

As Passed by the Senate

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Am. S. B. No. 354

Senator Roegner

**Cosponsors: Senators Johnson, Huffman, Romanchuk, Antonio, Cirino, Craig,
Lang, Liston, O'Brien, Reineke, Reynolds**

To enact sections 4731.12 and 4731.121 of the 1
Revised Code to enact the Interstate Podiatric 2
Medical Licensure Compact. 3

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

Section 1. That sections 4731.12 and 4731.121 of the 4
Revised Code be enacted to read as follows: 5

Sec. 4731.12. SECTION 1. PURPOSE 6

In order to strengthen access to healthcare, and in 7
recognition of the advances in the delivery in health care, the 8
member states of the Interstate Podiatric Medical Licensure 9
Compact have allied in common purpose to develop a comprehensive 10
process that complements the existing licensing and regulatory 11
authority of state podiatric medical boards, provides a 12
streamlined process that allows podiatric physicians to become 13
licensed in multiple states, thereby enhancing the portability 14
of a podiatric medical license and ensuring the safety of 15
patients. The Compact creates another pathway for licensure and 16
does not otherwise change a state's existing Podiatric Medical 17
Practice Act. The Compact also adopts the prevailing standard 18
for licensure and affirms that the practice of podiatric 19

medicine occurs where the patient is located at the time of the 20
podiatric physician-patient encounter, and therefore, requires 21
the podiatric physician to be under the jurisdiction of the 22
state podiatric medical board where the patient is located. 23
State podiatric medical boards that participate in the Compact 24
retain the jurisdiction to impose an adverse action against a 25
license to practice podiatric medicine in that state issued to a 26
podiatric physician through the procedures in the Compact. 27

SECTION 2. DEFINITIONS 28

In this Compact: 29

(a) "Bylaws" means those bylaws established by the 30
Interstate Commission pursuant to Section 11. 31

(b) "Commissioner" means the voting representative 32
appointed by each member board pursuant to Section 11. 33

(c) "Conviction" means a finding by a court that an 34
individual is guilty of a criminal offense through adjudication, 35
or entry of a plea of guilt or no contest to the charge by the 36
offender. Evidence of an entry of conviction of a criminal 37
offense by the court shall be considered final for purposes of 38
disciplinary action by a member board. 39

(d) "Expedited License" means a full unrestricted 40
podiatric medical license granted by a member state to an 41
eligible podiatric physician through the process set forth in 42
the Compact. 43

(e) "Criminal background check" means that the member 44
board is authorized to obtain a Federal Bureau of Investigations 45
biometric based Federal Criminal Records Check Information 46
report from the authorized state agency for the exclusive 47
purpose of determining eligibility for certification of 48

qualification that would allow for an expedited license. 49

(f) "Federal Criminal Records Check Information" means any 50
information obtained by a member board from the Federal Bureau 51
of Investigations relating to a federal criminal records check 52
performed by a member board under Public Law 92-544. 53

(g) "Interstate Commission" means the interstate 54
commission created pursuant to Section 11. 55

(h) "License" means authorization by a member state for a 56
podiatric physician to engage in the practice of podiatric 57
medicine, which would be unlawful without authorization. 58

(i) "Podiatric Medical Practice Act" means laws and 59
regulations governing the practice of podiatric medicine within 60
a member state. 61

(j) "Member Board" means a state agency in a member state 62
that acts in the sovereign interest of the state by protecting 63
the public through licensure, regulation, and education of 64
podiatric physicians as directed by the state government. 65

(k) "Member State" means a state which has enacted the 66
Compact. 67

(l) "Practice of Podiatric medicine" means that clinical 68
prevention, diagnosis, or treatment of human disease, injury, or 69
condition requiring a podiatric physician to obtain and maintain 70
a license in compliance with the Podiatric Medical Practice Act 71
of a member state. 72

(m) "Podiatric physician" means any person who: 73

1) Is a graduate of a podiatric medical school accredited 74
by the Council of Podiatric Medical Education; 75

<u>2) Passed Parts I, II, and III (PMLexis) of the National</u>	76
<u>Board of Podiatric Medical Examiners' (NBPME) / American</u>	77
<u>Podiatric Medical Licensing Examination (APMLE), or their</u>	78
<u>NBPME/APMLE recognized replacement examinations;</u>	79
<u>3) Successfully completed a podiatric residency program</u>	80
<u>approved by the Council on Podiatric Medical Education;</u>	81
<u>4) Holds specialty certification from a specialty board</u>	82
<u>recognized by the Council on Podiatric Medical Education;</u>	83
<u>5) Possesses a full and unrestricted license to engage in</u>	84
<u>the practice of podiatric medicine issued by a member board;</u>	85
<u>6) Has never been convicted, received adjudication,</u>	86
<u>deferred adjudication, community supervision, or deferred</u>	87
<u>disposition for any offense by a court of appropriate</u>	88
<u>jurisdiction;</u>	89
<u>7) Has never held a license authorizing the practice of</u>	90
<u>podiatric medicine subjected to discipline by a licensing agency</u>	91
<u>in any state, federal, or foreign jurisdiction, excluding any</u>	92
<u>action related to the non-payment of fees related to a license;</u>	93
<u>8) Has never had a controlled substance license or permit</u>	94
<u>suspended or revoked by a state or the United States Drug</u>	95
<u>Enforcement Administration or voluntarily surrendered such</u>	96
<u>license after notification of investigation;</u>	97
<u>9) Is not under active investigation by a licensing agency</u>	98
<u>or law enforcement authority in any state, federal or foreign</u>	99
<u>jurisdiction.</u>	100
<u>(n) "Offense" means a felony, gross misdemeanor, or a</u>	101
<u>misdemeanor related to the practice of podiatry.</u>	102
<u>(o) "Rule" means a written statement by the Interstate</u>	103

Commission promulgated pursuant to Section 12 of the Compact 104
that is of general applicability, implements, interprets, or 105
prescribes a policy or provision of the Compact, or an 106
organizational, procedural, or practice requirement of the 107
Interstate Commission, and has the force and effect of statutory 108
law in a member state, and includes the amendment, repeal, or 109
suspension of an existing rule. 110

(p) "State" means any state, commonwealth, district, or 111
territory of the United States. 112

(q) "State of Principal License" means a member state 113
where a podiatric physician holds a license to practice 114
podiatric medicine and which has been designated by such a 115
podiatric physician for purposes of registration and 116
participation in the Compact. 117

SECTION 3. ELIGIBILITY 118

(a) A podiatric physician must meet the eligibility 119
requirements as defined in Section 2(m) to receive an expedited 120
licensure under the terms and provisions of the Compact. 121

(b) A podiatric physician who does not meet the 122
requirements of Section 2(m) may obtain a license to practice 123
podiatric medicine in a member state if the individual complies 124
with all laws and requirements, other than the Compact, relating 125
to the issuance of a license to practice podiatric medicine in 126
that state. 127

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE 128

(a) A podiatric physician shall designate a member state 129
as the state of principal license for purposes of registration 130
for expedited licensure through the Compact if the podiatric 131
physician possesses a full and unrestricted license to practice 132

<u>podiatric medicine in that state, and the state is:</u>	133
<u>1) The state of principal residence for the podiatric</u>	134
<u>physician, or</u>	135
<u>2) The state where at least 25% of the practice of</u>	136
<u>podiatric medicine occurs, or</u>	137
<u>3) The location of the podiatric physician's employer, or</u>	138
<u>4) If no state qualifies under subsection (1), subsection</u>	139
<u>(2), or subsection (3), the state designated as state of</u>	140
<u>residence for purpose of federal income tax.</u>	141
<u>(b) A podiatric physician may redesignate a member state</u>	142
<u>as state of principal license at any time, as long as the state</u>	143
<u>meets the requirements of subsection (a).</u>	144
<u>(c) The Interstate Commission is authorized to develop</u>	145
<u>rules to facilitate redesignation of another member state as the</u>	146
<u>state of principal license.</u>	147
<u>SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE</u>	148
<u>(a) A podiatric physician seeking licensure through the</u>	149
<u>Compact shall file an application for an expedited license with</u>	150
<u>the member board of the state selected by the podiatric</u>	151
<u>physician as the state of principal license.</u>	152
<u>(b) Upon receipt of an application for an expedited</u>	153
<u>license, the member board within the state selected as the state</u>	154
<u>of principal license shall evaluate whether the podiatric</u>	155
<u>physician is eligible for expedited licensure and issue a letter</u>	156
<u>of qualification, verifying or denying the podiatric physician's</u>	157
<u>eligibility to, and in the manner established through rule by,</u>	158
<u>the Interstate Commission.</u>	159

1) Static qualifications, which include verification of 160
podiatric medical education, podiatric graduate medical 161
education, results of any podiatric medical licensing 162
examination, and other qualifications as determined by the 163
Interstate Commission through rule, shall not be subject to 164
additional primary source verification where already primary 165
source verified by the state of principal license. 166

2) The member board within the state selected as the state 167
of principal license shall, in the course of verifying 168
eligibility, perform a criminal background check of an 169
applicant, including the use of results of fingerprint or other 170
biometric data checks compliant with the requirements of the 171
Federal Bureau of Investigation with the exception of federal 172
employees who have suitability determination in accordance with 173
5 C.F.R. § 731.202. 174

i. Communication between a member board and the Interstate 175
Commission and communication between member boards regarding the 176
verification of eligibility in Section 2 through the Compact 177
shall not include any information received from the Federal 178
Bureau of Investigations relating to a federal criminal records 179
check performed by a member board under Public Law 92-544, 180
including Federal Criminal Records Check Information. 181

ii. Federal Bureau of Investigation information obtained 182
by a member board shall not be shared with the Interstate 183
Commission. 184

3) Appeal of the determination of eligibility shall be 185
made to the member state where the application was filed and 186
shall be subject to the law of that state. 187

(c) Upon verification in subsection (b), podiatric 188

physicians eligible for an expedited license shall complete the 189
registration process established by the Interstate Commission to 190
receive a license in a member state selected pursuant to 191
subsection (a), including the payment of any applicable fees. 192

(d) After receiving verification of eligibility under 193
subsection (b) and any fees under subsection (c), a member board 194
shall issue an expedited license to the podiatric physician. 195
This license shall authorize the podiatric physician to practice 196
podiatric medicine in the issuing state consistent with the 197
Podiatric Medical Practice Act and all applicable laws and 198
regulations of the issuing member board and member state. 199

(e) An expedited license shall be valid for a period 200
consistent with the licensure period in the member state and in 201
the same manner as required for other podiatric physicians 202
holding a full and unrestricted license within the member state. 203

(f) An expedited license obtained through the Compact 204
shall be terminated if a podiatric physician fails to maintain a 205
license in the state of principal licensure for a non- 206
disciplinary reason, without redesignation of a new state of 207
principal licensure. 208

(g) The Interstate Commission is authorized to develop 209
rules regarding the application process, including payment of 210
any applicable fees, and the reporting of the issuance of an 211
expedited license by a member board to the Interstate 212
Commission. 213

SECTION 6. FEES FOR EXPEDITED LICENSURE 214

(a) A member state issuing an expedited license 215
authorizing the practice of podiatric medicine in that state may 216
impose a fee for a license issued or renewed through the 217

<u>Compact.</u>	218
<u>(b) The Interstate Commission is authorized to develop</u>	219
<u>rules regarding fees for expedited licenses.</u>	220
<u>SECTION 7. RENEWAL AND CONTINUED PARTICIPATION</u>	221
<u>(a) A podiatric physician seeking to renew an expedited</u>	222
<u>license granted in a member state shall complete a renewal</u>	223
<u>process with the Interstate Commission if the podiatric</u>	224
<u>physician:</u>	225
<u>1) Maintains a full and unrestricted license in a state of</u>	226
<u>principal license;</u>	227
<u>2) Has not been convicted, received adjudication, deferred</u>	228
<u>adjudication, community supervision, or deferred disposition for</u>	229
<u>any offense by a court of appropriate jurisdiction;</u>	230
<u>3) Has not had a license authorizing the practice of</u>	231
<u>podiatric medicine subject to discipline by a licensing agency</u>	232
<u>in any state, federal, or foreign jurisdiction, or voluntarily</u>	233
<u>surrendered such license in lieu of discipline, excluding any</u>	234
<u>action related to non-payment of fees related to a license; and</u>	235
<u>4) Has not had a controlled substance license or permit</u>	236
<u>suspended or revoked by a state or the United States Drug</u>	237
<u>Enforcement Administration or voluntarily surrendered such</u>	238
<u>license or permit after notification of investigation.</u>	239
<u>(b) Podiatric physicians shall comply with all continuing</u>	240
<u>professional development or continuing medical education</u>	241
<u>requirements for renewal of a license issued by a member state.</u>	242
<u>(c) The Interstate Commission shall collect any renewal</u>	243
<u>fees charged for the renewal of a license and distribute the</u>	244
<u>fees to the applicable member board.</u>	245

(d) Upon receipt of any renewal fees collected in 246
subsection (c), a member board shall renew the podiatric 247
physician's license. 248

(e) Podiatric physician information collected by the 249
Interstate Commission during the renewal process will be 250
distributed to all member boards. 251

(f) The Interstate Commission is authorized to develop 252
rules to address renewal of licenses obtained through the 253
Compact. 254

SECTION 8. COORDINATED INFORMATION SYSTEM 255

(a) The Interstate Commission shall establish a database 256
of all podiatric physicians licensed, or who have applied for 257
licensure, under Section 5. 258

(b) Notwithstanding any other provision of law, member 259
boards shall report to the Interstate Commission any public 260
action or public complaints against a licensed podiatric 261
physician who has applied or received an expedited license 262
through the Compact. 263

(c) Member boards shall report disciplinary or 264
investigatory information determined as necessary and proper by 265
rule of the Interstate Commission. 266

(d) Member boards may report any non-public complaint, 267
disciplinary, or investigatory information not required by 268
subsection (c) to the Interstate Commission. 269

(e) Member boards shall share complaint or disciplinary 270
information about a podiatric physician upon request of another 271
member board. 272

(f) All information provided to the Interstate Commission 273

or distributed by member boards shall be confidential, filed 274
under seal, and used only for investigatory or disciplinary 275
matters. 276

(g) The Interstate Commission is authorized to develop 277
rules for mandated or discretionary sharing of information by 278
member boards. 279

SECTION 9. JOINT INVESTIGATIONS 280

(a) Licensure and disciplinary records of podiatric 281
physicians are deemed investigative. 282

(b) In addition to the authority granted to a member board 283
by its respective Podiatric Medical Practice Act or other 284
applicable state law, a member board may participate with other 285
member boards in joint investigations of podiatric physicians 286
licensed by the member boards. 287

(c) A subpoena issued by a member state as part of a joint 288
investigation shall be enforceable in other member states. 289

(d) Member boards may share any investigative, litigation, 290
or compliance materials in furtherance of any joint or 291
individual investigation initiated under the Compact. 292

(e) Any member state may investigate actual or alleged 293
violation of the statutes authorizing the practice of podiatric 294
medicine in any other member state in which a podiatric 295
physician holds a license to practice podiatric medicine. 296

SECTION 10. DISCIPLINARY ACTIONS 297

(a) Any disciplinary action taken by any member board 298
against a podiatric physician licensed through the Compact shall 299
be deemed unprofessional conduct which may be subject to 300
discipline by other member boards, in addition to any violation 301

of the Podiatric Medical Practice Act or regulations in that 302
state. 303

(b) If a license granted to a podiatric physician by a 304
member board in the state of principal license is revoked, 305
surrendered or relinquished in lieu of discipline, or suspended, 306
then all licenses issued to the podiatric physician by member 307
boards shall automatically be placed, without further action 308
necessary by any member board, on the same status. If the member 309
board is the state of principal license subsequently reinstates 310
the podiatric physician's license, a license issued to the 311
podiatric physician by any other member board shall remain 312
encumbered until that respective member board takes action to 313
reinstate the license in a manner consistent with the Podiatric 314
Medical Practice Act of that state. 315

(c) If disciplinary action is taken against a podiatric 316
physician by a member board not in a state of principal license, 317
any other member board may deem the action conclusive as to 318
matter of law and fact decided, and: 319

1) Impose the same or lesser sanction(s) against the 320
podiatric physician so long as such sanctions are consistent 321
with the Podiatric Medical Practice Act of that state; or 322

2) Pursue separate disciplinary action against the 323
podiatric physician under its respective Podiatric Medical 324
Practice Act, regardless of the action taken in other member 325
states. 326

(d) If a license granted to a podiatric physician by a 327
member board is revoked, surrendered or relinquished in lieu of 328
discipline, or suspended, then any license(s) issued to a 329
podiatric physician by any other member board(s) shall be 330

suspended, automatically and immediately without further action 331
necessary by the other member board(s), for ninety (90) days 332
upon entry of the order by the disciplining board, to permit the 333
member board(s) to investigate the basis for the action under 334
the Podiatric Medical Practice Act of that state. 335

(e) A member board may terminate the automatic provision 336
under subsection (b) or (d) of a license it issued, in a manner 337
consistent with the Podiatric Medical Practice Act of that 338
state. 339

SECTION 11. INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT 340
COMMISSION 341

(a) The member states hereby create the "Interstate 342
Podiatric Medical Licensure Compact Commission". 343

(b) The purpose of the Interstate Commission is the 344
administration of the Interstate Podiatric Medical Licensure 345
Compact, which is a discretionary state function. 346

(c) The Interstate Commission shall be a body corporate 347
and joint agency of the member states and shall have all the 348
responsibilities, powers, and duties set forth in the Compact, 349
and such additional powers as may be conferred upon it by a 350
subsequent concurrent action of the respective legislatures of 351
the member states in accordance with the terms of the Compact. 352

(d) The Interstate Commission shall consist of one voting 353
representative appointed by each member state who shall serve as 354
a Commissioner. A Commissioner shall be a(n): 355

1) Podiatric physician appointed to a member board; 356

2) Executive director, executive secretary, or similar 357
executive of a member board; or 358

3) Member of the public appointed to a member board. 359

(e) The Interstate Commission shall meet at least once 360
each calendar year. A portion of this meeting shall be a 361
business meeting to address such matters as may properly come 362
before the Commission, including the election of officers. The 363
chairperson may call additional meetings and shall call for a 364
meeting upon the request of a majority of the member states. 365

(f) The bylaws may provide for meetings of the Interstate 366
Commission to be conducted, in whole or in part, via 367
teleconference, video conference, or other electronic means by 368
which all participants can hear each other simultaneously and 369
participate effectively. Attendance by such electronic means 370
shall constitute presence in person at the meeting. 371

(g) Each Commissioner participating at a meeting of the 372
Interstate Commission is entitled to one vote. A majority of 373
Commissioners shall constitute a quorum for the transaction of 374
business, unless a larger quorum is required by the bylaws of 375
the Interstate Commission. A Commissioner shall not delegate a 376
vote to another Commissioner. In the absence of its 377
Commissioner, a member state may delegate voting authority for a 378
specified meeting to another person from that state who shall 379
meet the requirements of subsection (d). 380

(h) The Interstate Commission shall provide public notice 381
of all meetings and all meetings shall be open to the public. 382
The Interstate Commission may close a meeting, in full or in 383
portion, where it determines by a two-thirds vote of the 384
Commissioners present that any open meeting would be likely to: 385

1) Relate solely to the internal personnel practice and 386
procedures of the Interstate Commission; 387

<u>2) Discuss matters specifically exempted from disclosure</u>	388
<u>by federal statute;</u>	389
<u>3) Discuss trade secrets, commercial, or financial</u>	390
<u>information that is privileged or confidential;</u>	391
<u>4) Involve accusing a person of a crime, or formally</u>	392
<u>censuring a person;</u>	393
<u>5) Discuss information of a personal nature where</u>	394
<u>disclosure would constitute a clearly unwarranted invasion of</u>	395
<u>personal privacy;</u>	396
<u>6) Discuss investigative records compiled for law</u>	397
<u>enforcement purposes;</u>	398
<u>7) Specifically relate to the participation in a civil</u>	399
<u>action or other legal proceeding.</u>	400
<u>(i) The Interstate Commission shall keep minutes which</u>	401
<u>shall fully describe all matters discussed in a meeting and</u>	402
<u>shall provide a full and accurate summary of actions taken,</u>	403
<u>including record of any roll call votes.</u>	404
<u>(j) The Interstate Commission shall make its information</u>	405
<u>and official records, to the extent not otherwise designated in</u>	406
<u>the Compact or by its rules, available to the public for</u>	407
<u>inspection.</u>	408
<u>(k) The Interstate Commission shall establish an executive</u>	409
<u>committee, which shall include officers, members, and others as</u>	410
<u>determined by the bylaws. The executive committee shall have the</u>	411
<u>power to act on behalf of the Interstate Commission, with the</u>	412
<u>exception of rulemaking, during periods when the Interstate</u>	413
<u>Commission is not in session. When acting on behalf of the</u>	414
<u>Interstate Commission, the executive committee shall oversee the</u>	415

<u>administration of the Compact including enforcement and</u>	416
<u>compliance with the provisions of the Compact, its bylaws and</u>	417
<u>rules, and other such duties as necessary.</u>	418
<u>(l) The Interstate Commission shall establish other</u>	419
<u>committees for governance and administration of the Compact.</u>	420
<u>SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION</u>	421
<u>(a) Oversee and maintain the administration of the</u>	422
<u>Compact;</u>	423
<u>(b) Promulgate rules which shall be binding to the extent</u>	424
<u>and in the manner provided for in the Compact;</u>	425
<u>(c) Issue, upon the request of a member state or member</u>	426
<u>board, advisory opinions concerning the meaning or</u>	427
<u>interpretation of the Compact, its bylaws, rules, and actions;</u>	428
<u>(d) Enforce compliance with Compact provisions, the rules</u>	429
<u>promulgated by the Interstate Commission, and the bylaws, using</u>	430
<u>all necessary and proper means, including but not limited to the</u>	431
<u>use of judicial process;</u>	432
<u>(e) Establish and appoint committees including, but not</u>	433
<u>limited to, an executive committee as required by Section 11,</u>	434
<u>which shall have the power to act on behalf of the Interstate</u>	435
<u>Commission in carrying out its powers and duties;</u>	436
<u>(f) Pay, or provide for the payment of the expenses</u>	437
<u>related to the establishment, organization, and ongoing</u>	438
<u>activities of the Interstate Commission;</u>	439
<u>(g) Establish and maintain one or more offices;</u>	440
<u>(h) Borrow, accept, hire, or contract for services of</u>	441
<u>personnel;</u>	442

<u>(i) Purchase and maintain insurance and bonds;</u>	443
<u>(j) Employ an executive director who shall have the power</u>	444
<u>to employ, select or appoint employees, agents, consultants, and</u>	445
<u>to determine their qualifications, define their duties, and fix</u>	446
<u>their compensation;</u>	447
<u>(k) Establish personnel policies and programs relating to</u>	448
<u>conflicts of interest, rates of compensation, and qualification</u>	449
<u>of personnel;</u>	450
<u>(l) Accept donations and grants of money, equipment,</u>	451
<u>supplies, materials, and services to receive, utilize, and</u>	452
<u>dispose of it in a manner consistent with the conflict of</u>	453
<u>interest policies established by the Interstate Commission;</u>	454
<u>(m) Lease, purchase, accept contributions or donations of,</u>	455
<u>or otherwise to own, hold, improve or use, any property, real,</u>	456
<u>personal, or mixed;</u>	457
<u>(n) Sell, convey, mortgage, pledge, lease, exchange,</u>	458
<u>abandon, or otherwise dispose of any property, real, personal,</u>	459
<u>or mixed;</u>	460
<u>(o) Establish a budget and make expenditures;</u>	461
<u>(p) Adopt a seal and bylaws governing the management and</u>	462
<u>operation of the Interstate Commission;</u>	463
<u>(q) Report annually to the legislatures and governors of</u>	464
<u>the member states concerning the activities of the Interstate</u>	465
<u>Commission during the preceding year. Such reports shall also</u>	466
<u>include reports of financial audits, and financial statements,</u>	467
<u>and any recommendations that may have been adopted by the</u>	468
<u>Interstate Commission;</u>	469
<u>(r) Coordinate education, training, and public awareness</u>	470

regarding the Compact, its implementation, and its operation; 471

(s) Maintain records in accordance with the bylaws; 472

(t) Seek and obtain trademarks, copyrights, and patents; 473

and 474

(u) Perform such functions as may be necessary or 475
appropriate to achieve the purpose of the Compact. 476

SECTION 13. FINANCE POWERS 477

(a) The Interstate Commission may levy on and collect an 478
annual assessment from each member state to cover the cost of 479
the operations and activities of the Interstate Commission and 480
its staff. The total assessment must be sufficient to cover the 481
annual budget approved each year for which revenue is not 482
provided by other sources. The aggregate annual assessment 483
amount shall be allocated upon a formula to be determined by the 484
Interstate Commission, which shall promulgate a rule binding 485
upon all member states. 486

(b) The Interstate Commission shall not incur obligations 487
of any kind prior to securing the funds adequate to meet the 488
same. 489

(c) The Interstate Commission shall not pledge the credit 490
or any of the member states, except by, and with the authority 491
of, the member state. 492

(d) The Interstate Commission shall maintain financial 493
records in accordance with the bylaws, including profit and loss 494
statements and balance sheet reports which shall be included in 495
the annual report of the Interstate Commission. 496

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 497
COMMISSION 498

(a) The Interstate Commission shall, by a majority of 499
Commissioners present and voting, adopt bylaws to govern its 500
conduct as may be necessary or appropriate to carry out the 501
purposes of the Compact within twelve (12) months of the first 502
Interstate Commission meeting. 503

(b) The Interstate Commission shall elect or appoint 504
annually from among its Commissioners, a chairperson, a vice- 505
chairperson, and a treasurer, each of whom shall have such 506
authority and duties as may be specified in the bylaws. The 507
chairperson, or in the chairperson's absence or disability, the 508
vice chairperson, shall preside at all meetings of the 509
Interstate Commission. 510

(c) Officers selected in subsection (b) shall serve 511
without remuneration for the Interstate Commission. 512

(d) The officers and employees of the Interstate 513
Commission shall be immune from suit and liability, either 514
personally or in their official capacity, for a claim for damage 515
to or loss of property or personal injury or other civil 516
liability caused or arising out of, or relating to, an actual or 517
alleged act, error, or omission that occurred, or that such 518
person had a reasonable basis for believing occurred, within the 519
scope of the Interstate Commission employment, duties, or 520
responsibilities; provided that such person shall not be 521
protected from suit or liability for damage, loss, injury, or 522
liability caused by the intentional or willful and wanton 523
misconduct of such person. 524

(e) The liability of the executive director and employees 525
of the Interstate Commission or representatives of the 526
Interstate Commission, acting within the scope of such person's 527
employment or duties for acts, errors, or omissions occurring 528

within such person's state, may not exceed the limits of 529
liability set forth under the constitution and laws of that 530
state for state officials, employees, and agents. The Interstate 531
Commission is considered to be an instrumentality of the states 532
for the purpose of such action. Nothing in this subsection shall 533
be construed to protect such person from suit or liability for 534
damage, loss, injury, or liability caused by the intentional or 535
willful and wanton misconduct of such person. 536

(f) The Interstate Commission shall defend the executive 537
director, its employees, and subject to the approval of the 538
attorney general or other appropriate legal counsel of the 539
member state represented by the Interstate Commission 540
representative, shall defend such Interstate Commission 541
representative in any civil action seeking to impose liability 542
arising out of an actual or alleged act, error or omission that 543
occurred within the scope of Interstate Commission employment, 544
duties or responsibilities, or that the defendant had a 545
reasonable basis for believing occurred within the scope of the 546
Interstate Commission employment, duties, or responsibilities, 547
provided that the actual or alleged act, error, or omission did 548
not result from intentional or willful and wanton misconduct on 549
the part of such person. 550

(g) To the extent not covered by the state involved, 551
member state, or the Interstate Commission, the representatives 552
or employees of the Interstate Commission shall be held harmless 553
in the amount of a settlement or judgement, including attorney's 554
fees and costs, obtained against such persons arising out of an 555
actual or alleged act, error, or omission that occurred within 556
the scope of the Interstate Commission employment, duties, or 557
responsibilities, or that such persons had a reasonable basis 558
for believing occurred within the scope of Interstate Commission 559

employment, duties, or responsibilities, provided that the 560
actual or alleged act, error, or omission did not result from 561
intentional or willful and wanton misconduct on the part of such 562
person. 563

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE 564
COMMISSION 565

(a) The Interstate Commission shall promulgate rules in 566
order to effectively and efficiently achieve the purpose of the 567
Compact. Notwithstanding the foregoing, in the event the 568
Interstate Commission exercises its rulemaking authority in a 569
manner that is beyond the scope of the purposes of the Compact, 570
or the powers granted hereunder, then such an action by the 571
Interstate Commission shall be invalid and have no force or 572
effect. 573

(b) Rules deemed appropriate for the operations of the 574
Interstate Commission shall be made pursuant to the rulemaking 575
process that substantially conforms to the "Model State 576
Administrative Procedure Act" of 2010, and subsequent amendments 577
thereto. 578

(c) Not later than thirty (30) days after a rule is 579
promulgated, any person may file a petition for judicial review 580
of the rule in the United States District Court for the District 581
of Columbia or the federal district where the Interstate 582
Commission has its principal offices, provided that the filing 583
of such a petition shall not stay or otherwise prevent the rule 584
from becoming effective unless the court finds that the 585
petitioner has a substantial likelihood of success. The court 586
shall give deference to the actions of the Interstate Commission 587
consistent with applicable law and shall not find the rule to be 588
unlawful if the rule represents a reasonable exercise of the 589

authority granted to the Interstate Commission. 590

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT 591

(a) The executive, legislative, and judicial branches of 592
state government in each member state shall enforce the Compact 593
and shall take all actions necessary and appropriate to 594
effectuate the Compact's purposes and intent. The provisions of 595
the Compact and the rules promulgated hereunder shall have 596
standing as statutory law but shall not override existing state 597
authority to regulate the practice of podiatric medicine. 598

(b) All courts shall take judicial notice of the Compact 599
and the rules in any judicial or administrative proceeding in a 600
member state pertaining to the subject matter of the Compact 601
which may affect the powers, responsibilities or actions of the 602
Interstate Commission. 603

(c) The Interstate Commission shall be entitled to receive 604
all services of process in any such proceeding, and shall have 605
standing to intervene in the proceeding for all purposes. 606
Failure to provide service of process to the Interstate 607
Commission shall render judgement or order void as to the 608
Interstate Commission, the Compact, or promulgated rules. 609

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT 610

(a) The Interstate Commission, in the reasonable exercise 611
of its discretion, shall enforce the provisions and rules of the 612
Compact. 613

(b) The Interstate Commission may, by majority vote of the 614
Commissioners present and voting, initiate legal action in the 615
United States Court for the District of Columbia, or, at the 616
discretion of the Interstate Commission, in federal district 617
where the Interstate Commission has its principal offices, to 618

enforce compliance with the provisions of the Compact, and its 619
promulgated rules and bylaws, against a member state in default. 620
The relief sought may include both injunctive relief and 621
damages. In the event judicial enforcement is necessary, the 622
prevailing party shall be awarded all costs of such litigation 623
including reasonable attorney's fees. 624

(c) The remedies herein shall not be the exclusive 625
remedies of the Interstate Commission. The Interstate Commission 626
may avail itself of any other remedies available under state law 627
or regulation of a profession. 628

SECTION 18. DEFAULT PROCEDURES 629

(a) The grounds for default include, but are not limited 630
to, failure of a member board to perform such obligations or 631
responsibilities imposed upon it by the Compact, or the rules 632
and bylaws of the Interstate Commission promulgated under the 633
Compact. 634

(b) If the Interstate Commission determines that a member 635
state has defaulted in the performance of its obligations or 636
responsibilities under the Compact, or the bylaws or promulgated 637
rules, the Interstate Commission shall: 638

1) Provide written notice to the defaulting state and 639
other member states, of the nature of the default, the means of 640
curing the default, and any action taken by the Interstate 641
Commission. The Interstate Commission shall specify the 642
conditions by which the defaulting state must cure its default; 643
and 644

2) Provide remedial training and specific technical 645
assistance regarding the default. 646

(c) If the defaulting state fails to cure the default, the 647

defaulting state shall be terminated from the Compact upon an 648
affirmative vote of the majority of the Commissioners present 649
and voting, and all rights, privileges, and benefits conferred 650
by the Compact shall terminate on the effective date of 651
termination. A cure of the default does not relieve the 652
offending state of obligations or liabilities incurred during 653
the period of default. 654

(d) Termination of membership in the Compact shall be 655
imposed only after all other means of securing compliance have 656
been exhausted. Notice of intent to terminate shall be given by 657
the Interstate Commission to the governor, the majority and 658
minority leaders of the defaulting state's legislature, and each 659
of the member states. 660

(e) The Interstate Commission shall establish rules and 661
procedures to address licenses and podiatric physicians that are 662
materially impacted by the termination of a member state, or the 663
withdrawal of a member state. 664

(f) The member state which has been terminated is 665
responsible for all dues, obligations, and liabilities incurred 666
through the effective date of termination including obligations, 667
the performance of which extends beyond the effective date of 668
termination. 669

(g) The Interstate Commission shall not bear any costs 670
relating to any state that has been found to be in default or 671
which has been terminated from the Compact, unless otherwise 672
mutually agreed upon in writing between the Interstate 673
Commission and the defaulting state. 674

(h) The defaulting state may appeal the action of the 675
Interstate Commission by petitioning the United States District 676

Court for the District of Columbia or the federal district where 677
the Interstate Commission has its principal offices. The 678
prevailing party shall be awarded all costs of litigation 679
including reasonable attorney's fees. 680

SECTION 19. DISPUTE RESOLUTION 681

(a) The Interstate Commission shall attempt, upon the 682
request of a member state, to resolve disputes which are subject 683
to the Compact and which arise among member states or member 684
boards. 685

(b) The Interstate Commission shall promulgate rules 686
providing for both mediation and binding dispute resolution as 687
appropriate. 688

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 689

(a) Any state is eligible to become a member of the 690
Compact. 691

(b) The Compact shall become effective and binding upon 692
legislative enactment of the Compact into law by no less than 693
four (4) states. Thereafter, it shall become effective and 694
binding on a state upon enactment of the Compact into law by 695
that state. 696

(c) The governors of non-member states, or their 697
designees, shall be welcome to participate in the activities of 698
the Interstate Commission on a non-voting basis prior to 699
adoption of the Compact by all states. 700

(d) The Interstate Commission may propose amendments to 701
the Compact for enactment by the member states. No amendment 702
shall become effective and binding upon the Interstate 703
Commission and other member states unless and until it is 704

enacted into law by unanimous consent of the member states. 705

SECTION 21. WITHDRAWAL 706

(a) Once effective, the Compact shall continue in force 707
and remain binding upon each and every member state; provided 708
that a member state may withdraw from the Compact by 709
specifically repealing the statute which enacted the Compact 710
into law. 711

(b) Withdrawal from the Compact shall be by the enactment 712
of a statute repealing the same, but shall not take effect until 713
one (1) year after the effective date of such statute and until 714
written notice of the withdrawal has been given by the 715
withdrawing state to the governor of each other member state. 716

(c) The withdrawing state shall immediately notify the 717
chairperson of the Interstate Commission in writing upon the 718
introduction of legislation repealing the Compact in the 719
withdrawing state. 720

(d) The Interstate Commission shall notify the other 721
member states of the withdrawing state's intent to withdraw 722
within sixty (60) days of its receipt of notice provided under 723
subsection (c). 724

(e) The withdrawing state is responsible for all dues, 725
obligations and liabilities incurred throughout the effective 726
date of withdrawal, including obligations, the performance of 727
which extend beyond the effective date of withdrawal. 728

(f) Reinstatement following withdrawal of a member state 729
shall occur upon the withdrawing date reenacting the Compact or 730
upon such later date as determined by the Interstate Commission. 731

(g) The Interstate Commission is authorized to develop 732

rules to address the impact of the withdrawal of a member state 733
on licenses granted in other member states to podiatric 734
physicians who designated the withdrawing member state as the 735
state of principal license. 736

SECTION 22. DISSOLUTION 737

(a) The Compact shall be dissolved effective upon the date 738
of the withdrawal or default of the member state which reduces 739
the membership of the Compact to one (1) member state. 740

(b) Upon the dissolution of the Compact, the Compact 741
becomes null and void and shall be of no further force or 742
effect, and the business and affairs of the Interstate 743
Commission shall be concluded, and surplus funds shall be 744
distributed in accordance with the bylaws. 745

SECTION 23. SEVERABILITY AND CONSTRUCTION 746

(a) The provisions of the Compact shall be severable, and 747
if any phrase, clause, sentence, or provision is deemed 748
unenforceable, the remaining provisions of the Compact shall be 749
enforceable. 750

(b) The provisions of the Compact shall be liberally 751
construed to effectuate its purposes. 752

(c) Nothing in the Compact shall be construed to prohibit 753
the applicability of other interstate compacts to which the 754
member states are members. 755

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS 756

(a) Nothing herein prevents the enforcement of any other 757
law of a member state that is not inconsistent with the Compact. 758

(b) All laws in a member state in conflict with the 759

Compact are superseded to the extent of the conflict. 760

(c) All lawful actions of the Interstate Commission, 761
including all rules and bylaws promulgated by the Commission, 762
are binding upon all member states. 763

(d) All agreements between the Interstate Commission and 764
the member states are binding in accordance with their terms. 765

(e) In the event of any provision of the Compact that 766
exceeds the constitutional limits imposed on the legislature of 767
any member state, such provision shall be ineffective to the 768
extent of the conflict with the constitutional provision in 769
question in that member state. 770

Sec. 4731.121. Not later than thirty days after the 771
"Interstate Podiatric Medical Licensure Compact" is entered into 772
under section 4731.12 of the Revised Code, the state medical 773
board, in accordance with section 11 of the compact, shall 774
select one individual to serve as a commissioner to the 775
interstate medical licensure compact commission created under 776
the compact. The board shall fill any vacancy in this position 777
not later than thirty days after the vacancy occurs. 778