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AN ACT

RELATING TO LICENSURE; ENACTING THE INTERSTATE MEDICAL
LICENSURE COMPACT; PROVIDING FOR THE APPOINTMENT OF
NEW MEXICO COMPACT COMMISSIONERS; REQUIRING THE PUBLIC
POSTING OF INTERSTATE COMMISSION BYLAWS, RULES, DOCUMENTS AND
MINUTES; ENACTING NEW SECTIONS OF THE MEDICAL PRACTICE ACT;
PROVIDING FOR A CONTINGENT REPEAL OF THE INTERSTATE MEDICAL
LICENSURE COMPACT.

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

SECTION 1. SHORT TITLE.--Section 2 of this act may be
cited as the "Interstate Medical Licensure Compact".

SECTION 2. 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 - 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

1 person is guilty of a criminal offense through adjudication
2 or entry of a plea of guilt or no contest to the charge by
3 the offender. Evidence of an entry of a conviction of a
4 criminal offense by the court shall be considered final for
5 purposes of disciplinary action by a member board;

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

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

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

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

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

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

24 J. "offense" means a felony or misdemeanor under
25 the Criminal Code;

1 K. "physician" means a person who:

2 (1) is a graduate of a medical school
3 accredited by the liaison committee on medical education, the
4 commission on osteopathic college accreditation or a medical
5 school listed in the *World Directory of Medical Schools* or
6 its equivalent;

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

13 (3) successfully completed graduate medical
14 education approved by the accreditation council for graduate
15 medical education or the American osteopathic association;

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

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

23 (6) has never been convicted or received
24 adjudication, deferred adjudication, community supervision or
25 deferred disposition for any offense by a court of

1 appropriate jurisdiction;

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

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

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

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

18 M. "rule" means a written statement by the
19 interstate commission promulgated pursuant to Article 11 of
20 the Interstate Medical Licensure Compact that is of general
21 applicability, implements, interprets or prescribes a policy
22 or provision of the compact or is an organizational,
23 procedural or practice requirement of the interstate
24 commission and has the force and effect of law in a member
25 state, if the rule is not inconsistent with the laws of the

1 member state, and includes the amendment, repeal or
2 suspension of an existing rule;

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

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

10 ARTICLE 2 - Eligibility

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

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

21 ARTICLE 3 - Designation of State of Principal License

22 A. A physician shall designate a member state as
23 the state of principal license for purposes of registration
24 for expedited licensure through the Interstate Medical
25 Licensure Compact if the physician possesses a full and

1 unrestricted license to practice medicine in that state, and
2 the state is:

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

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

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

9 (4) the state designated as state of
10 residence for the purpose of federal income tax if a state
11 does not qualify under Paragraph (1), (2) or (3) of this
12 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
22 application for an expedited license with the member board of
23 the state selected by the physician as the state of principal
24 license.

25 B. Upon receipt of an application for an expedited

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

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

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

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

25 C. Upon verification pursuant to Subsection B of

1 this article, physicians eligible for an expedited license
2 shall complete the registration process established by the
3 interstate commission to receive a license in a member state
4 selected pursuant to Subsection A of this article, including
5 the payment of applicable fees.

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

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

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

24 G. The interstate commission is authorized to
25 develop rules regarding the application process, including

1 payment of any applicable fees, and the issuance of an
2 expedited license.

3 ARTICLE 5 - Fees for Expedited Licensure

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

8 B. The interstate commission is authorized to
9 develop rules regarding fees for expedited licenses.

10 ARTICLE 6 - Renewal and Continued Participation

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

14 (1) maintains a full and unrestricted
15 license in the state of principal license;

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

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

25 (4) has not had a controlled substance

1 license or permit suspended or revoked by a state or the
2 United States drug enforcement administration.

3 B. Physicians shall comply with all continuing
4 professional development or continuing medical education
5 requirements for renewal of a license issued by a member
6 state.

7 C. The interstate commission shall collect the
8 renewal fees charged for the renewal of a license and
9 distribute the fees to the applicable member board.

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

13 E. Physician information collected by the
14 interstate commission during the renewal process will be
15 distributed to all member boards.

16 F. The interstate commission is authorized to
17 develop rules to address renewal of licenses obtained through
18 the Interstate Medical Licensure Compact.

19 ARTICLE 7 - Coordinated Information System

20 A. The interstate commission shall establish a
21 database of all physicians licensed, or who have applied for
22 licensure, pursuant to Article 4 of the Interstate Medical
23 Licensure Compact.

24 B. Notwithstanding any other provision of law,
25 member boards shall report to the interstate commission any

1 public action or complaint against a licensed physician who
2 has applied or received an expedited license through the
3 Interstate Medical Licensure Compact.

4 C. Member boards shall report disciplinary or
5 investigatory information determined as necessary and proper
6 by rule of the interstate commission.

7 D. Member boards may report any nonpublic
8 complaint, disciplinary or investigatory information not
9 required by Subsection C of this article to the interstate
10 commission.

11 E. Member boards shall share complaint or
12 disciplinary information about a physician upon request of
13 another member board.

14 F. All information provided to the interstate
15 commission or distributed by member boards shall be
16 confidential, filed under seal and used only for
17 investigatory or disciplinary matters; provided that
18 information submitted to the New Mexico medical board is
19 subject to the confidentiality and transparency requirements
20 imposed by New Mexico law or court order.

21 G. The interstate commission is authorized to
22 develop rules for mandated or discretionary sharing of
23 information by member boards.

24 ARTICLE 8 - Joint Investigations

25 A. Licensure and disciplinary records of

1 physicians are deemed investigative.

2 B. In addition to the authority granted to a
3 member board by its respective medical practice act or other
4 applicable state law, a member board may participate with
5 other member boards in joint investigations of physicians
6 licensed by the member boards.

7 C. If participating in a joint investigation, and
8 if requested by another board, the New Mexico medical board
9 shall issue an investigative subpoena.

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

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

18 ARTICLE 9 - Disciplinary Actions

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

25 B. If a license granted to a physician by the

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

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

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

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

23 D. If a license granted to a physician by a member
24 board is revoked, surrendered or relinquished in lieu of
25 discipline or suspended, then any licenses issued to the

1 physician by other member boards shall be suspended,
2 automatically and immediately without further action
3 necessary by the other member boards, for ninety days upon
4 entry of the order by the disciplining board, to permit the
5 member boards to investigate the basis for the action under
6 the medical practice act of that state. A member board may
7 terminate the automatic suspension of the license the member
8 board issued prior to the completion of the ninety-day
9 suspension period in a manner consistent with the medical
10 practice act of that state.

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

17 ARTICLE 10 - Interstate Medical Licensure Compact Commission

18 A. The "interstate medical licensure compact
19 commission" is created by the member states in accordance
20 with the provisions of this article.

21 B. The purpose of the interstate commission is the
22 administration of the Interstate Medical Licensure Compact,
23 which is a discretionary state function.

24 C. The interstate commission shall be a body
25 corporate and joint agency of the member states and shall

1 have all the responsibilities, powers and duties set forth in
2 the Interstate Medical Licensure Compact and such additional
3 powers as may be conferred upon it by a subsequent concurrent
4 action of the respective legislatures of the member states in
5 accordance with the terms of the compact.

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

16 (1) an allopathic or osteopathic physician
17 appointed to a member board;

18 (2) an executive director, executive
19 secretary or similar executive of a member board; or

20 (3) a member of the public appointed to a
21 member board.

22 E. The interstate commission shall meet at least
23 once each calendar year. A portion of this meeting shall be
24 a business meeting to address such matters as may properly
25 come before the commission, including the election of

1 officers. The chair may call additional meetings and shall
2 call for a meeting upon the request of a majority of the
3 member states.

4 F. The bylaws may provide for meetings of the
5 interstate commission to be conducted by telecommunication or
6 electronic communication.

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

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

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

25 (2) discuss matters specifically exempted

1 from disclosure by federal statute;

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

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

6 (5) discuss information of a personal
7 nature, in which disclosure would constitute a clearly
8 unwarranted invasion of personal privacy;

9 (6) discuss investigative records compiled
10 for law enforcement purposes; or

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

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

17 J. The interstate commission shall make its
18 information and official records, to the extent not otherwise
19 designated in the Interstate Medical Licensure Compact,
20 available to the public for inspection.

21 K. The interstate commission shall establish an
22 executive committee that shall include officers, members and
23 others as determined by the bylaws. The executive committee
24 shall have the power to act on behalf of the interstate
25 commission, with the exception of rulemaking, during periods

1 when the interstate commission is not in session. When
2 acting on behalf of the interstate commission, the executive
3 committee shall oversee the administration of the Interstate
4 Medical Licensure Compact, including enforcement and
5 compliance with the provisions of the compact, its bylaws and
6 rules and other such duties as necessary.

7 L. The interstate commission shall establish other
8 committees for governance and administration of the
9 Interstate Medical Licensure Compact.

10 ARTICLE 11 - Powers and Duties of the Interstate Commission

11 The interstate commission shall have the duty and power
12 to:

13 A. oversee and maintain the administration of the
14 Interstate Medical Licensure Compact;

15 B. adopt rules, which shall be binding to the
16 extent and in the manner provided in the Interstate Medical
17 Licensure Compact;

18 C. issue, upon the request of a member state or
19 member board, advisory opinions concerning the meaning or
20 interpretation of the Interstate Medical Licensure Compact,
21 its bylaws, rules and actions;

22 D. enforce compliance with Interstate Medical
23 Licensure Compact provisions, the rules promulgated by the
24 interstate commission and the bylaws, using all necessary and
25 proper means, including the use of judicial process;

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

6 F. pay, or provide for the payment of, the
7 expenses related to the establishment, organization and
8 ongoing activities of the interstate commission;

9 G. establish and maintain one or more offices;

10 H. borrow, accept, hire or contract for services
11 of personnel;

12 I. purchase and maintain insurance and bonds;

13 J. employ an executive director who shall have
14 such powers to employ, select or appoint employees, agents or
15 consultants and to determine their qualifications, define
16 their duties and fix their compensation;

17 K. establish personnel policies and programs
18 relating to conflicts of interest, rates of compensation and
19 qualifications of personnel;

20 L. accept donations and grants of money,
21 equipment, supplies, materials and services and to receive,
22 utilize and dispose of donations and grants of money,
23 equipment, supplies, materials and services in a manner
24 consistent with the conflict of interest policies established
25 by the interstate commission;

1 M. lease, purchase, accept contributions or
2 donations of or otherwise to own, hold, improve or use any
3 property, real, personal or mixed;

4 N. sell, convey, mortgage, pledge, lease,
5 exchange, abandon or otherwise dispose of any property, real,
6 personal or mixed;

7 O. establish a budget and make expenditures;

8 P. adopt a seal and bylaws governing the
9 management and operation of the interstate commission;

10 Q. report annually to the legislatures and
11 governors of the member states concerning the activities of
12 the interstate commission during the preceding year. Such
13 reports shall also include reports of financial audits and
14 any recommendations that may have been adopted by the
15 interstate commission;

16 R. coordinate education, training and public
17 awareness regarding the Interstate Medical Licensure Compact,
18 its implementation and its operation;

19 S. maintain records in accordance with the bylaws;

20 T. seek and obtain trademarks, copyrights and
21 patents; and

22 U. perform such functions as may be necessary or
23 appropriate to achieve the purpose of the Interstate Medical
24 Licensure Compact.

25 ARTICLE 12 - Finance Powers

1 appropriate to carry out the purposes of the Interstate
2 Medical Licensure Compact within twelve months of the first
3 interstate commission meeting.

4 B. The interstate commission shall elect or
5 appoint annually from among its commissioners a chair, a vice
6 chair and a treasurer, each of whom shall have such authority
7 and duties as may be specified in the bylaws. The chair or,
8 in the chair's absence or disability, the vice chair, shall
9 preside at all meetings of the interstate commission.

10 C. Officers selected pursuant to Subsection B of
11 this article shall serve without remuneration from the
12 interstate commission.

13 D. The officers and employees of the interstate
14 commission shall not be liable or subject to suit, either
15 personally or in their official capacity, when acting within
16 the scope of such person's employment or duties for acts,
17 errors or omissions occurring within such person's state.
18 Nothing in this subsection shall be construed to protect such
19 person from suit or liability for damage, loss, injury or
20 liability caused by the intentional or willful and wanton
21 misconduct of such person.

22 E. The interstate commission shall defend,
23 indemnify and hold harmless the executive director and the
24 director's employees according to the interstate commission's
25 rules and bylaws. The executive director and employees of

1 the interstate commission shall be held harmless in the
2 amount of a settlement or judgment, including attorney fees
3 and costs, obtained against such persons arising out of an
4 actual or alleged act, error or omission that occurred within
5 the scope of the interstate commission employment, duties or
6 responsibilities, or that such persons had a reasonable basis
7 for believing occurred within the scope of interstate
8 commission employment, duties or responsibilities; provided
9 that the actual or alleged act, error or omission did not
10 result from intentional or willful and wanton misconduct on
11 the part of such person.

12 F. The liability of the interstate commission
13 within any member state may not exceed the limits of
14 liability set forth under the constitution and laws of that
15 state for state officials, employees and agents. The
16 interstate commission is considered to be an instrumentality
17 of the states for the purpose of any such action.

18 ARTICLE 14 - Rulemaking Functions of the Interstate
19 Commission

20 A. The interstate commission shall promulgate
21 reasonable rules to effectively and efficiently achieve the
22 purpose of the Interstate Medical Licensure Compact; provided
23 that in the event the interstate commission exercises
24 rulemaking authority in a manner that is beyond the scope of
25 the purposes of that compact or the powers granted by that

1 compact, then such an action by the interstate commission
2 shall be invalid and have no force or effect.

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

8 C. No later than thirty days after a rule is
9 promulgated, a person may file a petition for judicial review
10 of the rule in the United States district court for the
11 District of Columbia, federal courts of New Mexico or the
12 federal district where the interstate commission has its
13 principal offices; provided that the filing of such a
14 petition shall not stay or otherwise prevent the rule from
15 becoming effective unless the court finds that the petitioner
16 has a substantial likelihood of success.

17 ARTICLE 15 - Oversight of Interstate Medical Licensure
18 Compact

19 A. Each member state shall enforce the Interstate
20 Medical Licensure Compact and shall take all actions
21 necessary and appropriate to effectuate the compact's
22 purposes and intent. The provisions of that compact and the
23 rules promulgated pursuant to that compact shall have
24 standing as law but shall not override existing state
25 authority to regulate the practice of medicine.

1 compliance with the provisions of the Interstate Medical
2 Licensure Compact, and its promulgated rules and bylaws,
3 against a member state in default. The relief sought may
4 include both injunctive relief and damages. In the event
5 judicial enforcement is necessary, the prevailing party shall
6 be awarded all costs of such litigation, including reasonable
7 attorney fees.

8 C. The remedies provided in this article shall not
9 be the exclusive remedies of the interstate commission. The
10 interstate commission may avail itself of any other remedies
11 available under state law or regulation of a profession.

12 ARTICLE 17 - Default Procedures

13 A. The grounds for default include failure of a
14 member state to perform such obligations or responsibilities
15 imposed upon the member state by the Interstate Medical
16 Licensure Compact or the rules and bylaws of the interstate
17 commission promulgated pursuant to that compact.

18 B. If the interstate commission determines that a
19 member state has defaulted in the performance of the member
20 state's obligations or responsibilities under the Interstate
21 Medical Licensure Compact, or the bylaws or promulgated
22 rules, the interstate commission shall:

23 (1) provide written notice to the defaulting
24 state and other member states of the nature of the default,
25 the means of curing the default and any action taken by the

1 interstate commission. The interstate commission shall
2 specify the conditions by which the defaulting state must
3 cure its default; and

4 (2) provide remedial training and specific
5 technical assistance regarding the default.

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

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

22 E. The interstate commission shall establish rules
23 and procedures to address licenses and physicians that are
24 materially impacted by the termination of a member state or
25 the withdrawal of a member state.

1 F. The member state that has been terminated is
2 responsible for all dues, obligations and liabilities
3 incurred through the effective date of termination, including
4 obligations related to mutually agreed-upon performance that
5 extend beyond the effective date of termination.

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

12 H. The interstate commission shall not issue a
13 fine or penalty to a state for being in default, unless the
14 fine or penalty is authorized by a court order.

15 I. 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, federal courts
18 of New Mexico or the federal district where the interstate
19 commission has its principal offices. The prevailing party
20 shall be awarded all costs of such litigation, including
21 reasonable attorney fees.

22 ARTICLE 18 - Dispute Resolution

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

1 may arise among member states or member boards.

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

5 ARTICLE 19 - Member States, Effective Date and Amendment

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

8 B. The Interstate Medical Licensure Compact shall
9 become effective and binding upon legislative enactment of
10 the compact into law by no less than seven states.

11 Thereafter, it shall become effective and binding on a state
12 upon enactment of the compact into law by that state.

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

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

24 ARTICLE 20 - Withdrawal

25 A. Once effective, the Interstate Medical

1 Licensure Compact shall continue in force and remain binding
2 upon each member state; provided that a member state may
3 withdraw from the compact by specifically repealing the
4 statute that enacted the compact into law.

5 B. Withdrawal from the Interstate Medical
6 Licensure Compact shall be by the enactment of a statute
7 repealing the compact. Legislation enacted for the purposes
8 of withdrawing from the compact shall provide for a wind-up
9 period that lasts at least one year after the effective date
10 of the legislation to allow the member board of the
11 withdrawing state to wind up its affairs with the commission
12 and provide written notice of the withdrawal to the governor
13 of each other member state.

14 C. The withdrawing state shall immediately notify
15 the chair of the interstate commission in writing upon the
16 introduction of legislation to repeal the Interstate Medical
17 Licensure Compact in the withdrawing state.

18 D. The interstate commission shall notify the
19 other member states of the withdrawing state's intent to
20 withdraw within sixty days of receipt of notice provided
21 under Subsection C of this article.

22 E. The withdrawing state is responsible for all
23 dues, obligations and liabilities incurred through the
24 effective date of withdrawal, including obligations related
25 to mutually agreed-upon performance that extend beyond the

1 effective date of withdrawal.

2 F. Reinstatement following withdrawal of a member
3 state shall occur upon the withdrawing state reenacting the
4 Interstate Medical Licensure Compact or upon such later date
5 as determined by a vote of the interstate commission.

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

11 ARTICLE 21 - Dissolution

12 A. The Interstate Medical Licensure Compact shall
13 dissolve effective upon the date of the withdrawal or default
14 of the member state that reduces the membership of the
15 compact to one member state.

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

21 ARTICLE 22 - Severability and Construction

22 A. The provisions of the Interstate Medical
23 Licensure Compact shall be severable, and if any phrase,
24 clause, sentence or provision is deemed unenforceable, the
25 remaining provisions of the compact shall be enforceable.

1 B. The provisions of the Interstate Medical
2 Licensure Compact shall be liberally construed to effectuate
3 the purposes of that compact.

4 C. Nothing in the Interstate Medical Licensure
5 Compact shall be construed to prohibit the applicability of
6 other interstate compacts to which the member states are
7 members.

8 ARTICLE 23 - Binding Effect of the Interstate Medical
9 Licensure Compact and Other Laws

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

13 B. All laws in a member state in conflict with the
14 Interstate Medical Licensure Compact are superseded to the
15 extent of the conflict.

16 C. All lawful actions of the interstate
17 commission, including all rules and bylaws promulgated by the
18 interstate commission, are binding upon the member states.

19 D. All agreements between the interstate
20 commission and the member states are binding in accordance
21 with their terms.

22 E. If any provision of this compact exceeds the
23 constitutional limits imposed on the legislature of any
24 member state, such provision shall be ineffective to the
25 extent of the conflict with the constitutional provision in

1 question in that member state.

2 ARTICLE 24 - Preservation of State Authority

3 A. This compact creates a new pathway for
4 physician licensure in this state but does not otherwise
5 change or limit the effect of the Medical Practice Act.

6 B. This compact adopts the prevailing standard for
7 licensure and affirms that the practice of medicine occurs
8 where the patient is located at the time of a
9 physician-patient encounter and, therefore, requires the
10 physician to be under the jurisdiction of the state medical
11 board where the patient is located.

12 C. A state medical board that participates in this
13 compact retains the authority to impose an adverse action
14 against a license to practice medicine in that state,
15 including licenses issued to physicians through procedures
16 provided by this compact.".

17 SECTION 3. A new section of the Medical Practice Act is
18 enacted to read:

19 "PARTICIPATION IN COMPACT AS CONDITION OF EMPLOYMENT
20 PROHIBITED.--An employer shall not require a physician
21 licensed in this state pursuant to the Medical Practice Act
22 to seek licensure through the Interstate Medical Licensure
23 Compact as a condition of initial or continued employment as
24 an allopathic or osteopathic physician in this state. An
25 employer may require that a physician obtain and maintain a

1 license to practice allopathic or osteopathic medicine in
2 multiple states if the physician is free to obtain and
3 maintain the licenses by any means authorized by the laws of
4 the respective states."

5 SECTION 4. A new section of the Medical Practice Act is
6 enacted to read:

7 "APPOINTMENT OF INTERSTATE MEDICAL LICENSURE COMPACT
8 COMMISSIONERS--DUTIES.--

9 A. The governor shall appoint two members of the
10 board who are licensed physicians to serve on the Interstate
11 Medical Licensure Compact commission. One member shall be a
12 medical doctor and one member shall be an osteopathic
13 physician. A member shall serve until the member's successor
14 has been appointed and qualified. Each member serves at the
15 pleasure of the governor or until the member is no longer a
16 member of the New Mexico medical board. If a position is
17 vacated, the position shall be filled by appointment by the
18 governor of a medical board member who meets the
19 qualification of the vacating member.

20 B. The governor may appoint an alternative
21 commissioner who meets the qualifications of Subsection D of
22 Article 10 of the Interstate Medical Licensure Compact to
23 serve in the absence of a regular commissioner and who has
24 voting authority only for a specified meeting of the
25 interstate commission.

1 C. If a meeting, or a portion of a meeting, of the
2 Interstate Medical Licensure Compact commission is closed
3 pursuant to Subsection H of Article 10 of the Interstate
4 Medical Licensure Compact, commissioners appointed pursuant
5 to this section shall request the commission's legal counsel
6 or designee to certify that the meeting may be closed by
7 citing each provision of that subsection that is applicable.
8 Commissioners may satisfy this subsection by making a motion,
9 or voting in the affirmative on a motion, to have the
10 interstate commission's legal counsel or designee certify
11 that the meeting may be closed.

12 D. Any time the Interstate Medical Licensure
13 Compact commission is voting on what to include in the
14 interstate commission's minutes, commissioners appointed
15 pursuant to this section shall vote to include in the
16 minutes:

17 (1) all actions taken by the commission and
18 the reasons for each action, including a description of the
19 views expressed; and

20 (2) identification of all documents
21 considered by the commission that relate to an action taken
22 by the commission."

23 SECTION 5. A new section of the Medical Practice Act is
24 enacted to read:

25 "BOARD OBLIGATIONS--PUBLIC POSTING.--The board shall

1 post on the board's public website:

2 A. copies of the Interstate Medical Licensure
3 Compact commission's current bylaws and rules;

4 B. notice of any Interstate Medical Licensure
5 Compact commission action that may affect the license of a
6 physician in this state within thirty days of the
7 commission's action being taken; and

8 C. any minutes or documents of the Interstate
9 Medical Licensure Compact commission that are released
10 pursuant to a vote of the commission. All minutes and
11 documents of a closed meeting of the Interstate Medical
12 Licensure Compact commission shall remain under seal, subject
13 to release by a majority vote of the commission or an order
14 of a court of competent jurisdiction."

15 SECTION 6. A new section of the Medical Practice Act is
16 enacted to read:

17 "JOINT INVESTIGATIONS--INVESTIGATIVE SUBPOENAS.--

18 A. The board may enter into joint investigations
19 with other state medical boards pursuant to the Interstate
20 Medical Licensure Compact; provided that participation in the
21 joint investigation is governed by a written agreement among
22 the board and the other participating medical boards.

23 B. When participating in a joint investigation,
24 the board shall not issue an investigative subpoena that
25 conflicts with the Reproductive and Gender-Affirming Health

1 Care Protection Act."

2 SECTION 7. CONTINGENT REPEAL.--

3 A. Sections 1 through 6 of this 2026 act are
4 repealed if a state or federal court of New Mexico finds that
5 a rule or decision of the Interstate Medical Licensure
6 Compact commission, or a court order regarding a rule or
7 decision relating to the Interstate Medical Licensure
8 Compact, would change the scope of practice of a physician or
9 the definition of unprofessional conduct for a physician in a
10 manner that is inconsistent with the Medical Practice Act or
11 any other state law relating to the practice of medicine. A
12 person who is or may be affected by a rule or decision at
13 issue under this subsection shall have standing to seek a
14 determination by the district court.

15 B. The New Mexico medical board shall certify to
16 the director of the legislative council service and the
17 executive director of the New Mexico compilation commission
18 the date on which the action described in Subsection A of
19 this section occurs.

20 C. Repeal of the Interstate Medical Licensure
21 Compact pursuant to this section constitutes this state's
22 immediate withdrawal from the Interstate Medical Licensure
23 Compact. The New Mexico medical board shall send written
24 notification of withdrawal to the governor of each other
25 state that has enacted this compact.

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D. The New Mexico medical board, or a member of the legislature, may request in writing that the attorney general review the actions of the Interstate Medical Licensure Compact commission or a court ruling relating to the enforcement of the Interstate Medical Licensure Compact.

E. In the event of a repeal pursuant to this section, the provisions of Article 20 of the Interstate Medical Licensure Compact shall remain in effect and govern the withdrawal.