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134th General Assembly

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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 Representatives Cutrona, Carruthers, Click, John, Schmidt, Troy, Brown, Cross, Crossman, Galonski, Gross, Hoops, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Miller, A., Miller, J., O'Brien, Patton, Pavliga, Plummer, Roemer, Smith, K., Sobecki, White, Wiggam, Young, T.

A BILL

To amend sections 3721.28, 3721.31, and 3721.32 and 1
to enact sections 4731.11, 4731.111, and 2
4731.112 of the Revised Code to enter into the 3
Interstate Medical Licensure Compact, to revise 4
the law governing nurse aide training and 5
competency evaluation programs, and to make an 6
appropriation. 7

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

Section 1. That sections 3721.28, 3721.31, and 3721.32 be 8
amended and sections 4731.11, 4731.111, and 4731.112 of the 9
Revised Code be enacted to read as follows: 10

Sec. 3721.28. (A) (1) Each nurse aide used by a long-term 11
care facility on a full-time, temporary, per diem, or other 12
basis on July 1, 1989, shall be provided by the facility a 13
competency evaluation program approved by the director of health 14

under division (A) of section 3721.31 of the Revised Code or 15
conducted by the director under division (C) of that section. 16
Each long-term care facility using a nurse aide on July 1, 1989, 17
shall provide the nurse aide the preparation necessary to 18
complete the competency evaluation program by January 1, 1990. 19

(2) Each nurse aide used by a long-term care facility on a 20
full-time, temporary, per diem, or other basis on January 1, 21
1990, who either was not used by the facility on July 1, 1989, 22
or was used by the facility on July 1, 1989, but had not 23
successfully completed a competency evaluation program by 24
January 1, 1990, shall be provided by the facility a competency 25
evaluation program approved by the director under division (A) 26
of section 3721.31 of the Revised Code or conducted by the 27
director under division (C) of that section. Each long-term care 28
facility using a nurse aide described in division (A) (2) of this 29
section shall provide the nurse aide the preparation necessary 30
to complete the competency evaluation program by October 1, 31
1990, and shall assist the nurse aide in registering for the 32
program. 33

(B) Effective June 1, 1990, no long-term care facility 34
shall use an individual as a nurse aide for more than four 35
months unless the individual is competent to provide the 36
services the individual is to provide, the facility has received 37
from the nurse aide registry established under section 3721.32 38
of the Revised Code the information concerning the individual 39
provided through the registry, and one of the following is the 40
case: 41

(1) The individual was used by a facility as a nurse aide 42
on a full-time, temporary, per diem, or other basis at any time 43
during the period commencing July 1, 1989, and ending January 1, 44

1990, and successfully completed, not later than October 1, 45
1990, a competency evaluation program approved by the director 46
under division (A) of section 3721.31 of the Revised Code or 47
conducted by the director under division (C) of that section. 48

(2) The individual has successfully completed a training 49
and competency evaluation program approved by the director under 50
division (A) of section 3721.31 of the Revised Code or conducted 51
by the director under division (C) of that section or has met 52
the conditions specified in division ~~(F)~~(F) (1) or (2) of this 53
section and, in addition, if the training and competency 54
evaluation program or the training, instruction, or education 55
the individual completed in meeting the conditions specified in 56
division ~~(F)~~(F) (1) or (2) of this section was conducted by or in 57
a long-term care facility, or if the director pursuant to 58
division (E) of section 3721.31 of the Revised Code so requires, 59
the individual has successfully completed a competency 60
evaluation program conducted by the director. 61

(3) Prior to July 1, 1989, if the long-term care facility 62
is certified as a skilled nursing facility or a nursing facility 63
under Title XVIII or XIX of the "Social Security Act," 49 Stat. 64
620 (1935), 42 U.S.C.A. 301, as amended, or prior to January 1, 65
1990, if the facility is not so certified, the individual 66
completed a program that the director determines included a 67
competency evaluation component no less stringent than the 68
competency evaluation programs approved by the director under 69
division (A) of section 3721.31 of the Revised Code or conducted 70
by the director under division (C) of that section, and was 71
otherwise comparable to the training and competency evaluation 72
programs being approved by the director under division (A) of 73
that section. 74

(4) The individual is listed in a nurse aide registry 75
maintained by another state and that state certifies that its 76
program for training and evaluation of competency of nurse aides 77
complies with Titles XVIII and XIX of the "Social Security Act" 78
and regulations adopted thereunder. 79

(5) Prior to July 1, 1989, the individual was found 80
competent to serve as a nurse aide after the completion of a 81
course of nurse aide training of at least one hundred hours' 82
duration. 83

(6) The individual is enrolled in a prelicensure program 84
of nursing education approved by the board of nursing or by an 85
agency of another state that regulates nursing education, has 86
provided the long-term care facility with a certificate from the 87
program indicating that the individual has successfully 88
completed the courses that teach basic nursing skills including 89
infection control, safety and emergency procedures, and personal 90
care, and has successfully completed a competency evaluation 91
program conducted by the director under division (C) of section 92
3721.31 of the Revised Code. 93

(7) The individual has the equivalent of twelve months or 94
more of full-time employment in the preceding five years as a 95
hospital aide or orderly and has successfully completed a 96
competency evaluation program conducted by the director under 97
division (C) of section 3721.31 of the Revised Code. 98

(C) Effective June 1, 1990, no long-term care facility 99
shall continue for longer than four months to use as a nurse 100
aide an individual who previously met the requirements of 101
division (B) of this section but since most recently doing so 102
has not performed nursing and nursing-related services for 103
monetary compensation for twenty-four consecutive months, unless 104

the individual successfully completes additional training and 105
competency evaluation by complying with divisions (C) (1) and (2) 106
of this section: 107

(1) Doing one of the following: 108

(a) Successfully completing a training and competency 109
evaluation program approved by the director under division (A) 110
of section 3721.31 of the Revised Code or conducted by the 111
director under division (C) of that section; 112

(b) Successfully completing a training and competency 113
evaluation program described in division (B) (4) of this section; 114

(c) Meeting the requirements specified in division (B) (6) 115
or (7) of this section. 116

(2) If the training and competency evaluation program 117
completed under division (C) (1) (a) of this section was conducted 118
by or in a long-term care facility, or if the director pursuant 119
to division (E) of section 3721.31 of the Revised Code so 120
requires, successfully completing a competency evaluation 121
program conducted by the director. 122

(D) (1) The four-month periods provided for in divisions 123
(B) and (C) of this section include any time, on or after June 124
1, 1990, that an individual is used as a nurse aide on a full- 125
time, temporary, per diem, or any other basis by the facility or 126
any other long-term care facility. 127

(2) During the four-month period provided for in division 128
(B) of this section, during which a long-term care facility may, 129
subject to division (E) of this section, use as a nurse aide an 130
individual who does not have the qualifications specified in 131
divisions (B) (1) to (7) of this section, a facility shall 132
require the individual to comply with divisions (D) (2) (a) and 133

(b) of this section:	134
(a) Participate in one of the following:	135
(i) If the individual has successfully completed a	136
training and competency evaluation program approved by the	137
director under division (A) of section 3721.31 of the Revised	138
Code, and the program was conducted by or in a long-term care	139
facility, or the director pursuant to division (E) of section	140
3721.31 of the Revised Code so requires, a competency evaluation	141
program conducted by the director;	142
(ii) If the individual is enrolled in a prelicensure	143
program of nursing education described in division (B)(6) of	144
this section and has completed or is working toward completion	145
of the courses described in that division, or the individual has	146
the experience described in division (B)(7) of this section, a	147
competency evaluation program conducted by the director;	148
(iii) A training and competency evaluation program	149
approved by the director under division (A) of section 3721.31	150
of the Revised Code or conducted by the director under division	151
(C) of that section.	152
(b) If the individual participates in or has successfully	153
completed a training and competency evaluation program under	154
division (D)(2)(a)(iii) of this section that is conducted by or	155
in a long-term care facility, or the director pursuant to	156
division (E) of section 3721.31 of the Revised Code so requires,	157
participate in a competency evaluation program conducted by the	158
director.	159
(3) During the four-month period provided for in division	160
(C) of this section, during which a long-term care facility may,	161
subject to division (E) of this section, use as a nurse aide an	162

individual who does not have the qualifications specified in 163
divisions (C) (1) and (2) of this section, a facility shall 164
require the individual to comply with divisions (D) (3) (a) and 165
(b) of this section: 166

(a) Participate in one of the following: 167

(i) If the individual has successfully completed a 168
training and competency evaluation program approved by the 169
director, and the program was conducted by or in a long-term 170
care facility, or the director pursuant to division (E) of 171
section 3721.31 of the Revised Code so requires, a competency 172
evaluation program conducted by the director; 173

(ii) If the individual is enrolled in a prelicensure 174
program of nursing education described in division (B) (6) of 175
this section and has completed or is working toward completion 176
of the courses described in that division, or the individual has 177
the experience described in division (B) (7) of this section, a 178
competency evaluation program conducted by the director; 179

(iii) A training and competency evaluation program 180
approved or conducted by the director. 181

(b) If the individual participates in or has successfully 182
completed a training and competency evaluation program under 183
division (D) (3) (a) (iii) of this section that is conducted by or 184
in a long-term care facility, or the director pursuant to 185
division (E) of section 3721.31 of the Revised Code so requires, 186
participate in a competency evaluation program conducted by the 187
director. 188

(E) A long-term care facility shall not permit an 189
individual used by the facility as a nurse aide while 190
participating in a training and competency evaluation program to 191

provide nursing and nursing-related services unless both of the 192
following are the case: 193

(1) The individual has completed the number of hours of 194
training that must be completed prior to providing services to 195
residents as prescribed by rules that shall be adopted by the 196
director in accordance with Chapter 119. of the Revised Code; 197

(2) The individual is under the personal supervision of a 198
registered or licensed practical nurse licensed under Chapter 199
4723. of the Revised Code. 200

(F) An individual shall be considered to have satisfied 201
the requirement, under division (B)(2) of this section, of 202
having successfully completed a training and competency 203
evaluation program conducted or approved by the director, if ~~the~~ 204
~~individual meets both either~~ of the following ~~conditions~~apply: 205

(1) The individual, as of July 1, 1989, ~~completed~~met both 206
of the following conditions: 207

(a) Completed at least sixty hours divided between skills 208
training and classroom instruction in the topic areas described 209
in divisions (B)(1) to (8) of section 3721.30 of the Revised 210
Code; 211

~~(2) The individual received, as of that date,~~ (b) Received 212
at least the difference between seventy-five hours and the 213
number of hours actually spent in training and competency 214
evaluation in supervised practical nurse aide training or 215
regular in-service nurse aide education. 216

(2) The individual meets both of the following conditions: 217

(a) Has completed during the COVID-19 public health 218
emergency declared by the United States secretary of health and 219

human services a minimum of seventy-five hours of training that 220
occurs in a long-term care facility setting, includes on-site 221
observation and work as a nurse aide under a COVID-19 pandemic 222
waiver issued by the federal centers for medicare and medicaid 223
services, and addresses all of the required areas specified in 224
42 C.F.R. 483.152(b), except that if gaps in on-site training 225
are identified, the individual also must complete supplemental 226
training; 227

(b) Has successfully completed the competency evaluation 228
conducted by the director of health under section 3721.31 of the 229
Revised Code. 230

(G) The director shall adopt rules in accordance with 231
Chapter 119. of the Revised Code specifying persons, in addition 232
to the director, who may establish competence of nurse aides 233
under division (B) (5) of this section, and establishing criteria 234
for determining whether an individual meets the conditions 235
specified in division ~~(F)~~(F) (1) of this section. 236

(H) The rules adopted pursuant to divisions (E) (1) and (G) 237
of this section shall be no less stringent than the 238
requirements, guidelines, and procedures established by the 239
United States secretary of health and human services under 240
sections 1819 and 1919 of the "Social Security Act." 241

Sec. 3721.31. (A) (1) Except as provided in division (E) of 242
this section, the director of health shall approve competency 243
evaluation programs and training and competency evaluation 244
programs in accordance with rules adopted under section 3721.30 245
of the Revised Code and shall periodically review and reapprove 246
programs approved under this section. 247

(2) Except as otherwise provided in division (A) (3) of 248

this section, the director may approve and reapprove programs 249
conducted by or in long-term care facilities, or by any 250
government agency or person, including an employee organization. 251

(3) The director shall not approve or reapprove a 252
competency evaluation program or training and competency 253
evaluation program conducted by or in a long-term care facility 254
that was determined by the director or the United States 255
secretary of health and human services to have been out of 256
compliance with the requirements of subsection (b), (c), or (d) 257
of section 1819 or 1919 of the "Social Security Act," 49 Stat. 258
620 (1935), 42 U.S.C.A. 301, as amended, within a two-year 259
period prior to making application for approval or reapproval 260
and shall revoke the approval or reapproval of a program 261
conducted by or in a facility for which such a determination is 262
made. 263

(4) A long-term care facility, employee organization, 264
person, or government entity seeking approval or reapproval of a 265
competency evaluation program or training and competency 266
evaluation program shall make an application to the director for 267
approval or reapproval of the program and shall provide any 268
documentation requested by the director. 269

(5) The director may conduct inspections and examinations 270
of approved competency evaluation programs and training and 271
competency evaluation programs, competency evaluation programs 272
and training and competency evaluation programs for which an 273
application for approval has been submitted under division (A) 274
(4) of this section, and the sites at which they are or will be 275
conducted. The director may conduct inspections of long-term 276
care facilities in which individuals who have participated in 277
approved competency evaluation programs and training and 278

competency evaluation programs are being used as nurse aides.	279
(B) In accordance with Chapter 119. of the Revised Code,	280
the director may do the following:	281
(1) Deny, suspend, or revoke approval or reapproval of any	282
of the following that is not in compliance with this section and	283
section 3721.30 of the Revised Code and rules adopted	284
thereunder:	285
(a) A competency evaluation program;	286
(b) A training and competency evaluation program;	287
(c) A training program for instructors or coordinators for	288
training and competency evaluation programs;	289
(d) A training program for evaluators for competency	290
evaluation programs.	291
(2) Deny a request that the director determine any of the	292
following for the purposes of division (B) of section 3721.28 of	293
the Revised Code:	294
(a) That a program completed prior to the dates specified	295
in division (B) (3) of section 3721.28 of the Revised Code	296
included a competency evaluation component no less stringent	297
than the competency evaluation programs approved or conducted by	298
the director under this section, and was otherwise comparable to	299
the training and competency evaluation programs being approved	300
under this section;	301
(b) That an individual satisfies division (B) (5) of	302
section 3721.28 of the Revised Code;	303
(c) That an individual meets the conditions specified in	304
division (F) (F) (1) or (2) of section 3721.28 of the Revised	305

Code. 306

(C) The director may develop and conduct a competency 307
evaluation program for individuals used by long-term care 308
facilities as nurse aides at any time during the period 309
commencing July 1, 1989, and ending January 1, 1990, and 310
individuals who participate in training and competency 311
evaluation programs conducted in or by long-term care 312
facilities. The director also may conduct other competency 313
evaluation programs and training and competency evaluation 314
programs. When conducting competency evaluation programs and 315
training and competency evaluation programs, the director may 316
use a nurse aide competency evaluation prepared by a testing 317
service, and may contract with the service to administer the 318
evaluation pursuant to section 3701.044 of the Revised Code. 319

(D) The director may approve or conduct programs to train 320
instructors and coordinators for training and competency 321
evaluation programs and evaluators for competency evaluation 322
programs. The director may conduct inspections and examinations 323
of those programs that have been approved by the director or for 324
which an application for approval has been submitted, and the 325
sites at which the programs are or will be conducted. 326

(E) Notwithstanding division (A) of this section and 327
division (C) of section 3721.30 of the Revised Code, the 328
director, in the director's discretion, may decline to approve 329
any competency evaluation programs. The director may require all 330
individuals used by long-term care facilities as nurse aides 331
after June 1, 1990, who have completed a training and competency 332
evaluation program approved by the director under division (A) 333
of this section or who have met the conditions specified in 334
division ~~(F)~~ (F) (1) or (2) of section 3721.28 of the Revised Code 335

to complete a competency evaluation program conducted by the 336
director under division (C) of this section. The director also 337
may require all individuals used as nurse aides by long-term 338
care facilities after June 1, 1990, who were used by a facility 339
at any time during the period commencing July 1, 1989, and 340
ending January 1, 1990, to complete a competency evaluation 341
program conducted by the director under division (C) of this 342
section rather than a competency evaluation program approved by 343
the director under division (A) of this section. 344

(F) The test materials, examinations, or evaluation tools 345
used in any competency evaluation program or training and 346
competency evaluation program that the director conducts or 347
approves under this section are subject to the confidentiality 348
provisions of section 3701.044 of the Revised Code. 349

(G) The director shall impose fees prescribed by rules 350
adopted under section 3721.30 of the Revised Code for both of 351
the following: 352

(1) Making application for approval or reapproval of 353
either of the following: 354

(a) A competency evaluation program or a training and 355
competency evaluation program; 356

(b) A training program for instructors or coordinators for 357
training and competency evaluation programs, or evaluators for 358
competency evaluation programs; 359

(2) Participation in any competency evaluation program, 360
training and competency evaluation program, or other program 361
conducted by the director under this section. 362

Sec. 3721.32. (A) The director of health shall establish a 363
state nurse aide registry listing all individuals who have done 364

any of the following: 365

(1) Were used by a long-term care facility as nurse aides 366
on a full-time, temporary, per diem, or other basis at any time 367
during the period commencing July 1, 1989, and ending January 1, 368
1990, and successfully completed, not later than October 1, 369
1990, a competency evaluation program approved by the director 370
under division (A) of section 3721.31 of the Revised Code or 371
conducted by the director under division (C) of that section; 372

(2) Successfully completed a training and competency 373
evaluation program approved by the director under division (A) 374
of section 3721.31 of the Revised Code or met the conditions 375
specified in division ~~(F)~~ (F) (1) or (2) of section 3721.28 of the 376
Revised Code, and, if the training and competency evaluation 377
program or the training, instruction, or education the 378
individual completed in meeting the conditions specified in 379
division ~~(F)~~ (F) (1) of section 3721.28 of the Revised Code was 380
conducted in or by a long-term care facility, or if the director 381
so required pursuant to division (E) of section 3721.31 of the 382
Revised Code, has successfully completed a competency evaluation 383
program conducted by the director; 384

(3) Successfully completed a training and competency 385
evaluation program conducted by the director under division (C) 386
of section 3721.31 of the Revised Code; 387

(4) Successfully completed, prior to July 1, 1989, a 388
program that the director has determined under division (B) (3) 389
of section 3721.28 of the Revised Code included a competency 390
evaluation component no less stringent than the competency 391
evaluation programs approved or conducted by the director under 392
section 3721.31 of the Revised Code, and was otherwise 393
comparable to the training and competency evaluation program 394

being approved by the director under section 3721.31 of the Revised Code; 395
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(5) Are listed in a nurse aide registry maintained by another state that certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 397
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(6) Were found competent, as provided in division (B) (5) of section 3721.28 of the Revised Code, prior to July 1, 1989, after the completion of a course of nurse aide training of at least one hundred hours' duration; 402
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(7) Are enrolled in a prelicensure program of nursing education approved by the board of nursing or by an agency of another state that regulates nursing education, have provided the long-term care facility with a certificate from the program indicating that the individual has successfully completed the courses that teach basic nursing skills including infection control, safety and emergency procedures, and personal care, and have successfully completed a competency evaluation program conducted by the director under division (A) of section 3721.31 of the Revised Code; 406
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(8) Have the equivalent of twelve months or more of full-time employment in the five years preceding listing in the registry as a hospital aide or orderly and have successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code. 416
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(B) In addition to the list of individuals required by division (A) of this section, the registry shall include both of 422
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the following: 424

(1) The statement required by section 3721.23 of the 425
Revised Code detailing findings by the director under that 426
section regarding alleged abuse, neglect, or exploitation of a 427
resident or misappropriation of resident property; 428

(2) Any statement provided by an individual under section 429
3721.23 of the Revised Code disputing the director's findings. 430

Whenever an inquiry is received as to the information 431
contained in the registry concerning an individual about whom a 432
statement required by section 3721.23 of the Revised Code is 433
included in the registry, the director shall disclose the 434
statement or a summary of the statement together with any 435
statement provided by the individual under section 3721.23 or a 436
clear and accurate summary of that statement. 437

(C) The director may by rule specify additional 438
information that must be provided to the registry by long-term 439
care facilities and persons or government agencies conducting 440
approved competency evaluation programs and training and 441
competency evaluation programs. 442

(D) Information contained in the registry is a public 443
record for the purposes of section 149.43 of the Revised Code, 444
and is subject to inspection and copying under section 1347.08 445
of the Revised Code. 446

Sec. 4731.11. The "Interstate Medical Licensure Compact" 447
is hereby ratified, enacted into law, and entered into by the 448
state of Ohio as a party to the compact with any other state 449
that has legally joined in the compact as follows: 450

INTERSTATE MEDICAL LICENSURE COMPACT 451

SECTION 1. PURPOSE

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In order to strengthen access to health care, and in 453
recognition of the advances in the delivery of health care, the 454
member states of the Interstate Medical Licensure Compact have 455
allied in common purpose to develop a comprehensive process that 456
complements the existing licensing and regulatory authority of 457
state medical boards, provides a streamlined process that allows 458
physicians to become licensed in multiple states, thereby 459
enhancing the portability of a medical license and ensuring the 460
safety of patients. The Compact creates another pathway for 461
licensure and does not otherwise change a state's existing 462
Medical Practice Act. The Compact also adopts the prevailing 463
standard for licensure and affirms that the practice of medicine 464
occurs where the patient is located at the time of the 465
physician-patient encounter, and therefore, requires the 466
physician to be under the jurisdiction of the state medical 467
board where the patient is located. State medical boards that 468
participate in the Compact retain the jurisdiction to impose an 469
adverse action against a license to practice medicine in that 470
state issued to a physician through the procedures in the 471
Compact. 472

SECTION 2. DEFINITIONS

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In this compact:

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(a) "Bylaws" means those bylaws established by the 475
Interstate Commission pursuant to Section 11. 476

(b) "Commissioner" means the voting representative 477
appointed by each member board pursuant to Section 11. 478

(c) "Conviction" means a finding by a court that an 479
individual is guilty of a criminal offense through adjudication, 480

or entry of a plea of guilt or no contest to the charge by the 481
offender. Evidence of an entry of a conviction of a criminal 482
offense by the court shall be considered final for purposes of 483
disciplinary action by a member board. 484

(d) "Expedited License" means a full and unrestricted 485
medical license granted by a member state to an eligible 486
physician through the process set forth in the Compact. 487

(e) "Interstate Commission" means the interstate 488
commission created pursuant to Section 11. 489

(f) "License" means authorization by a member state for a 490
physician to engage in the practice of medicine, which would be 491
unlawful without authorization. 492

(g) "Medical Practice Act" means laws and regulations 493
governing the practice of allopathic and osteopathic medicine 494
within a member state. 495

(h) "Member Board" means a state agency in a member state 496
that acts in the sovereign interests of the state by protecting 497
the public through licensure, regulation, and education of 498
physicians as directed by the state government. 499

(i) "Member State" means a state that has enacted the 500
Compact. 501

(j) "Practice of Medicine" means that clinical prevention, 502
diagnosis, or treatment of human disease, injury, or condition 503
requiring a physician to obtain and maintain a license in 504
compliance with the Medical Practice Act of a member state. 505

(k) "Physician" means any person who: 506

1) Is a graduate of a medical school accredited by 507
the Liaison Committee on Medical Education, the Commission on 508

<u>Osteopathic College Accreditation, or a medical school listed in</u>	509
<u>the International Medical Education Directory or its equivalent;</u>	510
<u>2) Passed each component of the United State Medical</u>	511
<u>Licensing Examination (USMLE) or the Comprehensive Osteopathic</u>	512
<u>Medical Licensing Examination (COMLEX-USA) within three</u>	513
<u>attempts, or any of its predecessor examinations accepted by a</u>	514
<u>state medical board as an equivalent examination for licensure</u>	515
<u>purposes;</u>	516
<u>3) Successfully completed graduate medical education</u>	517
<u>approved by the Accreditation Council for Graduate Medical</u>	518
<u>Education or the American Osteopathic Association;</u>	519
<u>4) Holds specialty certification or a time-unlimited</u>	520
<u>specialty certificate recognized by the American Board of</u>	521
<u>Medical Specialties or the American Osteopathic Association's</u>	522
<u>Bureau of Osteopathic Specialists;</u>	523
<u>5) Possesses a full and unrestricted license to</u>	524
<u>engage in the practice of medicine issued by a member board;</u>	525
<u>6) Has never been convicted, received adjudication,</u>	526
<u>deferred adjudication, community supervision, or deferred</u>	527
<u>disposition for any offense by a court of appropriate</u>	528
<u>jurisdiction;</u>	529
<u>7) Has never held a license authorizing the practice</u>	530
<u>of medicine subjected to discipline by a licensing agency in any</u>	531
<u>state, federal, or foreign jurisdiction, excluding any action</u>	532
<u>related to non-payment of fees related to a license;</u>	533
<u>8) Has never had a controlled substance license or</u>	534
<u>permit suspended or revoked by a state or the United States Drug</u>	535
<u>Enforcement Administration; and</u>	536

9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction. 537
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(l) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude. 540
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(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. 542
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(n) "State" means any state, commonwealth, district, or territory of the United States. 550
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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. 552
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SECTION 3. ELIGIBILITY 556

(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. 557
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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. 560
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SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE 565

(a) A physician shall designate a member state as the 566
state of principal license for purposes of registration for 567
expedited licensure through the Compact if the physician 568
possesses a full and unrestricted license to practice medicine 569
in that state, and the state is: 570

1) The state of principal residence for the 571
physician, or 572

2) The state where at least 25% of the practice of 573
medicine occurs, or 574

3) The location of the physician's employer, or 575

4) If no state qualifies under subsection (1), 576
subsection (2), or subsection (3), the state designated as state 577
of residence for purpose of federal income tax. 578

(b) A physician may redesignate a member state as state of 579
principal license at any time, as long as the state meets the 580
requirements of subsection (a). 581

(c) The Interstate Commission is authorized to develop 582
rules to facilitate redesignation of another member state as the 583
state of principal license. 584

SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE 585

(a) A physician seeking licensure through the Compact 586
shall file an application for an expedited license with the 587
member board of the state selected by the physician as the state 588
of principal license. 589

(b) Upon receipt of an application for an expedited 590
license, the member board within the state selected as the state 591

of principal license shall evaluate whether the physician is 592
eligible for expedited licensure and issue a letter of 593
qualification, verifying or denying the physician's eligibility, 594
to the Interstate Commission. 595

1) Static qualifications, which include verification 596
of medical education, graduate medical education, results of any 597
medical or licensing examination, and other qualifications as 598
determined by the Interstate Commission through rule, shall not 599
be subject to additional primary source verification where 600
already primary source verified by the state of principal 601
license. 602

2) The member board within the state selected as the 603
state of principal license shall, in the course of verifying 604
eligibility, perform a criminal background check of an 605
applicant, including the use of the results of fingerprint or 606
other biometric data checks compliant with the requirements of 607
the Federal Bureau of Investigation, with the exception of 608
federal employees who have suitability determination in 609
accordance with 5 C.F.R. §731.202. 610

3) Appeal on the determination of eligibility shall 611
be made to the member state where the application was filed and 612
shall be subject to the law of that state. 613

(c) Upon verification in subsection (b), physicians 614
eligible for an expedited license shall complete the 615
registration process established by the Interstate Commission to 616
receive a license in a member state selected pursuant to 617
subsection (a), including the payment of any applicable fees. 618

(d) After receiving verification of eligibility under 619
subsection (b) and any fees under subsection (c), a member board 620

shall issue an expedited license to the physician. This license 621
shall authorize the physician to practice medicine in the 622
issuing state consistent with the Medical Practice Act and all 623
applicable laws and regulations of the issuing member board and 624
member state. 625

(e) An expedited license shall be valid for a period 626
consistent with the licensure period in the member state and in 627
the same manner as required for other physicians holding a full 628
and unrestricted license within the member state. 629

(f) An expedited license obtained through the Compact 630
shall be terminated if a physician fails to maintain a license 631
in the state of principal licensure for a non disciplinary 632
reason, without redesignation of a new state of principal 633
licensure. 634

(g) The Interstate Commission is authorized to develop 635
rules regarding the application process, including payment of 636
any applicable fees, and the issuance of an expedited license. 637

SECTION 6. FEES FOR EXPEDITED LICENSURE 638

(a) A member state issuing an expedited license 639
authorizing the practice of medicine in that state may impose a 640
fee for a license issued or renewed through the Compact. 641

(b) The Interstate Commission is authorized to develop 642
rules regarding fees for expedited licenses. 643

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION 644

(a) A physician seeking to renew an expedited license 645
granted in a member state shall complete a renewal process with 646
the Interstate Commission if the physician: 647

1) Maintains a full and unrestricted license in a 648

state of principal license; 649

2) Has not been convicted, received adjudication, 650
deferred adjudication, community supervision, or deferred 651
disposition for any offense by a court of appropriate 652
jurisdiction; 653

3) Has not had a license authorizing the practice of 654
medicine subject to discipline by a licensing agency in any 655
state, federal, or foreign jurisdiction, excluding any action 656
related to non-payment of fees related to a license; and 657

4) Has not had a controlled substance license or 658
permit suspended or revoked by a state or the United States Drug 659
Enforcement Administration. 660

(b) Physicians shall comply with all continuing 661
professional development or continuing medical education 662
requirements for renewal of a license issued by a member state. 663

(c) The Interstate Commission shall collect any renewal 664
fees charged for the renewal of a license and distribute the 665
fees to the applicable member board. 666

(d) Upon receipt of any renewal fees collected in 667
subsection (c), a member board shall renew the physician's 668
license. 669

(e) Physician information collected by the Interstate 670
Commission during the renewal process will be distributed to all 671
member boards. 672

(f) The Interstate Commission is authorized to develop 673
rules to address renewal of licenses obtained through the 674
Compact. 675

SECTION 8. COORDINATED INFORMATION SYSTEM 676

(a) The Interstate Commission shall establish a database 677
of all physicians licensed, or who have applied for licensure, 678
under Section 5. 679

(b) Notwithstanding any other provision of law, member 680
boards shall report to the Interstate Commission any public 681
action or complaints against a licensed physician who has 682
applied or received an expedited license through the Compact. 683

(c) Member boards shall report disciplinary or 684
investigatory information determined as necessary and proper by 685
rule of the Interstate Commission. 686

(d) Member boards may report any non-public complaint, 687
disciplinary, or investigatory information not required by 688
subsection (c) to the Interstate Commission. 689

(e) Member boards shall share complaint or disciplinary 690
information about a physician upon request of another member 691
board. 692

(f) All information provided to the Interstate Commission 693
or distributed by member boards shall be confidential, filed 694
under seal, and used only for investigatory or disciplinary 695
matters. 696

(g) The Interstate Commission is authorized to develop 697
rules for mandated or discretionary sharing of information by 698
member boards. 699

SECTION 9. JOINT INVESTIGATIONS 700

(a) Licensure and disciplinary records of physicians are 701
deemed investigative. 702

(b) In addition to the authority granted to a member board 703
by its respective Medical Practice Act or other applicable state 704

law, a member board may participate with other member boards in 705
joint investigations of physicians licensed by the member 706
boards. 707

(c) A subpoena issued by a member state shall be 708
enforceable in other member states. 709

(d) Member boards may share any investigative, litigation, 710
or compliance materials in furtherance of any joint or 711
individual investigation initiate under the Compact. 712

(e) Any member state may investigate actual or alleged 713
violations of the statutes authorizing the practice of medicine 714
in any other member state in which a physician holds a license 715
to practice medicine. 716

SECTION 10. DISCIPLINARY ACTIONS 717

(a) Any disciplinary action taken by any member board 718
against a physician licensed through the Compact shall be deemed 719
unprofessional conduct which may be subject to discipline by 720
other member boards, in addition to any violation of the Medical 721
Practice Act or regulations in that state. 722

(b) If a license granted to a physician by the member 723
board in the state of principal license is revoked, surrendered 724
or relinquished in lieu of discipline, or suspended, then all 725
licenses issued to the physician by member boards shall 726
automatically be placed, without further action necessary by any 727
member board, on the same status. If the member board in the 728
state of principal license subsequently reinstates the 729
physician's license, a license issued to the physician by any 730
other member board shall remain encumbered until that respective 731
member board takes action to reinstate the license in a manner 732
consistent with the Medical Practice Act of that state. 733

(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: 734
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1) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state; or 738
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2) Pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states. 741
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(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state. 744
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SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION 756
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(a) The member states hereby create the "Interstate Medical Licensure Compact Commission". 758
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(b) The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function. 760
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(c) The Interstate Commission shall be a body corporate 763
and joint agency of the member states and shall have all the 764
responsibilities, powers, and duties set forth in the Compact, 765
and such additional powers as may be conferred upon it by a 766
subsequent concurrent action of the respective legislatures of 767
the member states in accordance with the terms of the Compact. 768

(d) The Interstate Commission shall consist of two voting 769
representatives appointed by each member state who shall serve 770
as Commissioners. In states where allopathic and osteopathic 771
physicians are regulated by separate member boards, or if the 772
licensing and disciplinary authority is split between separate 773
member boards, or if the licensing and disciplinary authority is 774
split between multiple member boards within a member state, the 775
member state shall appoint one representative from each member 776
board. A Commissioner shall be a(n): 777

1) Allopathic or osteopathic physician appointed to a 778
member board; 779

2) Executive director, executive secretary, or 780
similar executive of a member board; or 781

3) Member of the public appointed to a member board. 782

(e) The Interstate Commission shall meet at least once 783
each calendar year. A portion of this meeting shall be a 784
business meeting to address such matters as may properly come 785
before the Commission, including the election of officers. The 786
chairperson may call additional meetings and shall call for a 787
meeting upon the request of a majority of the member states. 788

(f) The bylaws may provide for meetings of the Interstate 789
Commission to be conducted by telecommunication or electronic 790
communication. 791

(g) Each Commissioner participating at a meeting of the 792
Interstate Commission is entitled to one vote. A majority of 793
Commissioners shall constitute a quorum for the transaction of 794
business, unless a larger quorum is required by the bylaws of 795
the Interstate Commission. A Commission shall not delegate a 796
vote to another Commissioner. In the absence of its 797
Commissioner, a member state may delegate voting authority for a 798
specified meeting to another person from that state who shall 799
meet the requirements of subsection (d). 800

(h) The Interstate Commission shall provide public notice 801
of all meetings and all meetings shall be open to the public. 802
The Interstate Commission may close a meeting, in full or in 803
portion, where it determines by a two-thirds vote of the 804
Commissioners present that an open meeting would be likely to: 805

1) Relate solely to the internal personnel practice 806
and procedures of the Interstate Commission; 807

2) Discuss matters specifically exempted from 808
disclosure by federal statute; 809

3) Discuss trade secrets, commercial, or financial 810
information that is privileged or confidential; 811

4) Involve accusing a person of a crime, or formally 812
censuring a person; 813

5) Discuss information of a personal nature where 814
disclosure would constitute a clearly unwarranted invasion of 815
personal privacy; 816

6) Discuss investigative records compiled for law 817
enforcement purposes; or 818

7) Specifically relate to the participation in a 819

civil action or other legal proceeding. 820

(i) The Interstate Commission shall keep minutes which 821
shall fully describe all matters discussed in a meeting and 822
shall provide a full and accurate summary of actions taken, 823
including record of any roll call votes. 824

(j) The Interstate Commission shall make its information 825
and official records, to the extent not otherwise designated in 826
the Compact or by its rules, available to the public for 827
inspection. 828

(k) The Interstate Commission shall establish an executive 829
committee, which shall include officers, members, and others as 830
determined by the bylaws. The executive committee shall have the 831
power to act on behalf of the Interstate Commission, with the 832
exception of rulemaking, during periods when the Interstate 833
Commission is not in session. When acting on behalf of the 834
Interstate Commission, the executive committee shall oversee the 835
administration of the Compact including enforcement and 836
compliance with the provisions of the Compact, its bylaws and 837
rules, and other such duties as necessary. 838

(l) The Interstate Commission shall establish other 839
committees for governance and administration of the Compact. 840

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION 841

(a) Oversee and maintain the administration of the 842
Compact; 843

(b) Promulgate rules which shall be binding to the extent 844
and in the manner provided for in the Compact; 845

(c) Issue, upon the request of a member state or member 846
board, advisory opinions concerning the meaning or 847

<u>interpretation of the Compact, its bylaws, rules, and actions;</u>	848
<u>(d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;</u>	849 850 851 852
<u>(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;</u>	853 854 855 856
<u>(f) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;</u>	857 858 859
<u>(g) Establish and maintain one or more offices;</u>	860
<u>(h) Borrow, accept, hire, or contract for services of personnel;</u>	861 862
<u>(i) Purchase and maintain insurance and bonds;</u>	863
<u>(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;</u>	864 865 866 867
<u>(k) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;</u>	868 869 870
<u>(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;</u>	871 872 873 874

(m) Lease, purchase, accept contributions or donations of, 875
or otherwise to own, hold, improve or use, any property, real, 876
personal, or mixed; 877

(n) Sell, convey, mortgage, pledge, lease, exchange, 878
abandon, or otherwise dispose of any property, real, personal, 879
or mixed; 880

(o) Establish a budget and make expenditures; 881

(p) Adopt a seal and bylaws governing the management and 882
operation of the Interstate Commission; 883

(q) Report annually to the legislatures and governors of 884
the member states concerning the activities of the Interstate 885
Commission during the preceding year. Such reports shall also 886
include reports of financial audits and any recommendations that 887
may have been adopted by the Interstate Commission; 888

(r) Coordinate education, training, and public awareness 889
regarding the Compact, its implementation, and its operation; 890

(s) Maintain records in accordance with the bylaws; 891

(t) Seek and obtain trademarks, copyrights, and patents; 892
and 893

(u) Perform such functions as may be necessary or 894
appropriate to achieve the purpose of the Compact. 895

SECTION 13. FINANCE POWERS 896

(a) The Interstate Commission may levy on and collect an 897
annual assessment from each member state to cover the cost of 898
the operations and activities of the Interstate Commission and 899
its staff. The total assessment must be sufficient to cover the 900
annual budget approved each year for which revenue is not 901

provided by other sources. The aggregate annual assessment 902
amount shall be allocated upon a formula to be determined by the 903
Interstate Commission, which shall promulgate a rule binding 904
upon all member states. 905

(b) The Interstate Commission shall not incur obligations 906
of any kind prior to securing the funds adequate to meet the 907
same. 908

(c) The Interstate Commission shall not pledge the credit 909
of any of the member states, except by, and with the authority 910
of, the member state. 911

(d) The Interstate Commission shall be subject to a yearly 912
financial audit conducted by a certified or licensed accountant 913
and the report of the audit shall be included in the annual 914
report of the Interstate Commission. 915

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 916
COMMISSION 917

(a) The Interstate Commission shall, by a majority of 918
Commissioners present and voting, adopt bylaws to govern its 919
conduct as may be necessary or appropriate to carry out the 920
purposes of the Compact within twelve (12) months of the first 921
Interstate Commission meeting. 922

(b) The Interstate Commission shall elect or appoint 923
annually from among its Commissioners a chairperson, a vice- 924
chairperson, and a treasurer, each of whom shall have such 925
authority and duties as may be specified in the bylaws. The 926
chairperson, or in the chairperson's absence or disability, the 927
vice-chairperson, shall preside at all meetings of the 928
Interstate Commission. 929

(c) Officers selected in subsection (b) shall serve 930

without remuneration for the Interstate Commission. 931

(d) The officers and employees of the Interstate 932
Commission shall be immune from suit and liability, either 933
personally or in their official capacity, for a claim for damage 934
to or loss of property or personal injury or other civil 935
liability caused or arising out of, or relating to, an actual or 936
alleged act, error, or omission that occurred, or that such 937
person had a reasonable basis for believing occurred, within the 938
scope of Interstate Commission employment, duties, or 939
responsibilities; provided that such person shall not be 940
protected from suit or liability for damage, loss, injury, or 941
liability caused by the intentional or willful and wanton 942
misconduct of such person. 943

(e) The liability of the executive director and employees 944
of the Interstate Commission or representatives of the 945
Interstate Commission, acting within the scope of such person's 946
employment or duties for acts, errors, or omissions occurring 947
within such person's state, may not exceed the limits of 948
liability set forth under the constitution and laws of that 949
state for state officials, employees, and agents. The Interstate 950
Commission is considered to be an instrumentality of the states 951
for the purpose of any such action. Nothing in this subsection 952
shall be construed to protect such person from suit or liability 953
for damage, loss, injury, or liability caused by the intentional 954
or willful and wanton misconduct of such person. 955

(f) The Interstate Commission shall defend the executive 956
director, its employees, and subject to the approval of the 957
attorney general or other appropriate legal counsel of the 958
member state represented by an Interstate Commission 959
representative, shall defend such Interstate Commission 960

representative in any civil action seeking to impose liability 961
arising out of an actual or alleged act, error or omission that 962
occurred within the scope of Interstate Commission employment, 963
duties or responsibilities, or that the defendant had a 964
reasonable basis for believing occurred within the scope of 965
Interstate Commission employment, duties, or responsibilities, 966
provided that the actual or alleged act, error, or omission did 967
not result from intentional or willful and wanton misconduct on 968
the part of such person. 969

(g) To the extent not covered by the state involved, 970
member state, or the Interstate Commission, the representatives 971
or employees of the Interstate Commission shall be held harmless 972
in the amount of a settlement or judgement, including attorney's 973
fees and costs, obtained against such persons arising out of an 974
actual or alleged act, error, or omission that occurred within 975
the scope of the Interstate Commission employment, duties, or 976
responsibilities, or that such persons had a reasonable basis 977
for believing occurred within the scope of Interstate Commission 978
employment, duties, or responsibilities, provided that the 979
actual or alleged act, error, or omission did not result from 980
intentional or willful and wanton misconduct on the part of such 981
person. 982

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE 983
COMMISSION 984

(a) The Interstate Commission shall promulgate reasonable 985
rules in order to effectively and efficiently achieve the 986
purpose of the Compact. Notwithstanding the foregoing, in the 987
event the Interstate Commission exercises its rulemaking 988
authority in a manner that is beyond the scope of the purposes 989
of the Compact, or the powers granted hereunder, then such an 990

action by the Interstate Commission shall be invalid and have no 991
force or effect. 992

(b) Rules deemed appropriate for the operations of the 993
Interstate Commission shall be made pursuant to a rulemaking 994
process that substantially conforms to the "Model State 995
Administrative Procedure Act" of 2010, and subsequent amendments 996
thereto. 997

(c) Not later than thirty (30) days after a rule is 998
promulgated, any person may file a petition for judicial review 999
of the rule in the United States District Court for the District 1000
of Columbia or the federal district where the Interstate 1001
Commission has its principal offices, provided that the filing 1002
of such a petition shall not stay or otherwise prevent the rule 1003
from becoming effective unless the court finds that the 1004
petitioner has a substantial likelihood of success. The court 1005
shall give deference to the actions of the Interstate Commission 1006
consistent with applicable law and shall not find the rule to be 1007
unlawful if the rule represents a reasonable exercise of the 1008
authority granted to the Interstate Commission. 1009

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT 1010

(a) The executive, legislative, and judicial branches of 1011
state government in each member state shall enforce the Compact 1012
and shall take all actions necessary and appropriate to 1013
effectuate the Compact's purposes and intent. The provisions of 1014
the Compact and the rules promulgated hereunder shall have 1015
standing as statutory law but shall not override existing state 1016
authority to regulate the practice of medicine. 1017

(b) All courts shall take judicial notice of the Compact 1018
and the rules in any judicial or administrative proceeding in a 1019

member state pertaining to the subject matter of the Compact 1020
which may affect the powers, responsibilities or actions of the 1021
Interstate Commission. 1022

(c) The Interstate Commission shall be entitled to receive 1023
all services of process in any such proceeding, and shall have 1024
standing to intervene in the proceeding for all purposes. 1025
Failure to provide service of process to the Interstate 1026
Commission shall render a judgment or order void as to the 1027
Interstate Commission, the Compact, or promulgated rules. 1028

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT 1029

(a) The Interstate Commission, in the reasonable exercise 1030
of its discretion, shall enforce the provisions and rules of the 1031
Compact. 1032

(b) The Interstate Commission may, by majority vote of the 1033
Commissioners, initiate legal action in the United States Court 1034
for the District of Columbia, or, at the discretion of the 1035
Interstate Commission, in the federal district where the 1036
Interstate Commission has its principal offices, to enforce 1037
compliance with the provisions of the Compact, and its 1038
promulgated rules and bylaws, against a member state in default. 1039
The relief sought may including both injunctive relief and 1040
damages. In the event judicial enforcement is necessary, the 1041
prevailing party shall be awarded all costs of such litigation 1042
including reasonable attorney's fees. 1043

(c) The remedies herein shall not be the exclusive 1044
remedies of the Interstate Commission. The Interstate Commission 1045
may avail itself of any other remedies available under state law 1046
or regulation of a profession. 1047

SECTION 18. DEFAULT PROCEDURES 1048

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact. 1049
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(b) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall: 1054
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1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and 1058
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2) Provide remedial training and specific technical assistance regarding the default. 1064
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(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default. 1066
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(d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each 1073
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of the member states. 1078

(e) The Interstate Commission shall establish rules and 1079
procedures to address licenses and physicians that are 1080
materially impacted by the termination of a member state, or the 1081
withdrawal of a member state. 1082

(f) The member state which has been terminated is 1083
responsible for all due, obligations, and liabilities incurred 1084
through the effective date of termination including obligations, 1085
the performance of which extends beyond the effective date of 1086
termination. 1087

(g) The Interstate Commission shall not bear any costs 1088
relating to any state that has been found to be in default or 1089
which has been terminated from the Compact, unless otherwise 1090
mutually agreed upon in writing between the Interstate 1091
Commission and the defaulting state. 1092

(h) The defaulting state may appeal the action of the 1093
Interstate Commission by petitioning the United States District 1094
Court for the District of Columbia or the federal district where 1095
the Interstate Commission has its principal offices. The 1096
prevailing party shall be awarded all costs of such litigation 1097
including reasonable attorney's fees. 1098

SECTION 19. DISPUTE RESOLUTION 1099

(a) The Interstate Commission shall attempt, upon the 1100
request of a member state, to resolve disputes which are subject 1101
to the Compact and which may arise among member states or member 1102
boards. 1103

(b) The Interstate Commission shall promulgate rules 1104
providing for both mediation and binding dispute resolution as 1105
appropriate. 1106

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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(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. 1135
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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). 1139
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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. 1143
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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. 1147
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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. 1150
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SECTION 22. DISSOLUTION 1155

(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. 1156
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(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. 1159
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SECTION 23. SEVERABILITY AND CONSTRUCTION 1164

(a) The provisions of the Compact shall be severable, and 1165
if any phrase, clause, sentence, or provision is deemed 1166
unenforceable, the remaining provisions of the Compact shall be 1167
enforceable. 1168

(b) The provisions of the Compact shall be liberally 1169
construed to effectuate its purposes. 1170

(c) Nothing in the Compact shall be construed to prohibit 1171
the applicability of other interstate compacts to which the 1172
member states are members. 1173

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS 1174

(a) Nothing herein prevents the enforcement of any other 1175
law of a member state that is not inconsistent with the Compact. 1176

(b) All laws in a member state in conflict with the 1177
Compact are superseded to the extent of the conflict. 1178

(c) All lawful actions of the Interstate Commission, 1179
including all rules and bylaws promulgated by the Commission, 1180
are binding upon the member states. 1181

(d) All agreements between the Interstate Commission and 1182
the member states are binding in accordance with their terms. 1183

(e) In the event any provision of the Compact exceeds the 1184
constitutional limits imposed on the legislature of any member 1185
state, such provision shall be ineffective to the extent of the 1186
conflict with the constitutional provision in question in that 1187
member state. 1188

Sec. 4731.111. Not later than thirty days after the 1189
"Interstate Medical Licensure Compact" is entered into under 1190

section 4731.11 of the Revised Code, the state medical board, in 1191
accordance with section 11 of the compact, shall select two 1192
individuals to serve as commissioners to the interstate medical 1193
licensure compact commission created under the compact. The 1194
board shall fill any vacancy in either or both of the positions 1195
not later than thirty days after such a vacancy occurs. 1196

Sec. 4731.112. As part of performing a criminal background 1197
check of an applicant as set forth in section 5(b)(2) of the 1198
"Interstate Medical Licensure Compact" entered into under 1199
section 4731.11 of the Revised Code, the state medical board may 1200
require the applicant to comply with sections 4776.01 to 4776.04 1201
of the Revised Code. 1202

Section 2. That existing sections 3721.28, 3721.31, and 1203
3721.32 of the Revised Code are hereby repealed. 1204

Section 3. All items in this act are hereby appropriated 1205
as designated out of any moneys in the state treasury to the 1206
credit of the designated fund. For all operating appropriations 1207
made in this act, those in the first column are for fiscal year 1208
2022 and those in the second column are for fiscal year 2023. 1209
The operating appropriations made in this act are in addition to 1210
any other operating appropriations made for the FY 2022-FY 2023 1211
biennium. 1212

Section 4. 1213

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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 5. Within the limits set forth in this act, the 1215
Director of Budget and Management shall establish accounts 1216
indicating the source and amount of funds for each appropriation 1217
made in this act, and shall determine the form and manner in 1218
which appropriation accounts shall be maintained. Expenditures 1219
from operating appropriations contained in this act shall be 1220
accounted for as though made in the main operating 1221
appropriations act of the 134th General Assembly. The operating 1222
appropriations made in this act are subject to all provisions of 1223
the main operating appropriations act of the 134th General 1224
Assembly that are generally applicable to such appropriations. 1225

Section 6. Not later than one year after the effective 1226
date of this section, the State Medical Board shall begin 1227
accepting and evaluating applications for expedited licenses and 1228
issuing expedited licenses in accordance with the "Interstate 1229
Medical Licensure Compact" entered into under section 4731.11 of 1230
the Revised Code. 1231