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SENATE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LICENSURE; ENACTING THE INTERSTATE MEDICAL
LICENSURE COMPACT; PROVIDING FOR THE APPOINTMENT OF NEW MEXICO
COMPACT COMMISSIONERS; REQUIRING THE FILING OF INTERSTATE
COMMISSION BYLAWS AND RULES WITH THE STATE RECORDS
ADMINISTRATOR.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Interstate Medical Licensure Compact".

SECTION 2. [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

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ARTICLE 1 - Definitions

In the Interstate Medical Licensure Compact:

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

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

C. "conviction" means a finding by a court that a person is guilty of a criminal offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board;

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

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

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

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

H. "member board" means a state agency in a member

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1 state that acts in the sovereign interests of the state by
2 protecting the public through licensure, regulation and
3 education of physicians as directed by the state government;

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

6 J. "offense" means a felony or misdemeanor;

7 K. "physician" means a person who:

8 (1) is a graduate of a medical school
9 accredited by the liaison committee on medical education, the
10 commission on osteopathic college accreditation or a medical
11 school listed in the *World Directory of Medical Schools* or its
12 equivalent;

13 (2) passed each component of the United States
14 medical licensing examination or the comprehensive osteopathic
15 medical licensing examination of the United States within three
16 attempts, or any of its predecessor examinations accepted by a
17 state medical board as an equivalent examination for licensure
18 purposes;

19 (3) successfully completed graduate medical
20 education approved by the accreditation council for graduate
21 medical education or the American osteopathic association;

22 (4) holds specialty certification or a time-
23 unlimited specialty certificate recognized by the American
24 board of medical specialties or the American osteopathic
25 association bureau of osteopathic specialists;

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

3 (6) has never been convicted or received
4 adjudication, deferred adjudication, community supervision or
5 deferred disposition for any offense by a court of appropriate
6 jurisdiction;

7 (7) has never held a license authorizing the
8 practice of medicine subjected to discipline by a licensing
9 agency in any state, federal or foreign jurisdiction, excluding
10 any action related to nonpayment of fees related to a license;

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

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

17 L. "practice of medicine" means that clinical
18 prevention, diagnosis or treatment of human disease, injury or
19 condition requiring a physician to obtain and maintain a
20 license in compliance with the medical practice act of a member
21 state;

22 M. "rule" means a written statement by the
23 interstate commission promulgated pursuant to Article 11 of the
24 Interstate Medical Licensure Compact that is of general
25 applicability, implements, interprets or prescribes a policy or

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1 provision of the compact or is an organizational, procedural or
2 practice requirement of the interstate commission and has the
3 force and effect of law in a member state and includes the
4 amendment, repeal or suspension of an existing rule;

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

7 O. "state of principal license" means a member
8 state in which a physician holds a license to practice medicine
9 and that has been designated as such by the physician for
10 purposes of registration and participation in the Interstate
11 Medical Licensure Compact.

12 ARTICLE 2 - Eligibility

13 A. A physician must meet the eligibility
14 requirements as defined in Subsection K of Article 1 of the
15 Interstate Medical Licensure Compact to receive an expedited
16 license under the terms and provisions of that compact.

17 B. A physician who does not meet the requirements
18 of Subsection K of Article 1 of the Interstate Medical
19 Licensure Compact may obtain a license to practice medicine in
20 a member state if the person complies with all laws and
21 requirements other than that compact relating to the issuance
22 of a license to practice medicine in that state.

23 ARTICLE 3 - Designation of State of Principal License

24 A. A physician shall designate a member state as
25 the state of principal license for purposes of registration for

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1 expedited licensure through the Interstate Medical Licensure
2 Compact if the physician possesses a full and unrestricted
3 license to practice medicine in that state, and the state is:

4 (1) the state of principal residence for the
5 physician;

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

8 (3) the location of the physician's employer;
9 or

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

13 B. A physician may redesignate a member state as a
14 state of principal license at any time if the state meets the
15 requirements of Subsection A of this article.

16 C. The interstate commission is authorized to
17 develop rules to facilitate redesignation of another member
18 state as the state of principal license.

19 ARTICLE 4 - Application and Issuance of Expedited Licensure

20 A. A physician seeking licensure through the
21 Interstate Medical Licensure Compact shall file an application
22 for an expedited license with the member board of the state
23 selected by the physician as the state of principal license.

24 B. Upon receipt of an application for an expedited
25 license, the member board within the state of principal license

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1 shall evaluate whether the physician is eligible for expedited
2 licensure and issue a letter of qualification, verifying or
3 denying the physician's eligibility, to the interstate
4 commission.

5 (1) Static qualifications, which include
6 verification of medical education, graduate medical education,
7 results of any medical or licensing examination and other
8 qualifications as determined by the interstate commission
9 through rule, shall not be subject to additional primary-source
10 verification if primary-source verification has been conducted
11 by the state of principal license.

12 (2) The member board of the state of principal
13 license shall, in the course of verifying eligibility, perform
14 a criminal background check of an applicant, including the use
15 of the results of fingerprint or other biometric data checks
16 compliant with the requirements of the federal bureau of
17 investigation, with the exception of federal employees who have
18 suitability determination in accordance with 5 Code of Federal
19 Register Section 731.202.

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

23 C. Upon verification pursuant to Subsection B of
24 this article, physicians eligible for an expedited license
25 shall complete the registration process established by the

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1 interstate commission to receive a license in a member state
2 selected pursuant to Subsection A of this article, including
3 the payment of applicable fees.

4 D. After receiving verification of eligibility
5 pursuant to Subsection B of this article and payment of fees
6 pursuant to Subsection C of this article, a member board shall
7 issue an expedited license to the physician. This license
8 shall authorize the physician to practice medicine in the
9 issuing state consistent with the medical practice act and all
10 applicable laws and rules of the issuing member board and
11 member state.

12 E. An expedited license shall be valid for a period
13 consistent with the licensure period in the member state and in
14 the same manner as required for other physicians holding a full
15 and unrestricted license within the member state.

16 F. An expedited license obtained through the
17 Interstate Medical Licensure Compact shall be terminated if a
18 physician fails to maintain the license in the state of
19 principal licensure for a non-disciplinary reason, without
20 redesignation of a new state of principal licensure.

21 G. The interstate commission is authorized to
22 develop rules regarding the application process, including
23 payment of any applicable fees, and the issuance of an
24 expedited license.

25 ARTICLE 5 - Fees for Expedited Licensure

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1 A. A member state issuing an expedited license
2 authorizing the practice of medicine in that state may impose a
3 fee for a license issued or renewed through the Interstate
4 Medical Licensure Compact.

5 B. The interstate commission is authorized to
6 develop rules regarding fees for expedited licenses.

7 ARTICLE 6 - Renewal and Continued Participation

8 A. A physician seeking to renew an expedited
9 license granted in a member state shall complete a renewal
10 process with the interstate commission if the physician:

11 (1) maintains a full and unrestricted license
12 in the state of principal license;

13 (2) has not been convicted, received
14 adjudication, deferred adjudication, community supervision or
15 deferred disposition for an offense by a court of appropriate
16 jurisdiction;

17 (3) has not had a license authorizing the
18 practice of medicine subject to discipline by a licensing
19 agency in any state, federal or foreign jurisdiction, excluding
20 any action related to nonpayment of fees related to a license;
21 and

22 (4) has not had a controlled substance license
23 or permit suspended or revoked by a state or the United States
24 drug enforcement administration.

25 B. Physicians shall comply with all continuing

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1 professional development or continuing medical education
2 requirements for renewal of a license issued by a member state.

3 C. The interstate commission shall collect the
4 renewal fees charged for the renewal of a license and
5 distribute the fees to the applicable member board.

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

9 E. Physician information collected by the
10 interstate commission during the renewal process will be
11 distributed to all member boards.

12 F. The interstate commission is authorized to
13 develop rules to address renewal of licenses obtained through
14 the Interstate Medical Licensure Compact.

15 ARTICLE 7 - Coordinated Information System

16 A. The interstate commission shall establish a
17 database of all physicians licensed, or who have applied for
18 licensure, pursuant to Article 4 of the Interstate Medical
19 Licensure Compact.

20 B. Notwithstanding any other provision of law,
21 member boards shall report to the interstate commission any
22 public action or complaint against a licensed physician who has
23 applied or received an expedited license through the Interstate
24 Medical Licensure Compact.

25 C. Member boards shall report disciplinary or

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1 investigatory information determined as necessary and proper by
2 rule of the interstate commission.

3 D. Member boards may report any nonpublic
4 complaint, disciplinary or investigatory information not
5 required by Subsection C of this article to the interstate
6 commission.

7 E. Member boards shall share complaint or
8 disciplinary information about a physician upon request of
9 another member board.

10 F. All information provided to the interstate
11 commission or distributed by member boards shall be
12 confidential, filed under seal and used only for investigatory
13 or disciplinary matters; provided that information submitted by
14 a member state remains subject to the confidentiality and
15 transparency requirements imposed by that member state's law or
16 court order.

17 G. The interstate commission is authorized to
18 develop rules for mandated or discretionary sharing of
19 information by member boards.

20 ARTICLE 8 - Joint Investigations

21 A. Licensure and disciplinary records of physicians
22 are deemed investigative.

23 B. In addition to the authority granted to a member
24 board by its respective medical practice act or other
25 applicable state law, a member board may participate with other

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1 member boards in joint investigations of physicians licensed by
2 the member boards.

3 C. An investigative subpoena issued by a member
4 board may be enforceable in other member states, but only to
5 the extent that both states agree to and are participating in a
6 joint investigation pursuant to the Interstate Medical
7 Licensure Compact.

8 D. Member boards may share investigative,
9 litigation or compliance materials in furtherance of any joint
10 or individual investigation initiated under the Interstate
11 Medical Licensure Compact.

12 E. A member state may investigate actual or alleged
13 violations of the statutes authorizing the practice of medicine
14 in any other member state in which a physician holds a license
15 to practice medicine.

16 ARTICLE 9 - Disciplinary Actions

17 A. A disciplinary action taken by a member board
18 against a physician licensed through the Interstate Medical
19 Licensure Compact shall be deemed unprofessional conduct that
20 may be subject to discipline by other member boards, in
21 addition to a violation of the medical practice act or rules in
22 that state.

23 B. If a license granted to a physician by the
24 member board in the state of principal license is revoked,
25 surrendered or relinquished in lieu of discipline or suspended,

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1 then all licenses issued to the physician by member boards
2 shall automatically be placed, without further action necessary
3 by any member board, on the same status. If the member board
4 in the state of principal license subsequently reinstates the
5 physician's license, a license issued to the physician by any
6 other member board shall remain encumbered until that
7 respective member board takes action to reinstate the license
8 in a manner consistent with the medical practice act of that
9 state.

10 C. If disciplinary action is taken against a
11 physician by a member board not in the state of principal
12 license, any other member board may deem the action conclusive
13 as to matter of law and fact decided and:

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

17 (2) pursue separate disciplinary action
18 against the physician under that state's respective medical
19 practice act, regardless of the action taken in other member
20 states.

21 D. If a license granted to a physician by a member
22 board is revoked, surrendered or relinquished in lieu of
23 discipline or suspended, then any licenses issued to the
24 physician by other member boards shall be suspended,
25 automatically and immediately without further action necessary

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1 by the other member boards, for ninety days upon entry of the
2 order by the disciplining board, to permit the member boards to
3 investigate the basis for the action under the medical practice
4 act of that state. A member board may terminate the automatic
5 suspension of the license the member board issued prior to the
6 completion of the ninety-day suspension period in a manner
7 consistent with the medical practice act of that state.

8 E. A license, certification or authorization that
9 is automatically suspended or revoked pursuant to this article
10 shall be immediately reinstated if the suspension or revocation
11 is solely on the basis that a health care practitioner
12 performed, recommended or provided reproductive health services
13 or gender-affirming care.

14 ARTICLE 10 - Interstate Medical Licensure Compact Commission

15 A. The "interstate medical licensure compact
16 commission" is created by the member states in accordance with
17 the provisions of this article.

18 B. The purpose of the interstate commission is the
19 administration of the Interstate Medical Licensure Compact,
20 which is a discretionary state function.

21 C. The interstate commission shall be a body
22 corporate and joint agency of the member states and shall have
23 all the responsibilities, powers and duties set forth in the
24 Interstate Medical Licensure Compact and such additional powers
25 as may be conferred upon it by a subsequent concurrent action

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1 of the respective legislatures of the member states in
2 accordance with the terms of the compact.

3 D. The interstate commission shall consist of two
4 voting representatives appointed by each member state who shall
5 serve as commissioners. In states where allopathic and
6 osteopathic physicians are regulated by separate member boards
7 or if the licensing and disciplinary authority is split between
8 separate member boards or if the licensing and disciplinary
9 authority is split between multiple member boards within a
10 member state, the member state shall appoint one representative
11 from each member board. A commissioner shall be:

12 (1) an allopathic or osteopathic physician
13 appointed to a member board;

14 (2) an executive director, executive secretary
15 or similar executive of a member board; or

16 (3) a member of the public appointed to a
17 member board.

18 E. The interstate commission shall meet at least
19 once each calendar year. A portion of this meeting shall be a
20 business meeting to address such matters as may properly come
21 before the commission, including the election of officers. The
22 chair may call additional meetings and shall call for a meeting
23 upon the request of a majority of the member states.

24 F. The bylaws may provide for meetings of the
25 interstate commission to be conducted by telecommunication or

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1 electronic communication.

2 G. Each commissioner participating at a meeting of
3 the interstate commission is entitled to one vote. A majority
4 of commissioners shall constitute a quorum for the transaction
5 of business unless a larger quorum is required by the bylaws of
6 the interstate commission. A commissioner shall not delegate a
7 vote to another commissioner. In the absence of a member
8 state's commissioner, the member state may delegate voting
9 authority for a specified meeting to another person from that
10 state who shall meet the requirements of Subsection D of this
11 article.

12 H. The interstate commission shall provide public
13 notice of all meetings, and all meetings shall be open to the
14 public. The interstate commission may close a meeting, in full
15 or in portion, where the interstate commission determines by a
16 two-thirds' vote of the commissioners present that an open
17 meeting would be likely to:

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

20 (2) discuss matters specifically exempted from
21 disclosure by federal statute;

22 (3) discuss trade secrets or commercial or
23 financial information that is privileged or confidential;

24 (4) involve accusing a person of a crime or
25 formally censuring a person;

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1 (5) discuss information of a personal nature,
2 in which disclosure would constitute a clearly unwarranted
3 invasion of personal privacy;

4 (6) discuss investigative records compiled for
5 law enforcement purposes; or

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

8 I. The interstate commission shall keep minutes
9 that shall fully describe all matters discussed in a meeting
10 and shall provide a full and accurate summary of actions taken,
11 including record of any roll call votes.

12 J. The interstate commission shall make its
13 information and official records, to the extent not otherwise
14 designated in the Interstate Medical Licensure Compact,
15 available to the public for inspection.

16 K. The interstate commission shall establish an
17 executive committee that shall include officers, members and
18 others as determined by the bylaws. The executive committee
19 shall have the power to act on behalf of the interstate
20 commission, with the exception of rulemaking, during periods
21 when the interstate commission is not in session. When acting
22 on behalf of the interstate commission, the executive committee
23 shall oversee the administration of the Interstate Medical
24 Licensure Compact, including enforcement and compliance with
25 the provisions of the compact, its bylaws and rules and other

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1 such duties as necessary.

2 L. The interstate commission shall establish other
3 committees for governance and administration of the Interstate
4 Medical Licensure Compact.

5 ARTICLE 11 - Powers and Duties of the Interstate Commission

6 The interstate commission shall have the duty and power
7 to:

8 A. oversee and maintain the administration of the
9 Interstate Medical Licensure Compact;

10 B. promulgate rules that shall be binding to the
11 extent and in the manner provided for in the Interstate Medical
12 Licensure Compact;

13 C. issue, upon the request of a member state or
14 member board, advisory opinions concerning the meaning or
15 interpretation of the Interstate Medical Licensure Compact, its
16 bylaws, rules and actions;

17 D. enforce compliance with Interstate Medical
18 Licensure Compact provisions, the rules promulgated by the
19 interstate commission and the bylaws, using all necessary and
20 proper means, including the use of judicial process;

21 E. establish and appoint committees, including an
22 executive committee as required by Article 10 of the Interstate
23 Medical Licensure Compact, which shall have the power to act on
24 behalf of the interstate commission in carrying out the
25 interstate commission's powers and duties;

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1 F. pay, or provide for the payment of, the expenses
2 related to the establishment, organization and ongoing
3 activities of the interstate commission;

4 G. establish and maintain one or more offices;

5 H. borrow, accept, hire or contract for services of
6 personnel;

7 I. purchase and maintain insurance and bonds;

8 J. employ an executive director who shall have such
9 powers to employ, select or appoint employees, agents or
10 consultants and to determine their qualifications, define their
11 duties and fix their compensation;

12 K. establish personnel policies and programs
13 relating to conflicts of interest, rates of compensation and
14 qualifications of personnel;

15 L. accept donations and grants of money, equipment,
16 supplies, materials and services and to receive, utilize and
17 dispose of donations and grants of money, equipment, supplies,
18 materials and services in a manner consistent with the conflict
19 of interest policies established by the interstate commission;

20 M. lease, purchase, accept contributions or
21 donations of or otherwise to own, hold, improve or use any
22 property, real, personal or mixed;

23 N. sell, convey, mortgage, pledge, lease, exchange,
24 abandon or otherwise dispose of any property, real, personal or
25 mixed;

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- 1 O. establish a budget and make expenditures;
- 2 P. adopt a seal and bylaws governing the management
3 and operation of the interstate commission;
- 4 Q. report annually to the legislatures and
5 governors of the member states concerning the activities of the
6 interstate commission during the preceding year. Such reports
7 shall also include reports of financial audits and any
8 recommendations that may have been adopted by the interstate
9 commission;
- 10 R. coordinate education, training and public
11 awareness regarding the Interstate Medical Licensure Compact,
12 its implementation and its operation;
- 13 S. maintain records in accordance with the bylaws;
- 14 T. seek and obtain trademarks, copyrights and
15 patents; and
- 16 U. perform such functions as may be necessary or
17 appropriate to achieve the purpose of the Interstate Medical
18 Licensure Compact.

19 ARTICLE 12 - Finance Powers

20 A. The interstate commission may levy on and
21 collect an annual assessment from each member state or member
22 board to cover the cost of the operations and activities of the
23 interstate commission and its staff. The total assessment must
24 be sufficient to cover the annual budget approved each year for
25 which revenue is not provided by other sources. The aggregate

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1 annual assessment amount shall be allocated upon a formula to
2 be determined by the interstate commission, which shall
3 promulgate a rule binding upon all member states.

4 B. The interstate commission shall not incur
5 obligations of any kind prior to securing the funds adequate to
6 meet the same.

7 C. The interstate commission shall not pledge the
8 credit of any of the member states, except by, and with the
9 authority of, the member state.

10 D. The interstate commission shall be subject to a
11 yearly financial audit conducted by a certified or licensed
12 accountant, and the report of the audit shall be included in
13 the annual report of the interstate commission.

14 ARTICLE 13 - Organization and Operation of the Interstate
15 Commission

16 A. The interstate commission shall, by a majority
17 of commissioners present and voting, adopt bylaws to govern the
18 interstate commission's conduct as may be necessary or
19 appropriate to carry out the purposes of the Interstate Medical
20 Licensure Compact within twelve months of the first interstate
21 commission meeting.

22 B. The interstate commission shall elect or appoint
23 annually from among its commissioners a chair, a vice chair and
24 a treasurer, each of whom shall have such authority and duties
25 as may be specified in the bylaws. The chair or, in the

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1 chair's absence or disability, the vice chair, shall preside at
2 all meetings of the interstate commission.

3 C. Officers selected pursuant to Subsection B of
4 this article shall serve without remuneration from the
5 interstate commission.

6 D. The officers and employees of the interstate
7 commission shall not be liable or subject to suit, either
8 personally or in their official capacity, for a claim for
9 damage to or loss of property or personal injury or other civil
10 liability caused or arising out of, or relating to, an actual
11 or alleged act, error or omission that occurred, or that such
12 person had a reasonable basis for believing occurred, within
13 the scope of interstate commission employment, duties or
14 responsibilities; provided that such person shall not be
15 protected from suit or liability for damage, loss, injury or
16 liability caused by the intentional or willful and wanton
17 misconduct of such person.

18 E. The liability of the executive director and
19 employees of the interstate commission or representatives of
20 the interstate commission, acting within the scope of such
21 person's employment or duties for acts, errors or omissions
22 occurring within such person's state, may not exceed the limits
23 of liability set forth under the constitution and laws of that
24 state for state officials, employees and agents. The
25 interstate commission is considered to be an instrumentality of

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1 the states for the purpose of any such action. Nothing in this
2 subsection shall be construed to protect such person from suit
3 or liability for damage, loss, injury or liability caused by
4 the intentional or willful and wanton misconduct of such
5 person.

6 F. The interstate commission shall defend the
7 executive director and its employees, and, subject to the
8 approval of the attorney general or other appropriate legal
9 counsel of the member state represented by an interstate
10 commission representative, shall defend such interstate
11 commission representative in any civil action seeking to impose
12 liability arising out of an actual or alleged act, error or
13 omission that occurred within the scope of interstate
14 commission employment, duties or responsibilities, or that the
15 defendant had a reasonable basis for believing occurred within
16 the scope of interstate commission employment, duties or
17 responsibilities; provided that the actual or alleged act,
18 error or omission did not result from intentional or willful
19 and wanton misconduct on the part of such person.

20 G. To the extent not covered by the state involved,
21 member state or the interstate commission, the representatives
22 or employees of the interstate commission shall be held
23 harmless in the amount of a settlement or judgment, including
24 attorney fees and costs, obtained against such persons arising
25 out of an actual or alleged act, error or omission that

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1 occurred within the scope of the interstate commission
2 employment, duties or responsibilities, or that such persons
3 had a reasonable basis for believing occurred within the scope
4 of interstate commission employment, duties or
5 responsibilities; provided that the actual or alleged act,
6 error or omission did not result from intentional or willful
7 and wanton misconduct on the part of such person.

8 ARTICLE 14 - Rulemaking Functions of the Interstate Commission

9 A. The interstate commission shall promulgate
10 reasonable rules to effectively and efficiently achieve the
11 purpose of the Interstate Medical Licensure Compact; provided
12 that in the event the interstate commission exercises
13 rulemaking authority in a manner that is beyond the scope of
14 the purposes of that compact or the powers granted by that
15 compact, then such an action by the interstate commission shall
16 be invalid and have no force or effect.

17 B. Rules deemed appropriate for the operations of
18 the interstate commission shall be made pursuant to a
19 rulemaking process that substantially conforms to the model
20 state administrative procedure act of 2010 and subsequent
21 amendments to that act.

22 C. No later than thirty days after a rule is
23 promulgated, a person may file a petition for judicial review
24 of the rule in the United States district court for the
25 District of Columbia, federal courts of New Mexico or the

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1 federal district where the interstate commission has its
2 principal offices; provided that the filing of such a petition
3 shall not stay or otherwise prevent the rule from becoming
4 effective unless the court finds that the petitioner has a
5 substantial likelihood of success. The court shall give
6 deference to the actions of the interstate commission
7 consistent with applicable law and shall not find the rule to
8 be unlawful if the rule represents a reasonable exercise of the
9 authority granted to the interstate commission.

10 ARTICLE 15 - Oversight of Interstate Medical Licensure Compact

11 A. The executive, legislative and judicial branches
12 of state government in each member state shall enforce the
13 Interstate Medical Licensure Compact and shall take all actions
14 necessary and appropriate to effectuate the compact's purposes
15 and intent. The provisions of that compact and the rules
16 promulgated pursuant to that compact shall have standing as
17 statutory law but shall not override existing state authority
18 to regulate the practice of medicine.

19 B. All courts shall take judicial notice of the
20 Interstate Medical Licensure Compact and rules promulgated
21 pursuant to that compact in any judicial or administrative
22 proceeding in a member state pertaining to the subject matter
23 of that compact that may affect the powers, responsibilities or
24 actions of the interstate commission.

25 C. The interstate commission shall be entitled to

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1 receive all services of process in such proceeding and shall
2 have standing to intervene in the proceeding for all purposes.
3 Failure to provide service of process to the interstate
4 commission shall render a judgment or order void as to the
5 interstate commission, the Interstate Medical Licensure Compact
6 or promulgated rules.

7 ARTICLE 16 - Enforcement of Interstate Medical Licensure
8 Compact

9 A. The interstate commission, in the reasonable
10 exercise of its discretion, shall enforce the provisions and
11 rules of the Interstate Medical Licensure Compact.

12 B. The interstate commission may, by majority vote
13 of the commissioners, initiate legal action in the United
14 States district court for the District of Columbia, federal
15 courts of New Mexico or, at the discretion of the interstate
16 commission, in the federal district where the interstate
17 commission has its principal offices, to enforce compliance
18 with the provisions of the Interstate Medical Licensure
19 Compact, and its promulgated rules and bylaws, against a member
20 state in default. The relief sought may include both
21 injunctive relief and damages. In the event judicial
22 enforcement is necessary, the prevailing party may be awarded
23 all costs of such litigation, including reasonable attorney
24 fees.

25 C. The remedies provided in this article shall not

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1 be the exclusive remedies of the interstate commission. The
2 interstate commission may avail itself of any other remedies
3 available under state law or regulation of a profession.

4 ARTICLE 17 - Default Procedures

5 A. The grounds for default include failure of a
6 member state to perform such obligations or responsibilities
7 imposed upon the member state by the Interstate Medical
8 Licensure Compact or the rules and bylaws of the interstate
9 commission promulgated pursuant to that compact.

10 B. If the interstate commission determines that a
11 member state has defaulted in the performance of the member
12 state's obligations or responsibilities under the Interstate
13 Medical Licensure Compact, or the bylaws or promulgated rules,
14 the interstate commission shall:

15 (1) provide written notice to the defaulting
16 state and other member states of the nature of the default, the
17 means of curing the default and any action taken by the
18 interstate commission. The interstate commission shall specify
19 the conditions by which the defaulting state must cure its
20 default; and

21 (2) provide remedial training and specific
22 technical assistance regarding the default.

23 C. If the defaulting state fails to cure the
24 default, the defaulting state shall be terminated from the
25 Interstate Medical Licensure Compact upon an affirmative vote

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1 of a majority of the commissioners, and all rights, privileges
2 and benefits conferred by the compact shall terminate on the
3 effective date of termination. A cure of the default does not
4 relieve the offending state of obligations or liabilities
5 incurred during the period of the default.

6 D. Termination of membership in the Interstate
7 Medical Licensure Compact shall be imposed only after all other
8 means of securing compliance have been exhausted. Notice of
9 intent to terminate shall be given by the interstate commission
10 to the governor, the majority and minority leaders of the
11 defaulting state's legislature and each of the member states.

12 E. The interstate commission shall establish rules
13 and procedures to address licenses and physicians that are
14 materially impacted by the termination of a member state or the
15 withdrawal of a member state.

16 F. The member state that has been terminated is
17 responsible for all dues, obligations and liabilities incurred
18 through the effective date of termination, including
19 obligations related to mutually agreed-upon performance that
20 extend beyond the effective date of termination.

21 G. The interstate commission shall not bear any
22 costs relating to any state that has been found to be in
23 default or that has been terminated from the Interstate Medical
24 Licensure Compact unless otherwise mutually agreed upon in
25 writing between the interstate commission and the defaulting

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1 state.

2 H. The defaulting state may appeal the action of
3 the interstate commission by petitioning the United States
4 district court for the District of Columbia, federal courts of
5 New Mexico or the federal district where the interstate
6 commission has its principal offices. The prevailing party
7 shall be awarded all costs of such litigation, including
8 reasonable attorney fees.

9 ARTICLE 18 - Dispute Resolution

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

14 B. The interstate commission shall promulgate rules
15 providing for both mediation and binding dispute resolution as
16 appropriate.

17 ARTICLE 19 - Member States, Effective Date and Amendment

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

20 B. The Interstate Medical Licensure Compact shall
21 become effective and binding upon legislative enactment of the
22 compact into law by no less than seven states. Thereafter, it
23 shall become effective and binding on a state upon enactment of
24 the compact into law by that state.

25 C. The governors of nonmember states, or the

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1 governors' designees, shall be invited to participate in the
2 activities of the interstate commission on a nonvoting basis
3 prior to adoption of the Interstate Medical Licensure Compact
4 by all states.

5 D. The interstate commission may propose amendments
6 to the Interstate Medical Licensure Compact for enactment by
7 the member states. No amendment shall become effective and
8 binding upon the interstate commission and the member states
9 unless and until the amendment is enacted into law by unanimous
10 consent of the member states.

11 ARTICLE 20 - Withdrawal

12 A. Once effective, the Interstate Medical Licensure
13 Compact shall continue in force and remain binding upon each
14 member state; provided that a member state may withdraw from
15 the compact by specifically repealing the statute that enacted
16 the compact into law.

17 B. Withdrawal from the Interstate Medical Licensure
18 Compact shall be by the enactment of a statute repealing the
19 compact. Legislation enacted for the purposes of withdrawing
20 from the compact shall require the state to delay withdrawal
21 from the compact for a period of at least one year after the
22 effective date of the legislation. During the one-year delay,
23 the member board of the withdrawing state shall wind up its
24 affairs with the commission and provide written notice of the
25 withdrawal to the governor of each other member state.

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1 C. The withdrawing state shall immediately notify
2 the chair of the interstate commission in writing upon the
3 introduction of legislation to repeal the Interstate Medical
4 Licensure Compact in the withdrawing state.

5 D. The interstate commission shall notify the other
6 member states of the withdrawing state's intent to withdraw
7 within sixty days of receipt of notice provided under
8 Subsection C of this article.

9 E. The withdrawing state is responsible for all
10 dues, obligations and liabilities incurred through the
11 effective date of withdrawal, including obligations related to
12 mutually agreed-upon performance that extend beyond the
13 effective date of withdrawal.

14 F. Reinstatement following withdrawal of a member
15 state shall occur upon the withdrawing state reenacting the
16 Interstate Medical Licensure Compact or upon such later date as
17 determined by a vote of the interstate commission.

18 G. The interstate commission is authorized to
19 develop rules to address the impact of the withdrawal of a
20 member state on licenses granted in other member states to
21 physicians who designated the withdrawing member state as the
22 state of principal license.

23 ARTICLE 21 - Dissolution

24 A. The Interstate Medical Licensure Compact shall
25 dissolve effective upon the date of the withdrawal or default

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1 of the member state that reduces the membership of the compact
2 to one member state.

3 B. Upon the dissolution of the Interstate Medical
4 Licensure Compact, the compact becomes void and shall be of no
5 further force, and the business and affairs of the interstate
6 commission shall be concluded and surplus funds shall be
7 distributed in accordance with the bylaws.

8 ARTICLE 22 - Severability and Construction

9 A. The provisions of the Interstate Medical
10 Licensure Compact shall be severable, and if any phrase,
11 clause, sentence or provision is deemed unenforceable, the
12 remaining provisions of the compact shall be enforceable.

13 B. The provisions of the Interstate Medical
14 Licensure Compact shall be liberally construed to effectuate
15 the purposes of that compact.

16 C. Nothing in the Interstate Medical Licensure
17 Compact shall be construed to prohibit the applicability of
18 other interstate compacts to which the member states are
19 members.

20 ARTICLE 23 - Binding Effect of the Interstate Medical Licensure

21 Compact and Other Laws

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

25 B. All laws in a member state in conflict with the

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1 Interstate Medical Licensure Compact are superseded to the
2 extent of the conflict.

3 C. All lawful actions of the interstate commission,
4 including all rules and bylaws promulgated by the interstate
5 commission, are binding upon the member states.

6 D. All agreements between the interstate commission
7 and the member states are binding in accordance with their
8 terms.

9 E. In the event any provision of the Interstate
10 Medical Licensure Compact exceeds the constitutional limits
11 imposed on the legislature of any member state, such provision
12 shall be ineffective to the extent of the conflict with the
13 constitutional provision in question in that member state.".

14 SECTION 3. [NEW MATERIAL] APPOINTMENT OF COMMISSIONERS.--

15 A. The governor shall appoint two members of the
16 New Mexico medical board who are licensed physicians to serve
17 as commissioners. One member shall be a medical doctor and one
18 member shall be an osteopathic physician. A member shall serve
19 until the member's successor has been appointed and qualified.
20 Each member serves at the pleasure of the governor or until the
21 member is no longer a member of the New Mexico medical board.
22 If a position is vacated, the position shall be filled by
23 appointment by the governor of a medical board member who meets
24 the qualification of the vacating member.

25 B. The governor may appoint an alternative

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1 commissioner who meets the qualifications of Subsection D of
2 Article 10 of the Interstate Medical Licensure Compact to serve
3 in the absence of a regular commissioner and who has voting
4 authority only for a specified meeting of the interstate
5 commission.

6 SECTION 4. [NEW MATERIAL] RULES OF INTERSTATE
7 COMMISSION.--The interstate commission shall file copies of its
8 current bylaws and rules with the state records administrator
9 in accordance with the State Rules Act.