** That sections 4731.11, 4731.111, and 4731.112 5  
of the Revised Code be enacted to read as follows: 6

**Sec. 4731.11.** The "Interstate Medical Licensure Compact" 7  
is hereby ratified, enacted into law, and entered into by the 8  
state of Ohio as a party to the compact with any other state 9  
that has legally joined in the compact as follows: 10

INTERSTATE MEDICAL LICENSURE COMPACT 11

SECTION 1. PURPOSE 12

In order to strengthen access to health care, and in 13  
recognition of the advances in the delivery of health care, the 14  
member states of the Interstate Medical Licensure Compact have 15  
allied in common purpose to develop a comprehensive process that 16

complements the existing licensing and regulatory authority of 17  
state medical boards, provides a streamlined process that allows 18  
physicians to become licensed in multiple states, thereby 19  
enhancing the portability of a medical license and ensuring the 20  
safety of patients. The Compact creates another pathway for 21  
licensure and does not otherwise change a state's existing 22  
Medical Practice Act. The Compact also adopts the prevailing 23  
standard for licensure and affirms that the practice of medicine 24  
occurs where the patient is located at the time of the 25  
physician-patient encounter, and therefore, requires the 26  
physician to be under the jurisdiction of the state medical 27  
board where the patient is located. State medical boards that 28  
participate in the Compact retain the jurisdiction to impose an 29  
adverse action against a license to practice medicine in that 30  
state issued to a physician through the procedures in the 31  
Compact. 32

SECTION 2. DEFINITIONS 33

In this compact: 34

(a) "Bylaws" means those bylaws established by the 35  
Interstate Commission pursuant to Section 11. 36

(b) "Commissioner" means the voting representative 37  
appointed by each member board pursuant to Section 11. 38

(c) "Conviction" means a finding by a court that an 39  
individual is guilty of a criminal offense through adjudication, 40  
or entry of a plea of guilt or no contest to the charge by the 41  
offender. Evidence of an entry of a conviction of a criminal 42  
offense by the court shall be considered final for purposes of 43  
disciplinary action by a member board. 44

(d) "Expedited License" means a full and unrestricted 45

medical license granted by a member state to an eligible 46  
physician through the process set forth in the Compact. 47

(e) "Interstate Commission" means the interstate 48  
commission created pursuant to Section 11. 49

(f) "License" means authorization by a member state for a 50  
physician to engage in the practice of medicine, which would be 51  
unlawful without authorization. 52

(g) "Medical Practice Act" means laws and regulations 53  
governing the practice of allopathic and osteopathic medicine 54  
within a member state. 55

(h) "Member Board" means a state agency in a member state 56  
that acts in the sovereign interests of the state by protecting 57  
the public through licensure, regulation, and education of 58  
physicians as directed by the state government. 59

(i) "Member State" means a state that has enacted the 60  
Compact. 61

(j) "Practice of Medicine" means that clinical prevention, 62  
diagnosis, or treatment of human disease, injury, or condition 63  
requiring a physician to obtain and maintain a license in 64  
compliance with the Medical Practice Act of a member state. 65

(k) "Physician" means any person who: 66

1) Is a graduate of a medical school accredited by 67  
the Liaison Committee on Medical Education, the Commission on 68  
Osteopathic College Accreditation, or a medical school listed in 69  
the International Medical Education Directory or its equivalent; 70

2) Passed each component of the United State Medical 71  
Licensing Examination (USMLE) or the Comprehensive Osteopathic 72  
Medical Licensing Examination (COMLEX-USA) within three 73

attempts, or any of its predecessor examinations accepted by a 74  
state medical board as an equivalent examination for licensure 75  
purposes; 76

3) Successfully completed graduate medical education 77  
approved by the Accreditation Council for Graduate Medical 78  
Education or the American Osteopathic Association; 79

4) Holds specialty certification or a time-unlimited 80  
specialty certificate recognized by the American Board of 81  
Medical Specialties or the American Osteopathic Association's 82  
Bureau of Osteopathic Specialists; 83

5) Possesses a full and unrestricted license to 84  
engage in the practice of medicine issued by a member board; 85

6) Has never been convicted, received adjudication, 86  
deferred adjudication, community supervision, or deferred 87  
disposition for any offense by a court of appropriate 88  
jurisdiction; 89

7) Has never held a license authorizing the practice 90  
of medicine subjected to discipline by a licensing agency in any 91  
state, federal, or foreign jurisdiction, excluding any action 92  
related to non-payment of fees related to a license; 93

8) Has never had a controlled substance license or 94  
permit suspended or revoked by a state or the United States Drug 95  
Enforcement Administration; and 96

9) Is not under active investigation by a licensing 97  
agency or law enforcement authority in any state, federal, or 98  
foreign jurisdiction. 99

(1) "Offense" means a felony, gross misdemeanor, or crime 100  
of moral turpitude. 101

(m) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule. 102  
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(n) "State" means any state, commonwealth, district, or territory of the United States. 110  
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(o) "State of Principal License" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact. 112  
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SECTION 3. ELIGIBILITY 116

(a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive an expedited license under the terms and provisions of the Compact. 117  
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(b) A physician who does not meet the requirements of Section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state. 120  
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SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE 125

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is: 126  
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<u>1) The state of principal residence for the</u>	131
<u>physician, or</u>	132
<u>2) The state where at least 25% of the practice of</u>	133
<u>medicine occurs, or</u>	134
<u>3) The location of the physician's employer, or</u>	135
<u>4) If no state qualifies under subsection (1),</u>	136
<u>subsection (2), or subsection (3), the state designated as state</u>	137
<u>of residence for purpose of federal income tax.</u>	138
<u>(b) A physician may redesignate a member state as state of</u>	139
<u>principal license at any time, as long as the state meets the</u>	140
<u>requirements of subsection (a).</u>	141
<u>(c) The Interstate Commission is authorized to develop</u>	142
<u>rules to facilitate redesignation of another member state as the</u>	143
<u>state of principal license.</u>	144
<u>SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE</u>	145
<u>(a) A physician seeking licensure through the Compact</u>	146
<u>shall file an application for an expedited license with the</u>	147
<u>member board of the state selected by the physician as the state</u>	148
<u>of principal license.</u>	149
<u>(b) Upon receipt of an application for an expedited</u>	150
<u>license, the member board within the state selected as the state</u>	151
<u>of principal license shall evaluate whether the physician is</u>	152
<u>eligible for expedited licensure and issue a letter of</u>	153
<u>qualification, verifying or denying the physician's eligibility,</u>	154
<u>to the Interstate Commission.</u>	155
<u>1) Static qualifications, which include verification</u>	156
<u>of medical education, graduate medical education, results of any</u>	157
<u>medical or licensing examination, and other qualifications as</u>	158

determined by the Interstate Commission through rule, shall not 159  
be subject to additional primary source verification where 160  
already primary source verified by the state of principal 161  
license. 162

2) The member board within the state selected as the 163  
state of principal license shall, in the course of verifying 164  
eligibility, perform a criminal background check of an 165  
applicant, including the use of the results of fingerprint or 166  
other biometric data checks compliant with the requirements of 167  
the Federal Bureau of Investigation, with the exception of 168  
federal employees who have suitability determination in 169  
accordance with 5 C.F.R. §731.202. 170

3) Appeal on the determination of eligibility shall 171  
be made to the member state where the application was filed and 172  
shall be subject to the law of that state. 173

(c) Upon verification in subsection (b), physicians 174  
eligible for an expedited license shall complete the 175  
registration process established by the Interstate Commission to 176  
receive a license in a member state selected pursuant to 177  
subsection (a), including the payment of any applicable fees. 178

(d) After receiving verification of eligibility under 179  
subsection (b) and any fees under subsection (c), a member board 180  
shall issue an expedited license to the physician. This license 181  
shall authorize the physician to practice medicine in the 182  
issuing state consistent with the Medical Practice Act and all 183  
applicable laws and regulations of the issuing member board and 184  
member state. 185

(e) An expedited license shall be valid for a period 186  
consistent with the licensure period in the member state and in 187

the same manner as required for other physicians holding a full 188  
and unrestricted license within the member state. 189

(f) An expedited license obtained through the Compact 190  
shall be terminated if a physician fails to maintain a license 191  
in the state of principal licensure for a non disciplinary 192  
reason, without redesignation of a new state of principal 193  
licensure. 194

(g) The Interstate Commission is authorized to develop 195  
rules regarding the application process, including payment of 196  
any applicable fees, and the issuance of an expedited license. 197

SECTION 6. FEES FOR EXPEDITED LICENSURE 198

(a) A member state issuing an expedited license 199  
authorizing the practice of medicine in that state may impose a 200  
fee for a license issued or renewed through the Compact. 201

(b) The Interstate Commission is authorized to develop 202  
rules regarding fees for expedited licenses. 203

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION 204

(a) A physician seeking to renew an expedited license 205  
granted in a member state shall complete a renewal process with 206  
the Interstate Commission if the physician: 207

1) Maintains a full and unrestricted license in a 208  
state of principal license; 209

2) Has not been convicted, received adjudication, 210  
deferred adjudication, community supervision, or deferred 211  
disposition for any offense by a court of appropriate 212  
jurisdiction; 213

3) Has not had a license authorizing the practice of 214

medicine subject to discipline by a licensing agency in any 215  
state, federal, or foreign jurisdiction, excluding any action 216  
related to non-payment of fees related to a license; and 217

4) Has not had a controlled substance license or 218  
permit suspended or revoked by a state or the United States Drug 219  
Enforcement Administration. 220

(b) Physicians shall comply with all continuing 221  
professional development or continuing medical education 222  
requirements for renewal of a license issued by a member state. 223

(c) The Interstate Commission shall collect any renewal 224  
fees charged for the renewal of a license and distribute the 225  
fees to the applicable member board. 226

(d) Upon receipt of any renewal fees collected in 227  
subsection (c), a member board shall renew the physician's 228  
license. 229

(e) Physician information collected by the Interstate 230  
Commission during the renewal process will be distributed to all 231  
member boards. 232

(f) The Interstate Commission is authorized to develop 233  
rules to address renewal of licenses obtained through the 234  
Compact. 235

SECTION 8. COORDINATED INFORMATION SYSTEM 236

(a) The Interstate Commission shall establish a database 237  
of all physicians licensed, or who have applied for licensure, 238  
under Section 5. 239

(b) Notwithstanding any other provision of law, member 240  
boards shall report to the Interstate Commission any public 241  
action or complaints against a licensed physician who has 242

<u>applied or received an expedited license through the Compact.</u>	243
<u>(c) Member boards shall report disciplinary or</u>	244
<u>investigatory information determined as necessary and proper by</u>	245
<u>rule of the Interstate Commission.</u>	246
<u>(d) Member boards may report any non-public complaint,</u>	247
<u>disciplinary, or investigatory information not required by</u>	248
<u>subsection (c) to the Interstate Commission.</u>	249
<u>(e) Member boards shall share complaint or disciplinary</u>	250
<u>information about a physician upon request of another member</u>	251
<u>board.</u>	252
<u>(f) All information provided to the Interstate Commission</u>	253
<u>or distributed by member boards shall be confidential, filed</u>	254
<u>under seal, and used only for investigatory or disciplinary</u>	255
<u>matters.</u>	256
<u>(g) The Interstate Commission is authorized to develop</u>	257
<u>rules for mandated or discretionary sharing of information by</u>	258
<u>member boards.</u>	259
<u>SECTION 9. JOINT INVESTIGATIONS</u>	260
<u>(a) Licensure and disciplinary records of physicians are</u>	261
<u>deemed investigative.</u>	262
<u>(b) In addition to the authority granted to a member board</u>	263
<u>by its respective Medical Practice Act or other applicable state</u>	264
<u>law, a member board may participate with other member boards in</u>	265
<u>joint investigations of physicians licensed by the member</u>	266
<u>boards.</u>	267
<u>(c) A subpoena issued by a member state shall be</u>	268
<u>enforceable in other member states.</u>	269

(d) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiate under the Compact. 270  
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(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine. 273  
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SECTION 10. DISCIPLINARY ACTIONS 277

(a) Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state. 278  
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(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state. 283  
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(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and: 294  
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1) Impose the same or lesser sanction(s) against the 298

physician so long as such sanctions are consistent with the 299  
Medical Practice Act of that state; or 300

2) Pursue separate disciplinary action against the 301  
physician under its respective Medical Practice Act, regardless 302  
of the action taken in other member states. 303

(d) If a license granted to a physician by a member board 304  
is revoked, surrendered or relinquished in lieu of discipline, 305  
or suspended, then any license(s) issued to the physician by any 306  
other member board(s) shall be suspended, automatically and 307  
immediately without further action necessary by the other member 308  
board(s), for ninety (90) days upon entry of the order by the 309  
disciplining board, to permit the member board(s) to investigate 310  
the basis for the action under the Medical Practice Act of that 311  
state. A member board may terminate the automatic suspension of 312  
the license it issued prior to the completion of the ninety (90) 313  
day suspension period in a manner consistent with the Medical 314  
Practice Act of that state. 315

SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT 316  
COMMISSION 317

(a) The member states hereby create the "Interstate 318  
Medical Licensure Compact Commission". 319

(b) The purpose of the Interstate Commission is the 320  
administration of the Interstate Medical Licensure Compact, 321  
which is a discretionary state function. 322

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

the member states in accordance with the terms of the Compact. 328

(d) The Interstate Commission shall consist of two voting 329  
representatives appointed by each member state who shall serve 330  
as Commissioners. In states where allopathic and osteopathic 331  
physicians are regulated by separate member boards, or if the 332  
licensing and disciplinary authority is split between separate 333  
member boards, or if the licensing and disciplinary authority is 334  
split between multiple member boards within a member state, the 335  
member state shall appoint one representative from each member 336  
board. A Commissioner shall be a(n): 337

1) Allopathic or osteopathic physician appointed to a 338  
member board; 339

2) Executive director, executive secretary, or 340  
similar executive of a member board; or 341

3) Member of the public appointed to a member board. 342

(e) The Interstate Commission shall meet at least once 343  
each calendar year. A portion of this meeting shall be a 344  
business meeting to address such matters as may properly come 345  
before the Commission, including the election of officers. The 346  
chairperson may call additional meetings and shall call for a 347  
meeting upon the request of a majority of the member states. 348

(f) The bylaws may provide for meetings of the Interstate 349  
Commission to be conducted by telecommunication or electronic 350  
communication. 351

(g) Each Commissioner participating at a meeting of the 352  
Interstate Commission is entitled to one vote. A majority of 353  
Commissioners shall constitute a quorum for the transaction of 354  
business, unless a larger quorum is required by the bylaws of 355  
the Interstate Commission. A Commission shall not delegate a 356

vote to another Commissioner. In the absence of its 357  
Commissioner, a member state may delegate voting authority for a 358  
specified meeting to another person from that state who shall 359  
meet the requirements of subsection (d). 360

(h) The Interstate Commission shall provide public notice 361  
of all meetings and all meetings shall be open to the public. 362  
The Interstate Commission may close a meeting, in full or in 363  
portion, where it determines by a two-thirds vote of the 364  
Commissioners present that an open meeting would be likely to: 365

1) Relate solely to the internal personnel practice 366  
and procedures of the Interstate Commission; 367

2) Discuss matters specifically exempted from 368  
disclosure by federal statute; 369

3) Discuss trade secrets, commercial, or financial 370  
information that is privileged or confidential; 371

4) Involve accusing a person of a crime, or formally 372  
censuring a person; 373

5) Discuss information of a personal nature where 374  
disclosure would constitute a clearly unwarranted invasion of 375  
personal privacy; 376

6) Discuss investigative records compiled for law 377  
enforcement purposes; or 378

7) Specifically relate to the participation in a 379  
civil action or other legal proceeding. 380

(i) The Interstate Commission shall keep minutes which 381  
shall fully describe all matters discussed in a meeting and 382  
shall provide a full and accurate summary of actions taken, 383  
including record of any roll call votes. 384

(j) The Interstate Commission shall make its information 385  
and official records, to the extent not otherwise designated in 386  
the Compact or by its rules, available to the public for 387  
inspection. 388

(k) The Interstate Commission shall establish an executive 389  
committee, which shall include officers, members, and others as 390  
determined by the bylaws. The executive committee shall have the 391  
power to act on behalf of the Interstate Commission, with the 392  
exception of rulemaking, during periods when the Interstate 393  
Commission is not in session. When acting on behalf of the 394  
Interstate Commission, the executive committee shall oversee the 395  
administration of the Compact including enforcement and 396  
compliance with the provisions of the Compact, its bylaws and 397  
rules, and other such duties as necessary. 398

(l) The Interstate Commission shall establish other 399  
committees for governance and administration of the Compact. 400

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION 401

(a) Oversee and maintain the administration of the 402  
Compact; 403

(b) Promulgate rules which shall be binding to the extent 404  
and in the manner provided for in the Compact; 405

(c) Issue, upon the request of a member state or member 406  
board, advisory opinions concerning the meaning or 407  
interpretation of the Compact, its bylaws, rules, and actions; 408

(d) Enforce compliance with Compact provisions, the rules 409  
promulgated by the Interstate Commission, and the bylaws, using 410  
all necessary and proper means, including but not limited to the 411  
use of judicial process; 412

(e) Establish and appoint committees including, but not limited to, an executive committee as required by Section 11, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties; 413  
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(f) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission; 417  
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(g) Establish and maintain one or more offices; 420

(h) Borrow, accept, hire, or contract for services of personnel; 421  
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(i) Purchase and maintain insurance and bonds; 423

(j) Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation; 424  
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(k) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel; 428  
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(l) Accept donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission; 431  
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(m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed; 435  
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(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed; 438  
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<u>(o) Establish a budget and make expenditures;</u>	441
<u>(p) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;</u>	442 443
<u>(q) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;</u>	444 445 446 447 448
<u>(r) Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;</u>	449 450
<u>(s) Maintain records in accordance with the bylaws;</u>	451
<u>(t) Seek and obtain trademarks, copyrights, and patents;</u>	452
<u>and</u>	453
<u>(u) Perform such functions as may be necessary or appropriate to achieve the purpose of the Compact.</u>	454 455
<u>SECTION 13. FINANCE POWERS</u>	456
<u>(a) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.</u>	457 458 459 460 461 462 463 464 465
<u>(b) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.</u>	466 467 468

(c) The Interstate Commission shall not pledge the credit 469  
of any of the member states, except by, and with the authority 470  
of, the member state. 471

(d) The Interstate Commission shall be subject to a yearly 472  
financial audit conducted by a certified or licensed accountant 473  
and the report of the audit shall be included in the annual 474  
report of the Interstate Commission. 475

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 476  
COMMISSION 477

(a) The Interstate Commission shall, by a majority of 478  
Commissioners present and voting, adopt bylaws to govern its 479  
conduct as may be necessary or appropriate to carry out the 480  
purposes of the Compact within twelve (12) months of the first 481  
Interstate Commission meeting. 482

(b) The Interstate Commission shall elect or appoint 483  
annually from among its Commissioners a chairperson, a vice- 484  
chairperson, and a treasurer, each of whom shall have such 485  
authority and duties as may be specified in the bylaws. The 486  
chairperson, or in the chairperson's absence or disability, the 487  
vice-chairperson, shall preside at all meetings of the 488  
Interstate Commission. 489

(c) Officers selected in subsection (b) shall serve 490  
without remuneration for the Interstate Commission. 491

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

person had a reasonable basis for believing occurred, within the 498  
scope of Interstate Commission employment, duties, or 499  
responsibilities; provided that such person shall not be 500  
protected from suit or liability for damage, loss, injury, or 501  
liability caused by the intentional or willful and wanton 502  
misconduct of such person. 503

(e) The liability of the executive director and employees 504  
of the Interstate Commission or representatives of the 505  
Interstate Commission, acting within the scope of such person's 506  
employment or duties for acts, errors, or omissions occurring 507  
within such person's state, may not exceed the limits of 508  
liability set forth under the constitution and laws of that 509  
state for state officials, employees, and agents. The Interstate 510  
Commission is considered to be an instrumentality of the states 511  
for the purpose of any such action. Nothing in this subsection 512  
shall be construed to protect such person from suit or liability 513  
for damage, loss, injury, or liability caused by the intentional 514  
or willful and wanton misconduct of such person. 515

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

the part of such person. 529

(g) To the extent not covered by the state involved, 530  
member state, or the Interstate Commission, the representatives 531  
or employees of the Interstate Commission shall be held harmless 532  
in the amount of a settlement or judgement, including attorney's 533  
fees and costs, obtained against such persons arising out of an 534  
actual or alleged act, error, or omission that occurred within 535  
the scope of the Interstate Commission employment, duties, or 536  
responsibilities, or that such persons had a reasonable basis 537  
for believing occurred within the scope of Interstate Commission 538  
employment, duties, or responsibilities, provided that the 539  
actual or alleged act, error, or omission did not result from 540  
intentional or willful and wanton misconduct on the part of such 541  
person. 542

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE 543  
COMMISSION 544

(a) The Interstate Commission shall promulgate reasonable 545  
rules in order to effectively and efficiently achieve the 546  
purpose of the Compact. Notwithstanding the foregoing, in the 547  
event the Interstate Commission exercises its rulemaking 548  
authority in a manner that is beyond the scope of the purposes 549  
of the Compact, or the powers granted hereunder, then such an 550  
action by the Interstate Commission shall be invalid and have no 551  
force or effect. 552

(b) Rules deemed appropriate for the operations of the 553  
Interstate Commission shall be made pursuant to a rulemaking 554  
process that substantially conforms to the "Model State 555  
Administrative Procedure Act" of 2010, and subsequent amendments 556  
thereto. 557

(c) Not later than thirty (30) days after a rule is 558  
promulgated, any person may file a petition for judicial review 559  
of the rule in the United States District Court for the District 560  
of Columbia or the federal district where the Interstate 561  
Commission has its principal offices, provided that the filing 562  
of such a petition shall not stay or otherwise prevent the rule 563  
from becoming effective unless the court finds that the 564  
petitioner has a substantial likelihood of success. The court 565  
shall give deference to the actions of the Interstate Commission 566  
consistent with applicable law and shall not find the rule to be 567  
unlawful if the rule represents a reasonable exercise of the 568  
authority granted to the Interstate Commission. 569

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT 570

(a) The executive, legislative, and judicial branches of 571  
state government in each member state shall enforce the Compact 572  
and shall take all actions necessary and appropriate to 573  
effectuate the Compact's purposes and intent. The provisions of 574  
the Compact and the rules promulgated hereunder shall have 575  
standing as statutory law but shall not override existing state 576  
authority to regulate the practice of medicine. 577

(b) All courts shall take judicial notice of the Compact 578  
and the rules in any judicial or administrative proceeding in a 579  
member state pertaining to the subject matter of the Compact 580  
which may affect the powers, responsibilities or actions of the 581  
Interstate Commission. 582

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

Interstate Commission, the Compact, or promulgated rules. 588

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT 589

(a) The Interstate Commission, in the reasonable exercise 590  
of its discretion, shall enforce the provisions and rules of the 591  
Compact. 592

(b) The Interstate Commission may, by majority vote of the 593  
Commissioners, initiate legal action in the United States Court 594  
for the District of Columbia, or, at the discretion of the 595  
Interstate Commission, in the federal district where the 596  
Interstate Commission has its principal offices, to enforce 597  
compliance with the provisions of the Compact, and its 598  
promulgated rules and bylaws, against a member state in default. 599  
The relief sought may including both injunctive relief and 600  
damages. In the event judicial enforcement is necessary, the 601  
prevailing party shall be awarded all costs of such litigation 602  
including reasonable attorney's fees. 603

(c) The remedies herein shall not be the exclusive 604  
remedies of the Interstate Commission. The Interstate Commission 605  
may avail itself of any other remedies available under state law 606  
or regulation of a profession. 607

SECTION 18. DEFAULT PROCEDURES 608

(a) The grounds for default include, but are not limited 609  
to, failure of a member state to perform such obligations or 610  
responsibilities imposed upon it by the Compact, or the rules 611  
and bylaws of the Interstate Commission promulgated under the 612  
Compact. 613

(b) If the Interstate Commission determines that a member 614  
state has defaulted in the performance of its obligations or 615  
responsibilities under the Compact, or the bylaws or promulgated 616

rules, the Interstate Commission shall: 617

1) Provide written notice to the defaulting state and 618  
other member states, of the nature of the default, the means of 619  
curing the default, and any action taken by the Interstate 620  
Commission. The Interstate Commission shall specify the 621  
conditions by which the defaulting state must cure its default; 622  
and 623

2) Provide remedial training and specific technical 624  
assistance regarding the default. 625

(c) If the defaulting state fails to cure the default, the 626  
defaulting state shall be terminated from the Compact upon an 627  
affirmative vote of a majority of the Commissioners and all 628  
rights, privileges, and benefits conferred by the Compact shall 629  
terminate on the effective date of termination. A cure of the 630  
default does not relieve the offending state of obligations or 631  
liabilities incurred during the period of the default. 632

(d) Termination of membership in the Compact shall be 633  
imposed only after all other means of securing compliance have 634  
been exhausted. Notice of intent to terminate shall be given by 635  
the Interstate Commission to the governor, the majority and 636  
minority leaders of the defaulting state's legislature, and each 637  
of the member states. 638

(e) The Interstate Commission shall establish rules and 639  
procedures to address licenses and physicians that are 640  
materially impacted by the termination of a member state, or the 641  
withdrawal of a member state. 642

(f) The member state which has been terminated is 643  
responsible for all due, obligations, and liabilities incurred 644  
through the effective date of termination including obligations, 645

the performance of which extends beyond the effective date of 646  
termination. 647

(g) The Interstate Commission shall not bear any costs 648  
relating to any state that has been found to be in default or 649  
which has been terminated from the Compact, unless otherwise 650  
mutually agreed upon in writing between the Interstate 651  
Commission and the defaulting state. 652

(h) The defaulting state may appeal the action of the 653  
Interstate Commission by petitioning the United States District 654  
Court for the District of Columbia or the federal district where 655  
the Interstate Commission has its principal offices. The 656  
prevailing party shall be awarded all costs of such litigation 657  
including reasonable attorney's fees. 658

SECTION 19. DISPUTE RESOLUTION 659

(a) The Interstate Commission shall attempt, upon the 660  
request of a member state, to resolve disputes which are subject 661  
to the Compact and which may arise among member states or member 662  
boards. 663

(b) The Interstate Commission shall promulgate rules 664  
providing for both mediation and binding dispute resolution as 665  
appropriate. 666

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 667

(a) Any state is eligible to become a member of the 668  
Compact. 669

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

that state. 674

(c) The governors of non-member states, or their 675  
designees, shall be invited to participate in the activities of 676  
the Interstate Commission on a non-voting basis prior to 677  
adoption of the Compact by all states. 678

(d) The Interstate Commission may propose amendments to 679  
the Compact for enactment by the member states. No amendment 680  
shall become effective and binding upon the Interstate 681  
Commission and the member states unless and until it is enacted 682  
into law by unanimous consent of the member states. 683

SECTION 21. WITHDRAWAL 684

(a) Once effective, the Compact shall continue in force 685  
and remain binding upon each and every member state; provided 686  
that a member state may withdraw from the Compact by 687  
specifically repealing the statute which enacted the Compact 688  
into law. 689

(b) Withdrawal from the Compact shall be by the enactment 690  
of a statute repealing the same, but shall not take effect until 691  
one (1) year after the effective date of such statute and until 692  
written notice of the withdrawal has been given by the 693  
withdrawing state to the governor of each other member state. 694

(c) The withdrawing state shall immediately notify the 695  
chairperson of the Interstate Commission in writing upon the 696  
introduction of legislation repealing the Compact in the 697  
withdrawing state. 698

(d) The Interstate Commission shall notify the other 699  
member states of the withdrawing state's intent to withdraw 700  
within sixty (60) days of its receipt of notice provided under 701  
subsection (c). 702

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal. 703  
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(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing date reenacting the Compact or upon such later date as determined by the Interstate Commission. 707  
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(g) The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license. 710  
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SECTION 22. DISSOLUTION 715

(a) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one (1) member state. 716  
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718

(b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws. 719  
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721  
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SECTION 23. SEVERABILITY AND CONSTRUCTION 724

(a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable. 725  
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727  
728

(b) The provisions of the Compact shall be liberally construed to effectuate its purposes. 729  
730

(c) Nothing in the Compact shall be construed to prohibit 731  
the applicability of other interstate compacts to which the 732  
member states are members. 733

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS 734

(a) Nothing herein prevents the enforcement of any other 735  
law of a member state that is not inconsistent with the Compact. 736

(b) All laws in a member state in conflict with the 737  
Compact are superseded to the extent of the conflict. 738

(c) All lawful actions of the Interstate Commission, 739  
including all rules and bylaws promulgated by the Commission, 740  
are binding upon the member states. 741

(d) All agreements between the Interstate Commission and 742  
the member states are binding in accordance with their terms. 743

(e) In the event any provision of the Compact exceeds the 744  
constitutional limits imposed on the legislature of any member 745  
state, such provision shall be ineffective to the extent of the 746  
conflict with the constitutional provision in question in that 747  
member state. 748

**Sec. 4731.111.** Not later than thirty days after the 749  
"Interstate Medical Licensure Compact" is entered into under 750  
section 4731.11 of the Revised Code, the state medical board, in 751  
accordance with section 11 of the compact, shall select two 752  
individuals to serve as commissioners to the interstate medical 753  
licensure compact commission created under the compact. The 754  
board shall fill any vacancy in either or both of the positions 755  
not later than thirty days after such a vacancy occurs. 756

**Sec. 4731.112.** As part of performing a criminal background 757  
check of an applicant as set forth in section 5(b)(2) of the 758

"Interstate Medical Licensure Compact" entered into under 759  
section 4731.11 of the Revised Code, the state medical board may 760  
require the applicant to comply with sections 4776.01 to 4776.04 761  
of the Revised Code. 762

**Section 2.** All items in this act are hereby appropriated 763  
as designated out of any moneys in the state treasury to the 764  
credit of the designated fund. For all operating appropriations 765  
made in this act, those in the first column are for fiscal year 766  
2022 and those in the second column are for fiscal year 2023. 767  
The operating appropriations made in this act are in addition to 768  
any other operating appropriations made for the FY 2022-FY 2023 769  
biennium. 770

**Section 3.** 771

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	1	2	3	4	5
A	MED STATE MEDICAL BOARD				
B	Dedicated Purpose Fund Group				
C	5C60	883609	Operating Expenses	\$140,000	\$0
D	TOTAL DPF Dedicated Purpose Fund Group			\$140,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$140,000	\$0

**Section 4.** Within the limits set forth in this act, the 773  
Director of Budget and Management shall establish accounts 774  
indicating the source and amount of funds for each appropriation 775  
made in this act, and shall determine the form and manner in 776

which appropriation accounts shall be maintained. Expenditures 777  
from operating appropriations contained in this act shall be 778  
accounted for as though made in the main operating 779  
appropriations act of the 134th General Assembly. The operating 780  
appropriations made in this act are subject to all provisions of 781  
the main operating appropriations act of the 134th General 782  
Assembly that are generally applicable to such appropriations. 783

**Section 5.** Not later than one year after the effective 784  
date of this section, the State Medical Board shall begin 785  
accepting and evaluating applications for expedited licenses and 786  
issuing expedited licenses in accordance with the "Interstate 787  
Medical Licensure Compact" entered into under section 4731.11 of 788  
the Revised Code. 789