

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 364

Senator Roegner

Cosponsors: Senators Gavarone, Brenner

A BILL

To enact sections 4731.11 and 4731.111 of the
Revised Code to enter into the Interstate
Medical Licensure Compact.

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

Section 1. That sections 4731.11 and 4731.111 of the
Revised Code be enacted to read as follows:

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

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INTERSTATE MEDICAL LICENSURE COMPACT

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SECTION 1. PURPOSE

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In order to strengthen access to health care, and in
recognition of the advances in the delivery of health care, the
member states of the Interstate Medical Licensure Compact have
allied in common purpose to develop a comprehensive process that
complements the existing licensing and regulatory authority of
state medical boards, provides a streamlined process that allows

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

SECTION 2. DEFINITIONS 32

In this compact: 33

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

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

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

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

(e) "Interstate Commission" means the interstate 47
commission created pursuant to Section 11. 48

(f) "License" means authorization by a member state for a 49
physician to engage in the practice of medicine, which would be 50
unlawful without authorization. 51

(g) "Medical Practice Act" means laws and regulations 52
governing the practice of allopathic and osteopathic medicine 53
within a member state. 54

(h) "Member Board" means a state agency in a member state 55
that acts in the sovereign interests of the state by protecting 56
the public through licensure, regulation, and education of 57
physicians as directed by the state government. 58

(i) "Member State" means a state that has enacted the 59
Compact. 60

(j) "Practice of Medicine" means that clinical prevention, 61
diagnosis, or treatment of human disease, injury, or condition 62
requiring a physician to obtain and maintain a license in 63
compliance with the Medical Practice Act of a member state. 64

(k) "Physician" means any person who: 65

1) Is a graduate of a medical school accredited by 66
the Liaison Committee on Medical Education, the Commission on 67
Osteopathic College Accreditation, or a medical school listed in 68
the International Medical Education Directory or its equivalent; 69

2) Passed each component of the United State Medical 70
Licensing Examination (USMLE) or the Comprehensive Osteopathic 71
Medical Licensing Examination (COMLEX-USA) within three 72
attempts, or any of its predecessor examinations accepted by a 73
state medical board as an equivalent examination for licensure 74

<u>purposes;</u>	75
<u>3) Successfully completed graduate medical education</u>	76
<u>approved by the Accreditation Council for Graduate Medical</u>	77
<u>Education or the American Osteopathic Association;</u>	78
<u>4) Holds specialty certification or a time-unlimited</u>	79
<u>specialty certificate recognized by the American Board of</u>	80
<u>Medical Specialties or the American Osteopathic Association's</u>	81
<u>Bureau of Osteopathic Specialists;</u>	82
<u>5) Possesses a full and unrestricted license to</u>	83
<u>engage in the practice of medicine issued by a member board;</u>	84
<u>6) Has never been convicted, received adjudication,</u>	85
<u>deferred adjudication, community supervision, or deferred</u>	86
<u>disposition for any offense by a court of appropriate</u>	87
<u>jurisdiction;</u>	88
<u>7) Has never held a license authorizing the practice</u>	89
<u>of medicine subjected to discipline by a licensing agency in any</u>	90
<u>state, federal, or foreign jurisdiction, excluding any action</u>	91
<u>related to non-payment of fees related to a license;</u>	92
<u>8) Has never had a controlled substance license or</u>	93
<u>permit suspended or revoked by a state or the United States Drug</u>	94
<u>Enforcement Administration; and</u>	95
<u>9) Is not under active investigation by a licensing</u>	96
<u>agency or law enforcement authority in any state, federal, or</u>	97
<u>foreign jurisdiction.</u>	98
<u>(l) "Offense" means a felony, gross misdemeanor, or crime</u>	99
<u>of moral turpitude.</u>	100
<u>(m) "Rule" means a written statement by the Interstate</u>	101
<u>Commission promulgated pursuant to Section 12 of the Compact</u>	102

that is of general applicability, implements, interprets, or 103
prescribes a policy or provision of the Compact, or an 104
organizational, procedural, or practice requirement of the 105
Interstate Commission, and has the force and effect of statutory 106
law in a member state, and includes the amendment, repeal, or 107
suspension of an existing rule. 108

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

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

SECTION 3. ELIGIBILITY

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

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

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

1) The state of principal residence for the 130

<u>physician, or</u>	131
<u>2) The state where at least 25% of the practice of</u>	132
<u>medicine occurs, or</u>	133
<u>3) The location of the physician's employer, or</u>	134
<u>4) If no state qualifies under subsection (1),</u>	135
<u>subsection (2), or subsection (3), the state designated as state</u>	136
<u>of residence for purpose of federal income tax.</u>	137
<u>(b) A physician may redesignate a member state as state of</u>	138
<u>principal license at any time, as long as the state meets the</u>	139
<u>requirements of subsection (a).</u>	140
<u>(c) The Interstate Commission is authorized to develop</u>	141
<u>rules to facilitate redesignation of another member state as the</u>	142
<u>state of principal license.</u>	143
<u>SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE</u>	144
<u>(a) A physician seeking licensure through the Compact</u>	145
<u>shall file an application for an expedited license with the</u>	146
<u>member board of the state selected by the physician as the state</u>	147
<u>of principal license.</u>	148
<u>(b) Upon receipt of an application for an expedited</u>	149
<u>license, the member board within the state selected as the state</u>	150
<u>of principal license shall evaluate whether the physician is</u>	151
<u>eligible for expedited licensure and issue a letter of</u>	152
<u>qualification, verifying or denying the physician's eligibility,</u>	153
<u>to the Interstate Commission.</u>	154
<u>1) Static qualifications, which include verification</u>	155
<u>of medical education, graduate medical education, results of any</u>	156
<u>medical or licensing examination, and other qualifications as</u>	157
<u>determined by the Interstate Commission through rule, shall not</u>	158

be subject to additional primary source verification where 159
already primary source verified by the state of principal 160
license. 161

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

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

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

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

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

and unrestricted license within the member state. 188

(f) An expedited license obtained through the Compact 189
shall be terminated if a physician fails to maintain a license 190
in the state of principal licensure for a non disciplinary 191
reason, without redesignation of a new state of principal 192
licensure. 193

(g) The Interstate Commission is authorized to develop 194
rules regarding the application process, including payment of 195
any applicable fees, and the issuance of an expedited license. 196

SECTION 6. FEES FOR EXPEDITED LICENSURE 197

(a) A member state issuing an expedited license 198
authorizing the practice of medicine in that state may impose a 199
fee for a license issued or renewed through the Compact. 200

(b) The Interstate Commission is authorized to develop 201
rules regarding fees for expedited licenses. 202

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION 203

(a) A physician seeking to renew an expedited license 204
granted in a member state shall complete a renewal process with 205
the Interstate Commission if the physician: 206

1) Maintains a full and unrestricted license in a 207
state of principal license; 208

2) Has not been convicted, received adjudication, 209
deferred adjudication, community supervision, or deferred 210
disposition for any offense by a court of appropriate 211
jurisdiction; 212

3) Has not had a license authorizing the practice of 213
medicine subject to discipline by a licensing agency in any 214

state, federal, or foreign jurisdiction, excluding any action 215
related to non-payment of fees related to a license; and 216

4) Has not had a controlled substance license or 217
permit suspended or revoked by a state or the United States Drug 218
Enforcement Administration. 219

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

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

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

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

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

SECTION 8. COORDINATED INFORMATION SYSTEM 235

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

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

(c) Member boards shall report disciplinary or 243
investigatory information determined as necessary and proper by 244
rule of the Interstate Commission. 245

(d) Member boards may report any non-public complaint, 246
disciplinary, or investigatory information not required by 247
subsection (c) to the Interstate Commission. 248

(e) Member boards shall share complaint or disciplinary 249
information about a physician upon request of another member 250
board. 251

(f) All information provided to the Interstate Commission 252
or distributed by member boards shall be confidential, filed 253
under seal, and used only for investigatory or disciplinary 254
matters. 255

(g) The Interstate Commission is authorized to develop 256
rules for mandated or discretionary sharing of information by 257
member boards. 258

SECTION 9. JOINT INVESTIGATIONS 259

(a) Licensure and disciplinary records of physicians are 260
deemed investigative. 261

(b) In addition to the authority granted to a member board 262
by its respective Medical Practice Act or other applicable state 263
law, a member board may participate with other member boards in 264
joint investigations of physicians licensed by the member 265
boards. 266

(c) A subpoena issued by a member state shall be 267
enforceable in other member states. 268

(d) Member boards may share any investigative, litigation, 269
or compliance materials in furtherance of any joint or 270

individual investigation initiate under the Compact. 271

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

SECTION 10. DISCIPLINARY ACTIONS 276

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

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

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

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

2) Pursue separate disciplinary action against the 300
physician under its respective Medical Practice Act, regardless 301
of the action taken in other member states. 302

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

SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT 315
COMMISSION 316

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

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

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

(d) The Interstate Commission shall consist of two voting 328

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

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

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

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

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

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

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

specified meeting to another person from that state who shall 358
meet the requirements of subsection (d). 359

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

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

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

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

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

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

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

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

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

(j) The Interstate Commission shall make its information 384

and official records, to the extent not otherwise designated in 385
the Compact or by its rules, available to the public for 386
inspection. 387

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

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

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION 400

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

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

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

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

(e) Establish and appoint committees including, but not 412

limited to, an executive committee as required by Section 11, 413
which shall have the power to act on behalf of the Interstate 414
Commission in carrying out its powers and duties; 415

(f) Pay, or provide for the payment of the expenses 416
related to the establishment, organization, and ongoing 417
activities of the Interstate Commission; 418

(g) Establish and maintain one or more offices; 419

(h) Borrow, accept, hire, or contract for services of 420
personnel; 421

(i) Purchase and maintain insurance and bonds; 422

(j) Employ an executive director who shall have such 423
powers to employ, select or appoint employees, agents, or 424
consultants, and to determine their qualifications, define their 425
duties, and fix their compensation; 426

(k) Establish personnel policies and programs relating to 427
conflicts of interest, rates of compensation, and qualifications 428
of personnel; 429

(l) Accept donations and grants of money, equipment, 430
supplies, materials, and services and to receive, utilize, and 431
dispose of it in a manner consistent with the conflict of 432
interest policies established by the Interstate Commission; 433

(m) Lease, purchase, accept contributions or donations of, 434
or otherwise to own, hold, improve or use, any property, real, 435
personal, or mixed; 436

(n) Sell, convey, mortgage, pledge, lease, exchange, 437
abandon, or otherwise dispose of any property, real, personal, 438
or mixed; 439

- (o) Establish a budget and make expenditures; 440
- (p) Adopt a seal and bylaws governing the management and 441
operation of the Interstate Commission; 442
- (q) Report annually to the legislatures and governors of 443
the member states concerning the activities of the Interstate 444
Commission during the preceding year. Such reports shall also 445
include reports of financial audits and any recommendations that 446
may have been adopted by the Interstate Commission; 447
- (r) Coordinate education, training, and public awareness 448
regarding the Compact, its implementation, and its operation; 449
- (s) Maintain records in accordance with the bylaws; 450
- (t) Seek and obtain trademarks, copyrights, and patents; 451
and 452
- (u) Perform such functions as may be necessary or 453
appropriate to achieve the purpose of the Compact. 454
- SECTION 13. FINANCE POWERS 455
- (a) The Interstate Commission may levy on and collect an 456
annual assessment from each member state to cover the cost of 457
the operations and activities of the Interstate Commission and 458
its staff. The total assessment must be sufficient to cover the 459
annual budget approved each year for which revenue is not 460
provided by other sources. The aggregate annual assessment 461
amount shall be allocated upon a formula to be determined by the 462
Interstate Commission, which shall promulgate a rule binding 463
upon all member states. 464
- (b) The Interstate Commission shall not incur obligations 465
of any kind prior to securing the funds adequate to meet the 466
same. 467

(c) The Interstate Commission shall not pledge the credit 468
of any of the member states, except by, and with the authority 469
of, the member state. 470

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

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

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

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

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

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

person had a reasonable basis for believing occurred, within the 497
scope of Interstate Commission employment, duties, or 498
responsibilities; provided that such person shall not be 499
protected from suit or liability for damage, loss, injury, or 500
liability caused by the intentional or willful and wanton 501
misconduct of such person. 502

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

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

the part of such person.

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

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SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
COMMISSION

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

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

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(c) Not later than thirty (30) days after a rule is 557
promulgated, any person may file a petition for judicial review 558
of the rule in the United States District Court for the District 559
of Columbia or the federal district where the Interstate 560
Commission has its principal offices, provided that the filing 561
of such a petition shall not stay or otherwise prevent the rule 562
from becoming effective unless the court finds that the 563
petitioner has a substantial likelihood of success. The court 564
shall give deference to the actions of the Interstate Commission 565
consistent with applicable law and shall not find the rule to be 566
unlawful if the rule represents a reasonable exercise of the 567
authority granted to the Interstate Commission. 568

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT 569

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

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

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

Interstate Commission, the Compact, or promulgated rules. 587

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT 588

(a) The Interstate Commission, in the reasonable exercise 589
of its discretion, shall enforce the provisions and rules of the 590
Compact. 591

(b) The Interstate Commission may, by majority vote of the 592
Commissioners, initiate legal action in the United States Court 593
for the District of Columbia, or, at the discretion of the 594
Interstate Commission, in the federal district where the 595
Interstate Commission has its principal offices, to enforce 596
compliance with the provisions of the Compact, and its 597
promulgated rules and bylaws, against a member state in default. 598
The relief sought may including both injunctive relief and 599
damages. In the event judicial enforcement is necessary, the 600
prevailing party shall be awarded all costs of such litigation 601
including reasonable attorney's fees. 602

(c) The remedies herein shall not be the exclusive 603
remedies of the Interstate Commission. The Interstate Commission 604
may avail itself of any other remedies available under state law 605
or regulation of a profession. 606

SECTION 18. DEFAULT PROCEDURES 607

(a) The grounds for default include, but are not limited 608
to, failure of a member state to perform such obligations or 609
responsibilities imposed upon it by the Compact, or the rules 610
and bylaws of the Interstate Commission promulgated under the 611
Compact. 612

(b) If the Interstate Commission determines that a member 613
state has defaulted in the performance of its obligations or 614
responsibilities under the Compact, or the bylaws or promulgated 615

rules, the Interstate Commission shall: 616

1) Provide written notice to the defaulting state and 617
other member states, of the nature of the default, the means of 618
curing the default, and any action taken by the Interstate 619
Commission. The Interstate Commission shall specify the 620
conditions by which the defaulting state must cure its default; 621
and 622

2) Provide remedial training and specific technical 623
assistance regarding the default. 624

(c) If the defaulting state fails to cure the default, the 625
defaulting state shall be terminated from the Compact upon an 626
affirmative vote of a majority of the Commissioners and all 627
rights, privileges, and benefits conferred by the Compact shall 628
terminate on the effective date of termination. A cure of the 629
default does not relieve the offending state of obligations or 630
liabilities incurred during the period of the default. 631

(d) Termination of membership in the Compact shall be 632
imposed only after all other means of securing compliance have 633
been exhausted. Notice of intent to terminate shall be given by 634
the Interstate Commission to the governor, the majority and 635
minority leaders of the defaulting state's legislature, and each 636
of the member states. 637

(e) The Interstate Commission shall establish rules and 638
procedures to address licenses and physicians that are 639
materially impacted by the termination of a member state, or the 640
withdrawal of a member state. 641

(f) The member state which has been terminated is 642
responsible for all due, obligations, and liabilities incurred 643
through the effective date of termination including obligations, 644

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

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

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

SECTION 19. DISPUTE RESOLUTION

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

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

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

that state.

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

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

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SECTION 21. WITHDRAWAL

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

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

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

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

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(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.

(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.

(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.

SECTION 22. DISSOLUTION

(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.

(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.

SECTION 23. SEVERABILITY AND CONSTRUCTION

(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.

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

(c) Nothing in the Compact shall be construed to prohibit 730
the applicability of other interstate compacts to which the 731
member states are members. 732

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS 733

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

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

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

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

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

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