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SENATE BILL 9

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2025**

INTRODUCED BY

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AN ACT

RELATING TO LICENSURE; ENACTING THE INTERSTATE MEDICAL  
LICENSURE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] INTERSTATE MEDICAL LICENSURE  
COMPACT ENTERED INTO.--The "Interstate Medical Licensure  
Compact" is enacted into law and entered into on behalf of New  
Mexico with any and all other states legally joining therein in  
a form substantially as follows:

"INTERSTATE MEDICAL LICENSURE COMPACT

ARTICLE 1 - Purpose

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

1 that complements the existing licensing and regulatory  
2 authority of state medical boards, provides a streamlined  
3 process that allows physicians to become licensed in multiple  
4 states, enhances the portability of a medical license and  
5 ensures the safety of patients. The compact creates another  
6 pathway for licensure and does not otherwise change a state's  
7 existing medical practice act. The compact also adopts the  
8 prevailing standard for licensure and affirms that the practice  
9 of medicine occurs where the patient is located at the time of  
10 the physician-patient encounter and, therefore, requires the  
11 physician to be under the jurisdiction of the state medical  
12 board where the patient is located. State medical boards that  
13 participate in the compact retain the jurisdiction to impose an  
14 adverse action against a license to practice medicine in that  
15 state issued to a physician through the procedures in the  
16 compact.

## 17 ARTICLE 2 - Definitions

18 In the Interstate Medical Licensure Compact:

19 A. "bylaws" means those bylaws established by the  
20 interstate commission;

21 B. "commissioner" means the voting representative  
22 appointed by each member board;

23 C. "conviction" means a finding by a court that a  
24 person is guilty of a criminal offense through adjudication or  
25 entry of a plea of guilt or no contest to the charge by the

.232321.2

1 offender. Evidence of an entry of a conviction of a criminal  
2 offense by the court shall be considered final for purposes of  
3 disciplinary action by a member board;

4 D. "expedited license" means a full and  
5 unrestricted medical license granted by a member state to an  
6 eligible physician through the process set forth in the  
7 Interstate Medical Licensure Compact;

8 E. "interstate commission" means the interstate  
9 medical licensure compact commission;

10 F. "license" means authorization by a member state  
11 for a physician to engage in the practice of medicine, which  
12 would be unlawful without authorization;

13 G. "medical practice act" means laws and rules  
14 governing the practice of allopathic and osteopathic medicine  
15 within a member state;

16 H. "member board" means a state agency in a member  
17 state that acts in the sovereign interests of the state by  
18 protecting the public through licensure, regulation and  
19 education of physicians as directed by the state government;

20 I. "member state" means a state that has enacted  
21 the Interstate Medical Licensure Compact;

22 J. "offense" means a felony or gross misdemeanor;

23 K. "physician" means a person who:

24 (1) is a graduate of a medical school  
25 accredited by the liaison committee on medical education, the

1 commission on osteopathic college accreditation or a medical  
2 school listed in the *World Directory of Medical Schools* or its  
3 equivalent;

4 (2) passed each component of the United States  
5 medical licensing examination or the comprehensive osteopathic  
6 medical licensing examination of the United States within three  
7 attempts, or any of its predecessor examinations accepted by a  
8 state medical board as an equivalent examination for licensure  
9 purposes;

10 (3) successfully completed graduate medical  
11 education approved by the accreditation council for graduate  
12 medical education or the American osteopathic association;

13 (4) holds specialty certification or a time-  
14 unlimited specialty certificate recognized by the American  
15 board of medical specialties or the American osteopathic  
16 association bureau of osteopathic specialists;

17 (5) possesses a full and unrestricted license  
18 to engage in the practice of medicine issued by a member board;

19 (6) has never been convicted or received  
20 adjudication, deferred adjudication, community supervision or  
21 deferred disposition for any offense by a court of appropriate  
22 jurisdiction;

23 (7) has never held a license authorizing the  
24 practice of medicine subjected to discipline by a licensing  
25 agency in any state, federal or foreign jurisdiction, excluding

.232321.2

1 any action related to nonpayment of fees related to a license;

2 (8) has never had a controlled substance  
3 license or permit suspended or revoked by a state or the United  
4 States drug enforcement administration; and

5 (9) is not under active investigation by a  
6 licensing agency or law enforcement authority in any state,  
7 federal or foreign jurisdiction;

8 L. "practice of medicine" means that clinical  
9 prevention, diagnosis or treatment of human disease, injury or  
10 condition requiring a physician to obtain and maintain a  
11 license in compliance with the medical practice act of a member  
12 state;

13 M. "rule" means a written statement by the  
14 interstate commission promulgated pursuant to Article 12 of the  
15 Interstate Medical Licensure Compact that is of general  
16 applicability, implements, interprets or prescribes a policy or  
17 provision of the compact, or is an organizational, procedural  
18 or practice requirement of the interstate commission, and has  
19 the force and effect of statutory law in a member state and  
20 includes the amendment, repeal or suspension of an existing  
21 rule;

22 N. "state" means any state, commonwealth, district  
23 or territory of the United States; and

24 O. "state of principal license" means a member  
25 state in which a physician holds a license to practice medicine

.232321.2

1 and that has been designated as such by the physician for  
2 purposes of registration and participation in the Interstate  
3 Medical Licensure Compact.

4 ARTICLE 3 - Eligibility

5 A. A physician must meet the eligibility  
6 requirements as defined in Subsection K of Article 2 of the  
7 Interstate Medical Licensure Compact to receive an expedited  
8 license under the terms and provisions of that compact.

9 B. A physician who does not meet the requirements  
10 of Subsection K of Article 2 of the Interstate Medical  
11 Licensure Compact may obtain a license to practice medicine in  
12 a member state if the person complies with all laws and  
13 requirements other than that compact relating to the issuance  
14 of a license to practice medicine in that state.

15 ARTICLE 4 - Designation of State of Principal License

16 A. A physician shall designate a member state as  
17 the state of principal license for purposes of registration for  
18 expedited licensure through the Interstate Medical Licensure  
19 Compact if the physician possesses a full and unrestricted  
20 license to practice medicine in that state, and the state is:

21 (1) the state of principal residence for the  
22 physician;

23 (2) the state in which at least twenty-five  
24 percent of the physician's practice of medicine occurs;

25 (3) the location of the physician's employer;

.232321.2

1 or

2 (4) the state designated as state of residence  
3 for the purpose of federal income tax if a state does not  
4 qualify under Paragraph (1), (2) or (3) of this subsection.

5 B. A physician may redesignate a member state as a  
6 state of principal license at any time if the state meets the  
7 requirements of Subsection A of this article.

8 C. The interstate commission is authorized to  
9 develop rules to facilitate redesignation of another member  
10 state as the state of principal license.

11 ARTICLE 5 - Application and Issuance of Expedited Licensure

12 A. A physician seeking licensure through the  
13 Interstate Medical Licensure Compact shall file an application  
14 for an expedited license with the member board of the state  
15 selected by the physician as the state of principal license.

16 B. Upon receipt of an application for an expedited  
17 license, the member board within the state of principal license  
18 shall evaluate whether the physician is eligible for expedited  
19 licensure and issue a letter of qualification, verifying or  
20 denying the physician's eligibility, to the interstate  
21 commission.

22 (1) Static qualifications, which include  
23 verification of medical education, graduate medical education,  
24 results of any medical or licensing examination and other  
25 qualifications as determined by the interstate commission

.232321.2

1 through rule, shall not be subject to additional primary-source  
2 verification if primary-source verification has been conducted  
3 by the state of principal license.

4 (2) The member board of the state of principal  
5 license shall, in the course of verifying eligibility, perform  
6 a criminal background check of an applicant, including the use  
7 of the results of fingerprint or other biometric data checks  
8 compliant with the requirements of the federal bureau of  
9 investigation, with the exception of federal employees who have  
10 suitability determination in accordance with 5 Code of Federal  
11 Register Section 731.202.

12 (3) Appeal on the determination of eligibility  
13 shall be made to the member state where the application was  
14 filed and shall be subject to the law of that state.

15 C. Upon verification pursuant to Subsection B of  
16 this article, physicians eligible for an expedited license  
17 shall complete the registration process established by the  
18 interstate commission to receive a license in a member state  
19 selected pursuant to Subsection A of this article, including  
20 the payment of applicable fees.

21 D. After receiving verification of eligibility  
22 pursuant to Subsection B of this article and payment of fees  
23 pursuant to Subsection C of this article, a member board shall  
24 issue an expedited license to the physician. This license  
25 shall authorize the physician to practice medicine in the

.232321.2

1 issuing state consistent with the medical practice act and all  
2 applicable laws and rules of the issuing member board and  
3 member state.

4 E. An expedited license shall be valid for a period  
5 consistent with the licensure period in the member state and in  
6 the same manner as required for other physicians holding a full  
7 and unrestricted license within the member state.

8 F. An expedited license obtained through the  
9 Interstate Medical Licensure Compact shall be terminated if a  
10 physician fails to maintain the license in the state of  
11 principal licensure for a non-disciplinary reason, without  
12 redesignation of a new state of principal licensure.

13 G. The interstate commission is authorized to  
14 develop rules regarding the application process, including  
15 payment of any applicable fees, and the issuance of an  
16 expedited license.

17 ARTICLE 6 - Fees for Expedited Licensure

18 A. A member state issuing an expedited license  
19 authorizing the practice of medicine in that state may impose a  
20 fee for a license issued or renewed through the Interstate  
21 Medical Licensure Compact.

22 B. The interstate commission is authorized to  
23 develop rules regarding fees for expedited licenses.

24 ARTICLE 7 - Renewal and Continued Participation

25 A. A physician seeking to renew an expedited

1 license granted in a member state shall complete a renewal  
2 process with the interstate commission if the physician:

3 (1) maintains a full and unrestricted license  
4 in the state of principal license;

5 (2) has not been convicted, received  
6 adjudication, deferred adjudication, community supervision or  
7 deferred disposition for an offense by a court of appropriate  
8 jurisdiction;

9 (3) has not had a license authorizing the  
10 practice of medicine subject to discipline by a licensing  
11 agency in any state, federal or foreign jurisdiction, excluding  
12 any action related to nonpayment of fees related to a license;  
13 and

14 (4) has not had a controlled substance license  
15 or permit suspended or revoked by a state or the United States  
16 drug enforcement administration.

17 B. Physicians shall comply with all continuing  
18 professional development or continuing medical education  
19 requirements for renewal of a license issued by a member state.

20 C. The interstate commission shall collect the  
21 renewal fees charged for the renewal of a license and  
22 distribute the fees to the applicable member board.

23 D. Upon receipt of the renewal fees collected in  
24 Subsection C of this article, a member board shall renew the  
25 physician's license.

1           E. Physician information collected by the  
2 interstate commission during the renewal process will be  
3 distributed to all member boards.

4           F. The interstate commission is authorized to  
5 develop rules to address renewal of licenses obtained through  
6 the Interstate Medical Licensure Compact.

7           ARTICLE 8 - Coordinated Information System

8           A. The interstate commission shall establish a  
9 database of all physicians licensed, or who have applied for  
10 licensure, pursuant to Article 5 of the Interstate Medical  
11 Licensure Compact.

12           B. Notwithstanding any other provision of law,  
13 member boards shall report to the interstate commission any  
14 public action or complaint against a licensed physician who has  
15 applied or received an expedited license through the Interstate  
16 Medical Licensure Compact.

17           C. Member boards shall report disciplinary or  
18 investigatory information determined as necessary and proper by  
19 rule of the interstate commission.

20           D. Member boards may report any nonpublic  
21 complaint, disciplinary or investigatory information not  
22 required by Subsection C of this article to the interstate  
23 commission.

24           E. Member boards shall share complaint or  
25 disciplinary information about a physician upon request of

1 another member board.

2 F. All information provided to the interstate  
3 commission or distributed by member boards shall be  
4 confidential, filed under seal and used only for investigatory  
5 or disciplinary matters.

6 G. The interstate commission is authorized to  
7 develop rules for mandated or discretionary sharing of  
8 information by member boards.

9 ARTICLE 9 - Joint Investigations

10 A. Licensure and disciplinary records of physicians  
11 are deemed investigative.

12 B. In addition to the authority granted to a member  
13 board by its respective medical practice act or other  
14 applicable state law, a member board may participate with other  
15 member boards in joint investigations of physicians licensed by  
16 the member boards.

17 C. A subpoena issued by a member state shall be  
18 enforceable in other member states, but only to the extent that  
19 both states agree to and are participating in a joint  
20 investigation pursuant to the Interstate Medical Licensure  
21 Compact.

22 D. Member boards may share investigative,  
23 litigation or compliance materials in furtherance of any joint  
24 or individual investigation initiated under the Interstate  
25 Medical Licensure Compact.

.232321.2

1           E. A member state may investigate actual or alleged  
2 violations of the statutes authorizing the practice of medicine  
3 in any other member state in which a physician holds a license  
4 to practice medicine.

5           ARTICLE 10 - Disciplinary Actions

6           A. A disciplinary action taken by a member board  
7 against a physician licensed through the Interstate Medical  
8 Licensure Compact shall be deemed unprofessional conduct that  
9 may be subject to discipline by other member boards, in  
10 addition to a violation of the medical practice act or rules in  
11 that state.

12           B. If a license granted to a physician by the  
13 member board in the state of principal license is revoked,  
14 surrendered or relinquished in lieu of discipline or suspended,  
15 then all licenses issued to the physician by member boards  
16 shall automatically be placed, without further action necessary  
17 by any member board, on the same status. If the member board  
18 in the state of principal license subsequently reinstates the  
19 physician's license, a license issued to the physician by any  
20 other member board shall remain encumbered until that  
21 respective member board takes action to reinstate the license  
22 in a manner consistent with the medical practice act of that  
23 state.

24           C. If disciplinary action is taken against a  
25 physician by a member board not in the state of principal

1 license, any other member board may deem the action conclusive  
2 as to matter of law and fact decided and:

3 (1) impose the same or lesser sanctions  
4 against the physician so long as such sanctions are consistent  
5 with the medical practice act of that state; or

6 (2) pursue separate disciplinary action  
7 against the physician under that state's respective medical  
8 practice act, regardless of the action taken in other member  
9 states.

10 D. If a license granted to a physician by a member  
11 board is revoked, surrendered or relinquished in lieu of  
12 discipline or suspended, then any licenses issued to the  
13 physician by other member boards shall be suspended,  
14 automatically and immediately without further action necessary  
15 by the other member boards, for ninety days upon entry of the  
16 order by the disciplining board, to permit the member boards to  
17 investigate the basis for the action under the medical practice  
18 act of that state. A member board may terminate the automatic  
19 suspension of the license the member board issued prior to the  
20 completion of the ninety-day suspension period in a manner  
21 consistent with the medical practice act of that state.

22 E. A license, certification or authorization that  
23 is automatically suspended or revoked pursuant to this article  
24 shall be immediately reinstated if the suspension or revocation  
25 is solely on the basis that a health care practitioner

1 performed, recommended or provided reproductive health services  
2 or gender-affirming care as authorized in Article 1 of the  
3 Interstate Medical Licensure Compact.

4 ARTICLE 11 - Interstate Medical Licensure Compact Commission

5 A. The "interstate medical licensure compact  
6 commission" is created by the member states in accordance with  
7 the provisions of this article.

8 B. The purpose of the interstate commission is the  
9 administration of the Interstate Medical Licensure Compact,  
10 which is a discretionary state function.

11 C. The interstate commission shall be a body  
12 corporate and joint agency of the member states and shall have  
13 all the responsibilities, powers and duties set forth in the  
14 Interstate Medical Licensure Compact and such additional powers  
15 as may be conferred upon it by a subsequent concurrent action  
16 of the respective legislatures of the member states in  
17 accordance with the terms of the compact.

18 D. The interstate commission shall consist of two  
19 voting representatives appointed by each member state who shall  
20 serve as commissioners. In states where allopathic and  
21 osteopathic physicians are regulated by separate member boards  
22 or if the licensing and disciplinary authority is split between  
23 separate member boards or if the licensing and disciplinary  
24 authority is split between multiple member boards within a  
25 member state, the member state shall appoint one representative

1 from each member board. A commissioner shall be:

2 (1) an allopathic or osteopathic physician  
3 appointed to a member board;

4 (2) an executive director, executive secretary  
5 or similar executive of a member board; or

6 (3) a member of the public appointed to a  
7 member board.

8 E. The interstate commission shall meet at least  
9 once each calendar year. A portion of this meeting shall be a  
10 business meeting to address such matters as may properly come  
11 before the commission, including the election of officers. The  
12 chair may call additional meetings and shall call for a meeting  
13 upon the request of a majority of the member states.

14 F. The bylaws may provide for meetings of the  
15 interstate commission to be conducted by telecommunication or  
16 electronic communication.

17 G. Each commissioner participating at a meeting of  
18 the interstate commission is entitled to one vote. A majority  
19 of commissioners shall constitute a quorum for the transaction  
20 of business unless a larger quorum is required by the bylaws of  
21 the interstate commission. A commissioner shall not delegate a  
22 vote to another commissioner. In the absence of a member  
23 state's commissioner, the member state may delegate voting  
24 authority for a specified meeting to another person from that  
25 state who shall meet the requirements of Subsection D of this

.232321.2

1 article.

2 H. The interstate commission shall provide public  
3 notice of all meetings, and all meetings shall be open to the  
4 public. The interstate commission may close a meeting, in full  
5 or in portion, where the interstate commission determines by a  
6 two-thirds' vote of the commissioners present that an open  
7 meeting would be likely to:

8 (1) relate solely to the internal personnel  
9 practice and procedures of the interstate commission;

10 (2) discuss matters specifically exempted from  
11 disclosure by federal statute;

12 (3) discuss trade secrets or commercial or  
13 financial information that is privileged or confidential;

14 (4) involve accusing a person of a crime or  
15 formally censuring a person;

16 (5) discuss information of a personal nature,  
17 in which disclosure would constitute a clearly unwarranted  
18 invasion of personal privacy;

19 (6) discuss investigative records compiled for  
20 law enforcement purposes; or

21 (7) specifically relate to the participation  
22 in a civil action or other legal proceeding.

23 I. The interstate commission shall keep minutes  
24 that shall fully describe all matters discussed in a meeting  
25 and shall provide a full and accurate summary of actions taken,

.232321.2

1 including record of any roll call votes.

2 J. The interstate commission shall make its  
3 information and official records, to the extent not otherwise  
4 designated in the Interstate Medical Licensure Compact or by  
5 its rules, available to the public for inspection.

6 K. The interstate commission shall establish an  
7 executive committee that shall include officers, members and  
8 others as determined by the bylaws. The executive committee  
9 shall have the power to act on behalf of the interstate  
10 commission, with the exception of rulemaking, during periods  
11 when the interstate commission is not in session. When acting  
12 on behalf of the interstate commission, the executive committee  
13 shall oversee the administration of the Interstate Medical  
14 Licensure Compact, including enforcement and compliance with  
15 the provisions of the compact, its bylaws and rules and other  
16 such duties as necessary.

17 L. The interstate commission shall establish other  
18 committees for governance and administration of the Interstate  
19 Medical Licensure Compact.

20 ARTICLE 12 - Powers and Duties of the Interstate Commission

21 The interstate commission shall have the duty and power  
22 to:

23 A. oversee and maintain the administration of the  
24 Interstate Medical Licensure Compact;

25 B. promulgate rules that shall be binding to the

.232321.2

1 extent and in the manner provided for in the Interstate Medical  
2 Licensure Compact;

3 C. issue, upon the request of a member state or  
4 member board, advisory opinions concerning the meaning or  
5 interpretation of the Interstate Medical Licensure Compact, its  
6 bylaws, rules and actions;

7 D. enforce compliance with Interstate Medical  
8 Licensure Compact provisions, the rules promulgated by the  
9 interstate commission and the bylaws, using all necessary and  
10 proper means, including the use of judicial process;

11 E. establish and appoint committees, including an  
12 executive committee as required by Article 11 of the Interstate  
13 Medical Licensure Compact, which shall have the power to act on  
14 behalf of the interstate commission in carrying out the  
15 interstate commission's powers and duties;

16 F. pay, or provide for the payment of, the expenses  
17 related to the establishment, organization and ongoing  
18 activities of the interstate commission;

19 G. establish and maintain one or more offices;

20 H. borrow, accept, hire or contract for services of  
21 personnel;

22 I. purchase and maintain insurance and bonds;

23 J. employ an executive director who shall have such  
24 powers to employ, select or appoint employees, agents or  
25 consultants and to determine their qualifications, define their

.232321.2

1 duties and fix their compensation;

2 K. establish personnel policies and programs  
3 relating to conflicts of interest, rates of compensation and  
4 qualifications of personnel;

5 L. accept donations and grants of money, equipment,  
6 supplies, materials and services and to receive, utilize and  
7 dispose of donations and grants of money, equipment, supplies,  
8 materials and services in a manner consistent with the conflict  
9 of interest policies established by the interstate commission;

10 M. lease, purchase, accept contributions or  
11 donations of or otherwise to own, hold, improve or use any  
12 property, real, personal or mixed;

13 N. sell, convey, mortgage, pledge, lease, exchange,  
14 abandon or otherwise dispose of any property, real, personal or  
15 mixed;

16 O. establish a budget and make expenditures;

17 P. adopt a seal and bylaws governing the management  
18 and operation of the interstate commission;

19 Q. report annually to the legislatures and  
20 governors of the member states concerning the activities of the  
21 interstate commission during the preceding year. Such reports  
22 shall also include reports of financial audits and any  
23 recommendations that may have been adopted by the interstate  
24 commission;

25 R. coordinate education, training and public

.232321.2

1 awareness regarding the Interstate Medical Licensure Compact,  
2 its implementation and its operation;

3 S. maintain records in accordance with the bylaws;

4 T. seek and obtain trademarks, copyrights and  
5 patents; and

6 U. perform such functions as may be necessary or  
7 appropriate to achieve the purpose of the Interstate Medical  
8 Licensure Compact.

9 ARTICLE 13 - Finance Powers

10 A. The interstate commission may levy on and  
11 collect an annual assessment from each member state to cover  
12 the cost of the operations and activities of the interstate  
13 commission and its staff. The total assessment must be  
14 sufficient to cover the annual budget approved each year for  
15 which revenue is not provided by other sources. The aggregate  
16 annual assessment amount shall be allocated upon a formula to  
17 be determined by the interstate commission, which shall  
18 promulgate a rule binding upon all member states.

19 B. The interstate commission shall not incur  
20 obligations of any kind prior to securing the funds adequate to  
21 meet the same.

22 C. The interstate commission shall not pledge the  
23 credit of any of the member states, except by, and with the  
24 authority of, the member state.

25 D. The interstate commission shall be subject to a

.232321.2

1 yearly financial audit conducted by a certified or licensed  
2 accountant, and the report of the audit shall be included in  
3 the annual report of the interstate commission.

4 ARTICLE 14 - Organization and Operation of the Interstate  
5 Commission

6 A. The interstate commission shall, by a majority  
7 of commissioners present and voting, adopt bylaws to govern the  
8 interstate commission's conduct as may be necessary or  
9 appropriate to carry out the purposes of the Interstate Medical  
10 Licensure Compact within twelve months of the first interstate  
11 commission meeting.

12 B. The interstate commission shall elect or appoint  
13 annually from among its commissioners a chair, a vice chair and  
14 a treasurer, each of whom shall have such authority and duties  
15 as may be specified in the bylaws. The chair or, in the  
16 chair's absence or disability, the vice chair, shall preside at  
17 all meetings of the interstate commission.

18 C. Officers selected pursuant to Subsection B of  
19 this article shall serve without remuneration from the  
20 interstate commission.

21 D. The officers and employees of the interstate  
22 commission shall be immune from suit and liability, either  
23 personally or in their official capacity, for a claim for  
24 damage to or loss of property or personal injury or other civil  
25 liability caused or arising out of, or relating to, an actual

.232321.2

1 or alleged act, error or omission that occurred, or that such  
2 person had a reasonable basis for believing occurred, within  
3 the scope of interstate commission employment, duties or  
4 responsibilities; provided that such person shall not be  
5 protected from suit or liability for damage, loss, injury or  
6 liability caused by the intentional or willful and wanton  
7 misconduct of such person.

8 E. The liability of the executive director and  
9 employees of the interstate commission or representatives of  
10 the interstate commission, acting within the scope of such  
11 person's employment or duties for acts, errors or omissions  
12 occurring within such person's state, may not exceed the limits  
13 of liability set forth under the constitution and laws of that  
14 state for state officials, employees and agents. The  
15 interstate commission is considered to be an instrumentality of  
16 the states for the purpose of any such action. Nothing in this  
17 subsection shall be construed to protect such person from suit  
18 or liability for damage, loss, injury or liability caused by  
19 the intentional or willful and wanton misconduct of such  
20 person.

21 F. The interstate commission shall defend the  
22 executive director and its employees, and, subject to the  
23 approval of the attorney general or other appropriate legal  
24 counsel of the member state represented by an interstate  
25 commission representative, shall defend such interstate

.232321.2

1 commission representative in any civil action seeking to impose  
2 liability arising out of an actual or alleged act, error or  
3 omission that occurred within the scope of interstate  
4 commission employment, duties or responsibilities, or that the  
5 defendant had a reasonable basis for believing occurred within  
6 the scope of interstate commission employment, duties or  
7 responsibilities; provided that the actual or alleged act,  
8 error or omission did not result from intentional or willful  
9 and wanton misconduct on the part of such person.

10 G. To the extent not covered by the state involved,  
11 member state or the interstate commission, the representatives  
12 or employees of the interstate commission shall be held  
13 harmless in the amount of a settlement or judgment, including  
14 attorney fees and costs, obtained against such persons arising  
15 out of an actual or alleged act, error or omission that  
16 occurred within the scope of the interstate commission  
17 employment, duties or responsibilities, or that such persons  
18 had a reasonable basis for believing occurred within the scope  
19 of interstate commission employment, duties or  
20 responsibilities; provided that the actual or alleged act,  
21 error or omission did not result from intentional or willful  
22 and wanton misconduct on the part of such person.

23 ARTICLE 15 - Rulemaking Functions of the Interstate Commission

24 A. The interstate commission shall promulgate  
25 reasonable rules to effectively and efficiently achieve the

.232321.2

1 purpose of the Interstate Medical Licensure Compact; provided  
2 that in the event the interstate commission exercises  
3 rulemaking authority in a manner that is beyond the scope of  
4 the purposes of that compact or the powers granted by that  
5 compact, then such an action by the interstate commission shall  
6 be invalid and have no force or effect.

7 B. Rules deemed appropriate for the operations of  
8 the interstate commission shall be made pursuant to a  
9 rulemaking process that substantially conforms to the model  
10 state administrative procedure act of 2010 and subsequent  
11 amendments to that act.

12 C. No later than thirty days after a rule is  
13 promulgated, a person may file a petition for judicial review  
14 of the rule in the United States district court for the  
15 District of Columbia or the federal district where the  
16 interstate commission has its principal offices; provided that  
17 the filing of such a petition shall not stay or otherwise  
18 prevent the rule from becoming effective unless the court finds  
19 that the petitioner has a substantial likelihood of success.  
20 The court shall give deference to the actions of the interstate  
21 commission consistent with applicable law and shall not find  
22 the rule to be unlawful if the rule represents a reasonable  
23 exercise of the authority granted to the interstate commission.

24 ARTICLE 16 - Oversight of Interstate Medical Licensure Compact

25 A. The executive, legislative and judicial branches

1 of state government in each member state shall enforce the  
2 Interstate Medical Licensure Compact and shall take all actions  
3 necessary and appropriate to effectuate the compact's purposes  
4 and intent. The provisions of that compact and the rules  
5 promulgated pursuant to that compact shall have standing as  
6 statutory law but shall not override existing state authority  
7 to regulate the practice of medicine.

8 B. All courts shall take judicial notice of the  
9 Interstate Medical Licensure Compact and rules promulgated  
10 pursuant to that compact in any judicial or administrative  
11 proceeding in a member state pertaining to the subject matter  
12 of that compact that may affect the powers, responsibilities or  
13 actions of the interstate commission.

14 C. The interstate commission shall be entitled to  
15 receive all services of process in such proceeding and shall  
16 have standing to intervene in the proceeding for all purposes.  
17 Failure to provide service of process to the interstate  
18 commission shall render a judgment or order void as to the  
19 interstate commission, the Interstate Medical Licensure Compact  
20 or promulgated rules.

21 ARTICLE 17 - Enforcement of Interstate Medical Licensure  
22 Compact

23 A. The interstate commission, in the reasonable  
24 exercise of its discretion, shall enforce the provisions and  
25 rules of the Interstate Medical Licensure Compact.

1           B. The interstate commission may, by majority vote  
2 of the commissioners, initiate legal action in the United  
3 States district court for the District of Columbia, or, at the  
4 discretion of the interstate commission, in the federal  
5 district where the interstate commission has its principal  
6 offices, to enforce compliance with the provisions of the  
7 Interstate Medical Licensure Compact, and its promulgated rules  
8 and bylaws, against a member state in default. The relief  
9 sought may include both injunctive relief and damages. In the  
10 event judicial enforcement is necessary, the prevailing party  
11 shall be awarded all costs of such litigation, including  
12 reasonable attorney fees.

13           C. The remedies provided in this article shall not  
14 be the exclusive remedies of the interstate commission. The  
15 interstate commission may avail itself of any other remedies  
16 available under state law or regulation of a profession.

#### 17           ARTICLE 18 - Default Procedures

18           A. The grounds for default include failure of a  
19 member state to perform such obligations or responsibilities  
20 imposed upon the member state by the Interstate Medical  
21 Licensure Compact or the rules and bylaws of the interstate  
22 commission promulgated pursuant to that compact.

23           B. If the interstate commission determines that a  
24 member state has defaulted in the performance of the member  
25 state's obligations or responsibilities under the Interstate

1 Medical Licensure Compact, or the bylaws or promulgated rules,  
2 the interstate commission shall:

3 (1) provide written notice to the defaulting  
4 state and other member states of the nature of the default, the  
5 means of curing the default and any action taken by the  
6 interstate commission. The interstate commission shall specify  
7 the conditions by which the defaulting state must cure its  
8 default; and

9 (2) provide remedial training and specific  
10 technical assistance regarding the default.

11 C. If the defaulting state fails to cure the  
12 default, the defaulting state shall be terminated from the  
13 Interstate Medical Licensure Compact upon an affirmative vote  
14 of a majority of the commissioners, and all rights, privileges  
15 and benefits conferred by the compact shall terminate on the  
16 effective date of termination. A cure of the default does not  
17 relieve the offending state of obligations or liabilities  
18 incurred during the period of the default.

19 D. Termination of membership in the Interstate  
20 Medical Licensure Compact shall be imposed only after all other  
21 means of securing compliance have been exhausted. Notice of  
22 intent to terminate shall be given by the interstate commission  
23 to the governor, the majority and minority leaders of the  
24 defaulting state's legislature and each of the member states.

25 E. The interstate commission shall establish rules

1 and procedures to address licenses and physicians that are  
2 materially impacted by the termination of a member state or the  
3 withdrawal of a member state.

4 F. The member state that has been terminated is  
5 responsible for all dues, obligations and liabilities incurred  
6 through the effective date of termination, including  
7 obligations, the performance of which extend beyond the  
8 effective date of termination.

9 G. The interstate commission shall not bear any  
10 costs relating to any state that has been found to be in  
11 default or that has been terminated from the Interstate Medical  
12 Licensure Compact unless otherwise mutually agreed upon in  
13 writing between the interstate commission and the defaulting  
14 state.

15 H. The defaulting state may appeal the action of  
16 the interstate commission by petitioning the United States  
17 district court for the District of Columbia or the federal  
18 district where the interstate commission has its principal  
19 offices. The prevailing party shall be awarded all costs of  
20 such litigation, including reasonable attorney fees.

21 ARTICLE 19 - Dispute Resolution

22 A. The interstate commission shall attempt, upon  
23 the request of a member state, to resolve disputes that are  
24 subject to the Interstate Medical Licensure Compact and that  
25 may arise among member states or member boards.

1           B. The interstate commission shall promulgate rules  
2 providing for both mediation and binding dispute resolution as  
3 appropriate.

4           ARTICLE 20 - Member States, Effective Date and Amendment

5           A. Any state is eligible to become a member of the  
6 Interstate Medical Licensure Compact.

7           B. The Interstate Medical Licensure Compact shall  
8 become effective and binding upon legislative enactment of the  
9 compact into law by no less than seven states. Thereafter, it  
10 shall become effective and binding on a state upon enactment of  
11 the compact into law by that state.

12           C. The governors of nonmember states, or the  
13 governors' designees, shall be invited to participate in the  
14 activities of the interstate commission on a nonvoting basis  
15 prior to adoption of the Interstate Medical Licensure Compact  
16 by all states.

17           D. The interstate commission may propose amendments  
18 to the Interstate Medical Licensure Compact for enactment by  
19 the member states. No amendment shall become effective and  
20 binding upon the interstate commission and the member states  
21 unless and until the amendment is enacted into law by unanimous  
22 consent of the member states.

23           ARTICLE 21 - Withdrawal

24           A. Once effective, the Interstate Medical Licensure  
25 Compact shall continue in force and remain binding upon each

1 member state; provided that a member state may withdraw from  
2 the compact by specifically repealing the statute that enacted  
3 the compact into law.

4 B. Withdrawal from the Interstate Medical Licensure  
5 Compact shall be by the enactment of a statute repealing the  
6 compact, but shall not take effect until one year after the  
7 effective date of that law and until written notice of the  
8 withdrawal has been given by the withdrawing state to the  
9 governor of each other member state.

10 C. The withdrawing state shall immediately notify  
11 the chair of the interstate commission in writing upon the  
12 introduction of legislation to repeal the Interstate Medical  
13 Licensure Compact in the withdrawing state.

14 D. The interstate commission shall notify the other  
15 member states of the withdrawing state's intent to withdraw  
16 within sixty days of receipt of notice provided under  
17 Subsection C of this article.

18 E. The withdrawing state is responsible for all  
19 dues, obligations and liabilities incurred through the  
20 effective date of withdrawal, including obligations, the  
21 performance of which extend beyond the effective date of  
22 withdrawal.

23 F. Reinstatement following withdrawal of a member  
24 state shall occur upon the withdrawing state reenacting the  
25 Interstate Medical Licensure Compact or upon such later date as

1 determined by the interstate commission.

2 G. The interstate commission is authorized to  
3 develop rules to address the impact of the withdrawal of a  
4 member state on licenses granted in other member states to  
5 physicians who designated the withdrawing member state as the  
6 state of principal license.

7 ARTICLE 22 - Dissolution

8 A. The Interstate Medical Licensure Compact shall  
9 dissolve effective upon the date of the withdrawal or default  
10 of the member state that reduces the membership of the compact  
11 to one member state.

12 B. Upon the dissolution of the Interstate Medical  
13 Licensure Compact, the compact becomes void and shall be of no  
14 further force, and the business and affairs of the interstate  
15 commission shall be concluded and surplus funds shall be  
16 distributed in accordance with the bylaws.

17 ARTICLE 23 - Severability and Construction

18 A. The provisions of the Interstate Medical  
19 Licensure Compact shall be severable, and if any phrase,  
20 clause, sentence or provision is deemed unenforceable, the  
21 remaining provisions of the compact shall be enforceable.

22 B. The provisions of the Interstate Medical  
23 Licensure Compact shall be liberally construed to effectuate  
24 the purposes of that compact.

25 C. Nothing in the Interstate Medical Licensure

.232321.2

1 Compact shall be construed to prohibit the applicability of  
2 other interstate compacts to which the member states are  
3 members.

4 ARTICLE 24 - Binding Effect of the Interstate Medical Licensure  
5 Compact and Other Laws

6 A. Nothing in the Interstate Medical Licensure  
7 Compact prevents the enforcement of any other law of a member  
8 state that is not inconsistent with that compact.

9 B. All laws in a member state in conflict with the  
10 Interstate Medical Licensure Compact are superseded to the  
11 extent of the conflict.

12 C. All lawful actions of the interstate commission,  
13 including all rules and bylaws promulgated by the interstate  
14 commission, are binding upon the member states.

15 D. All agreements between the interstate commission  
16 and the member states are binding in accordance with their  
17 terms.

18 E. In the event any provision of the Interstate  
19 Medical Licensure Compact exceeds the constitutional limits  
20 imposed on the legislature of any member state, such provision  
21 shall be ineffective to the extent of the conflict with the  
22 constitutional provision in question in that member state."