


Councilmember Vincent C. Gray

1
2
3
4
5
6 A BILL
7
8
9

10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
11
12

13 To authorize the Mayor to join the Interstate Medical Licensure Compact; to provide for the
14 eligibility of physicians to receive an expedited medical license; to determine the
15 application procedures to receive an expedited license; to impose fees for the issuance of
16 an expedited license; to provide for the renewal of an expedited license; to require the
17 establishment of a database of physicians who have applied for an expedited license; to
18 provide for the conduct of joint investigations; to provide for disciplinary actions against
19 physicians granted an expedited license; to establish the Interstate Medical Licensure
20 Compact Commission; to authorize the Mayor to appoint commissioners to the
21 Commission; to define the powers and duties of the Commission; to provide for the
22 operations of the Commission; to provide for the oversight of the Commission; to
23 authorize the Commission to enforce rules and provisions of the Compact; to provide for
24 the resolutions of disputes among Commission members; and to outline the criteria and
25 procedures for withdrawal from the compact.
26

27 BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 act may be cited as the "Interstate Medical Licensure Compact Approval Act of 2017".

29 Sec. 2. Definitions.

30 For the purpose of this act, the term:

31 (1) "Bylaws" means those bylaws established by the Interstate Commission pursuant to
32 Section 12 for its governance, or for directing and controlling its actions and conduct.

33 (2) "Commissioner" means the voting representative appointed by each member board
34 pursuant to Section 12.

35 (3) "Conviction" means a finding by a court that an individual is guilty of a criminal
36 offense through adjudication, or entry of a plea of guilt or no contest to the charge by the

37 offender. Evidence of an entry of a conviction of a criminal offense by the court shall be
38 considered final for purposes of disciplinary action by a member board.

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

41 (5) "Interstate Commission" means the interstate commission created pursuant to Section
42 12.

43 (6) "License" means authorization by a state for a physician to engage in the practice of
44 medicine, which would be unlawful without the authorization.

45 (7) "Medical Practice Act" means laws and regulations governing the practice of
46 allopathic and osteopathic medicine within a member state.

47 (8) "Member Board" means a state agency in a member state that acts in the sovereign
48 interests of the state by protecting the public through licensure, regulation, and education of
49 physicians as directed by the state government.

50 (9) "Member State" means a state that has enacted the Compact.

51 (10) "Practice of Medicine" means the clinical prevention, diagnosis, or treatment of
52 human disease, injury, or condition requiring a physician to obtain and maintain a license in
53 compliance with the Medical Practice Act of a member state.

54 (11) "Physician" means any person who:

55 (A) Is a graduate of a medical school accredited by the Liaison Committee on
56 Medical Education, the Commission on Osteopathic College Accreditation, or a medical school
57 listed in the International Medical Education Directory or its equivalent;

58 (B) Passed each component of the United States Medical Licensing Examination

59 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)
60 within three attempts, or any of its predecessor examinations accepted by a state medical board as
61 an equivalent examination for licensure purposes;

62 (C) Successfully completed graduate medical education approved by the
63 Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

64 (D) Holds specialty certification or a time-unlimited specialty certificate
65 recognized by the American Board of Medical Specialties or the American Osteopathic
66 Association's Bureau of Osteopathic Specialists;

67 (E) Possesses a full and unrestricted license to engage in the practice of medicine
68 issued by a member board;

69 (F) Has never been convicted, received adjudication, deferred adjudication,
70 community supervision, or deferred disposition for any offense by a court of appropriate
71 jurisdiction;

72 (G) Has never held a license authorizing the practice of medicine subjected to
73 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action
74 related to non-payment of fees related to a license;

75 (H) Has never had a controlled substance license or permit suspended or revoked
76 by a state or the United States Drug Enforcement Administration; and

77 (I) Is not under active investigation by a licensing agency or law enforcement
78 authority in any state, federal, or foreign jurisdiction.

79 (12) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

80 (13) "Rule" means a written statement by the Interstate Commission promulgated

81 pursuant to Section 13 of the Compact that is of general applicability, implements, interprets, or
82 prescribes a policy or provision of the Compact, or an organizational, procedural, or practice
83 requirement of the Interstate Commission, and has the force and effect of statutory law in a
84 member state, and includes the amendment, repeal, or suspension of an existing rule.

85 (14) "State" means any state, commonwealth, district, or territory of the United States.

86 (15) "State of Principal License" means a member state where a physician holds a license
87 to practice medicine and which has been designated as such by the physician for purposes of
88 registration and participation in the Compact.

89 Sec. 3. The Mayor is authorized to join the Interstate Medical Licensure Compact to
90 expedite the licensing of physicians seeking to practice medicine in multiple states and to share
91 information with other member states to significantly streamline the licensing process.

92 Sec. 4. Eligibility.

93 (a) A physician must meet the eligibility requirements as defined in section 2(11) of this
94 Act to receive an expedited license under the terms and provisions of the Compact.

95 (b) A physician who does not meet the requirements of section 2(11) of this Act may
96 obtain a license to practice medicine in a member state if the individual complies with all laws
97 and requirements, other than the Compact, relating to the issuance of a license to practice
98 medicine in that state.

99 Sec. 5. Designation of State of Principal License.

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

103 (1) the state of primary residence for the physician, or

104 (2) the state where at least 25% of the practice of medicine occurs, or
105 (3) the location of the physician's employer, or
106 (4) if no state qualifies under paragraph (1), paragraph (2), or paragraph (3) of this
107 subsection, the state designated as state of residence for purpose of federal income tax.

108 (b) A physician may redesignate a member state as state of principal license at any time,
109 as long as the state meets the requirements in subsection (a) of this section.

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

112 Sec. 6. Application and issuance of expedited licensure.

113 (a) A physician seeking licensure through the Compact shall file an application for an
114 expedited license with the member board of the state selected by the physician as the state of
115 principal license.

116 (b) Upon receipt of an application for an expedited license, the member board within the
117 state selected as the state of principal license shall evaluate whether the physician is eligible for
118 expedited licensure and issue a letter of qualification, verifying or denying the physician's
119 eligibility, to the Interstate Commission.

120 (1) Static qualifications, which include verification of medical education, graduate
121 medical education, results of any medical or licensing examination, and other qualifications as
122 determined by the Interstate Commission through rule, shall not be subject to additional primary
123 source verification where already primary source verified by the state of principal license.

124 (2) The member board within the state selected as the state of principal license
125 shall, in the course of verifying eligibility, perform a criminal background check of an applicant,
126 including the use of the results of fingerprint or other biometric data checks compliant with the

127 requirements of the Federal Bureau of Investigation, with the exception of federal employees who
128 have suitability determination in accordance with U.S. C.F.R. §731.202.

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

131 (c) Upon verification in subsection (b) of this section, physicians eligible for an expedited
132 license shall complete the registration process established by the Interstate Commission to receive
133 a license in a member state selected pursuant to subsection (a) of this section, including the
134 payment of any applicable fees.

135 (d) After receiving verification of eligibility under subsection (b) of this section and any
136 fees under subsection (c) of this section, a member board shall issue an expedited license to the
137 physician. This license shall authorize the physician to practice medicine in the issuing state
138 consistent with the Medical Practice Act and all applicable laws and regulations of the issuing
139 member board and member state.

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

143 (f) An expedited license obtained through the Compact shall be terminated if a physician
144 fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without
145 redesignation of a new state of principal licensure.

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

148 Sec. 7. Fees for expedited licensure.

149 (a) A member state issuing an expedited license authorizing the practice of medicine in

150 that state may impose a fee for a license issued or renewed through the Compact.

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

153 Sec. 8. Renewal and continued participation.

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

156 (1) Maintains a full and unrestricted license in a state of principal license;

157 (2) Has not been convicted, received adjudication, deferred adjudication,
158 community supervision, or deferred disposition for any offense by a court of appropriate
159 jurisdiction;

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

163 (4) Has not had a controlled substance license or permit suspended or revoked by
164 a state or the United States Drug Enforcement Administration.

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

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

169 (d) Upon receipt of any renewal fees collected in subsection (c) of this section, a member
170 board shall renew the physician's license.

171 (e) Physician information collected by the Interstate Commission during the renewal

172 process will be distributed to all member boards.

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

175 Sec. 9. Coordinated information system.

176 (a) The Interstate Commission shall establish a database of all physicians licensed, or
177 who have applied for licensure, under section 6 of this Act.

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

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

183 (d) Member boards may report any non-public complaint, disciplinary, or investigatory
184 information not required by subsection (c) of this section to the Interstate Commission.

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

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

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

192 Sec. 10. Joint Investigations.

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

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

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

198 (d) Member boards may share any investigative, litigation, or compliance materials in
199 furtherance of any joint or individual investigation initiated under the Compact.

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

203 Sec. 11. Disciplinary actions.

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

208 (b) If a license granted to a physician by the member board in the state of principal license
209 is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued
210 to the physician by member boards shall automatically be placed, without further action
211 necessary by any member board, on the same status. If the member board in the state of principal
212 license subsequently reinstates the physician's license, a license issued to the physician by any
213 other member board shall remain encumbered until that respective member board takes action to
214 reinstate the license in a manner consistent with the Medical Practice Act of that state.

215 (c) If disciplinary action is taken against a physician by a member board not in the state of
216 principal license, any other member board may deem the action conclusive as to matter of law

217 and fact decided, and:

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

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

222 (d) If a license granted to a physician by a member board is revoked, surrendered or
223 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any
224 other member board(s) shall be suspended, automatically and immediately without further action
225 necessary by the other member board(s), for ninety (90) days upon entry of the order by the
226 disciplining board, to permit the member board(s) to investigate the basis for the action under the
227 Medical Practice Act of that state. A member board may terminate the automatic suspension of
228 the license it issued prior to the completion of the ninety (90) day suspension period in a manner
229 consistent with the Medical Practice Act of that state.

230 Sec. 12. Interstate Medical Licensure Compact Commission.

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

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

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

239 (d) The Interstate Commission shall consist of two voting representatives appointed by

240 each member state who shall serve as Commissioners. The Mayor is authorized to appoint these
241 two voting representatives to the Interstate Commission. In states where allopathic and
242 osteopathic physicians are regulated by separate member boards, or if the licensing and
243 disciplinary authority is split between multiple member boards within a member state, the
244 member state shall appoint one representative from each member board. A Commissioner shall
245 be a(n):

- 246 (1) Allopathic or osteopathic physician appointed to a member board;
- 247 (2) Executive director, executive secretary, or similar executive of a member
248 board; or
- 249 (3) Member of the public appointed to a member board.

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

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

256 (g) Each Commissioner participating at a meeting of the Interstate Commission is entitled
257 to one vote. A majority of Commissioners shall constitute a quorum for the transaction of
258 business, unless a larger quorum is required by the bylaws of the Interstate Commission. A
259 Commissioner shall not delegate a vote to another Commissioner. In the absence of its
260 Commissioner, a member state may delegate voting authority for a specified meeting to another
261 person from that state who shall meet the requirements of subsection (d) of this section.

262 (h) The Interstate Commission shall provide public notice of all meetings and all meetings

263 shall be open to the public. The Interstate Commission may close a meeting, in full or in portion,
264 where it determines by a two-thirds vote of the Commissioners present that an open meeting
265 would be likely to:

266 (1) Relate solely to the internal personnel practices and procedures of the Interstate
267 Commission;

268 (2) Discuss matters specifically exempted from disclosure by federal statute;

269 (3) Discuss trade secrets, commercial, or financial information that is privileged or
270 confidential;

271 (4) Involve accusing a person of a crime, or formally censuring a person;

272 (5) Discuss information of a personal nature where disclosure would constitute a
273 clearly unwarranted invasion of personal privacy;

274 (6) Discuss investigative records compiled for law enforcement purposes; or

275 (7) Specifically relate to the participation in a civil action or other legal
276 proceeding.

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

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

283 (k) The Interstate Commission shall establish an executive committee, which shall include
284 officers, members, and others as determined by the bylaws. The executive committee shall have

285 the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during
286 periods when the Interstate Commission is not in session. When acting on behalf of the Interstate
287 Commission, the executive committee shall oversee the administration of the Compact including
288 enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other
289 such duties as necessary.

290 (l) The Interstate Commission may establish other committees for governance and
291 administration of the Compact.

292 Sec. 13. Powers and duties of the interstate commission.

293 The Interstate Commission shall have the duty and power to:

294 (a) Oversee and maintain the administration of the Compact;

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

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

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

302 (e) Establish and appoint committees including, but not limited to, an executive
303 committee as required by section 12 of this Act, which shall have the power to act on behalf of
304 the Interstate Commission in carrying out its powers and duties;

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

- 307 (g) Establish and maintain one or more offices;
- 308 (h) Borrow, accept, hire, or contract for services of personnel;
- 309 (i) Purchase and maintain insurance and bonds;
- 310 (j) Employ an executive director who shall have such powers to employ, select or appoint
311 employees, agents, or consultants, and to determine their qualifications, define their duties, and
312 fix their compensation;
- 313 (k) Establish personnel policies and programs relating to conflicts of interest, rates of
314 compensation, and qualifications of personnel;
- 315 (l) Accept donations and grants of money, equipment, supplies, materials and services,
316 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest
317 policies established by the Interstate Commission;
- 318 (m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
319 improve or use, any property, real, personal, or mixed;
- 320 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
321 property, real, personal, or mixed;
- 322 (o) Establish a budget and make expenditures;
- 323 (p) Adopt a seal and bylaws governing the management and operation of the Interstate
324 Commission;
- 325 (q) Report annually to the legislatures and governors of the member states concerning the
326 activities of the Interstate Commission during the preceding year. Such reports shall also include
327 reports of financial audits and any recommendations that may have been adopted by the Interstate
328 Commission;

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

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

332 (t) Seek and obtain trademarks, copyrights, and patents; and

333 (u) Perform such functions as may be necessary or appropriate to achieve the purposes of
334 the Compact.

335 Sec. 14. Finance powers.

336 (a) The Interstate Commission may levy on and collect an annual assessment from each
337 member state to cover the cost of the operations and activities of the Interstate Commission and
338 its staff. The total assessment must be sufficient to cover the annual budget approved each year
339 for which revenue is not provided by other sources. The aggregate annual assessment amount
340 shall be allocated upon a formula to be determined by the Interstate Commission, which shall
341 promulgate a rule binding upon all member states.

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

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

346 (d) The Interstate Commission shall be subject to a yearly financial audit conducted by a
347 certified or licensed public accountant and the report of the audit shall be included in the annual
348 report of the Interstate Commission.

349 Sec. 15. Organization and operation of the interstate commission.

350 (a) The Interstate Commission shall, by a majority of Commissioners present and voting,

351 adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes
352 of the Compact within twelve (12) months of the first Interstate Commission meeting.

353 (b) The Interstate Commission shall elect or appoint annually from among its
354 Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such
355 authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's
356 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate
357 Commission.

358 (c) Officers selected in subsection (b) of this section shall serve without remuneration
359 from the Interstate Commission.

360 (d) The officers and employees of the Interstate Commission shall be immune from suit
361 and liability, either personally or in their official capacity, for a claim for damage to or loss of
362 property or personal injury or other civil liability caused or arising out of, or relating to, an actual
363 or alleged act, error, or omission that occurred, or that such person had a reasonable basis for
364 believing occurred, within the scope of Interstate Commission employment, duties, or
365 responsibilities; provided that such person shall not be protected from suit or liability for damage,
366 loss, injury, or liability caused by the intentional or willful and wanton misconduct of such
367 person.

368 (1) The liability of the executive director and employees of the Interstate
369 Commission or representatives of the Interstate Commission, acting within the scope of such
370 person's employment or duties for acts, errors, or omissions occurring within such person's state,
371 may not exceed the limits of liability set forth under the constitution and laws of that state for
372 state officials, employees, and agents. The Interstate Commission is considered to be an
373 instrumentality of the states for the purposes of any such action. Nothing in this subsection shall

374 be construed to protect such person from suit or liability for damage, loss, injury, or liability
375 caused by the intentional or willful and wanton misconduct of such person.

376 (2) The Interstate Commission shall defend the executive director, its employees,
377 and subject to the approval of the attorney general or other appropriate legal counsel of the
378 member state represented by an Interstate Commission representative, shall defend such Interstate
379 Commission representative in any civil action seeking to impose liability arising out of an actual
380 or alleged act, error or omission that occurred within the scope of Interstate Commission
381 employment, duties or responsibilities, or that the defendant had a reasonable basis for believing
382 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
383 provided that the actual or alleged act, error, or omission did not result from intentional or willful
384 and wanton misconduct on the part of such person.

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

393 Sec. 16. Rulemaking functions of the interstate commission.

394 (a) The Interstate Commission shall promulgate reasonable rules in order to effectively
395 and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event
396 the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope

397 of the purposes of the Compact, or the powers granted hereunder, then such an action by the
398 Interstate Commission shall be invalid and have no force or effect.

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

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

410 Sec. 17. Oversight of interstate compact.

411 (a) The executive, legislative, and judicial branches of state government in each member
412 state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate
413 the Compact’s purposes and intent. The provisions of the Compact and the rules promulgated
414 hereunder shall have standing as statutory law but shall not override existing state authority to
415 regulate the practice of medicine.

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

419 (c) The Interstate Commission shall be entitled to receive all service of process in any

420 such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure
421 to provide service of process to the Interstate Commission shall render a judgment or order void
422 as to the Interstate Commission, the Compact, or promulgated rules.

423 Sec. 18. Enforcement of interstate compact.

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

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

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

436 Sec. 19. Default procedures.

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

440 (b) If the Interstate Commission determines that a member state has defaulted in the
441 performance of its obligations or responsibilities under the Compact, or the bylaws or
442 promulgated rules, the Interstate Commission shall:

443 (1) Provide written notice to the defaulting state and other member states, of the
444 nature of the default, the means of curing the default, and any action taken by the Interstate
445 Commission. The Interstate Commission shall specify the conditions by which the defaulting
446 state must cure its default; and

447 (2) Provide remedial training and specific technical assistance regarding the
448 default.

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

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

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

461 (f) The member state which has been terminated is responsible for all dues, obligations,
462 and liabilities incurred through the effective date of termination including obligations, the
463 performance of which extends beyond the effective date of termination.

464 (g) The Interstate Commission shall not bear any costs relating to any state that has been
465 found to be in default or which has been terminated from the Compact, unless otherwise mutually

466 agreed upon in writing between the Interstate Commission and the defaulting state.

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

471 Sec. 20. Dispute resolution.

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

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

477 Sec. 21. Member states, effective date and amendment.

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

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

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

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

489 Sec. 22. Withdrawal.

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

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

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

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

503 (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred
504 through the effective date of withdrawal, including obligations, the performance of which extend
505 beyond the effective date of withdrawal.

506 (f) Reinstatement following withdrawal of a member state shall occur upon the
507 withdrawing state reenacting the Compact or upon such later date as determined by the Interstate
508 Commission.

509 (g) The Interstate Commission is authorized to develop rules to address the impact of the
510 withdrawal of a member state on licenses granted in other member states to physicians who
511 designated the withdrawing member state as the state of principal license.

512 Sec. 23. Dissolution.

513 (a) The Compact shall dissolve effective upon the date of the withdrawal or default of the
514 member state which reduces the membership in the Compact to one (1) member state.

515 (b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be
516 of no further force or effect, and the business and affairs of the Interstate Commission shall be
517 concluded and surplus funds shall be distributed in accordance with the bylaws.

518 Sec. 24. Severability and construction.

519 (a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence,
520 or provision is deemed unenforceable, the remaining provisions of the Compact shall be
521 enforceable.

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

523 (c) Nothing in the Compact shall be construed to prohibit the applicability of other
524 interstate compacts to which the states are members.

525 Sec. 25. Binding effect of compact and other laws.

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

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

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

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

534 (e) In the event any provision of the Compact exceeds the constitutional limits imposed
535 on the legislature of any member state, such provision shall be ineffective to the extent of the
536 conflict with the constitutional provision in question in that member state.

537 Sec. 26. Fiscal impact statement.

538 The Council adopts the fiscal impact statement in the committee report as the fiscal
539 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
540 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

541 Sec. 27. Effective date.

542 This act shall take effect following approval by the Mayor (or in the event of veto
543 by the Mayor, action by the Council to override the veto), a 30-day period of congressional
544 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
545 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
546 District of Columbia Register.