

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

for

## **H. B. 2496**

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(BY DELEGATE(S) ELLINGTON, HOWELL,  
HOUSEHOLDER, SOBONYA, FLEISCHAUER AND FRICH)

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[Passed March 12, 2015;  
in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1C-1, §30-1C-2, §30-1C-3, §30-1C-4, §30-1C-5, §30-1C-6, §30-1C-7, §30-1C-8, §30-1C-9, §30-1C-10, §30-1C-11, §30-1C-12, §30-1C-13, §30-1C-14, §30-1C-15, §30-1C-16, §30-1C-17, §30-1C-18, §30-1C-19, §30-1C-20, §30-1C-21, §30-1C-22, §30-1C-23 and §30-1C-24, all relating to the establishment and operation of an interstate compact for medical licensure of physicians in multiple states; setting forth purposes for the compact; setting forth definitions; providing physician eligibility requirements; requiring a physician to designate a state of principal license; setting forth the procedure

for application and issuance of an expedited license; providing for fees regarding expedited licensure; providing requirements for renewal of an expedited license; establishing a shared database for member boards; providing for joint investigation of physicians by member boards; establishing the effect of disciplinary actions against a physician; creating the interstate medical licensure compact commission to administer the compact; setting forth commission composition; establishing the authority of the commission; providing for commission meetings; setting forth provisions relating to disclosure of commission information and records; establishing an executive committee; setting forth provisions for funding; establishing member state's right to charge licensing fees; limiting commission authority to incur financial obligation; requiring a financial audit; requiring the creation of bylaws; requiring annual election or appointment of commission officers; establishing that commission officers serve without remuneration; providing certain individuals defense, immunity, or limitation of liability for civil actions in certain circumstances unless their conduct was intentional willful and wanton; requiring the commission to defend certain civil actions; establishing commission rule making authority and procedure; providing for judicial review; providing for state enforcement; requiring state courts take judicial notice of certain matters; providing the commission may intervene in proceedings; requiring service of process upon the commission; establishing that failure to serve process upon the commission voids a judicial decision; providing for legal enforcement of compact rules and provisions; setting forth provisions for default; providing for termination or withdrawal of a member state; setting forth provisions for resolution of disputes; establishing provisions for state eligibility; setting forth the circumstances under which the compact will become effective; providing for amending the compact; setting forth procedures for states to withdraw from the compact; establishing circumstances, effect and procedures related to dissolution of the compact; establishing provisions related to

severability; and, establishing provisions related to the binding effect of the compact.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §30-1C-1, §30-1C-2, §30-1C-3, §30-1C-4, §30-1C-5, §30-1C-6, §30-1C-7, §30-1C-8, §30-1C-9, §30-1C-10, §30-1C-11, §30-1C-12, §30-1C-13, §30-1C-14, §30-1C-15, §30-1C-16, §30-1C-17, §30-1C-18, §30-1C-19, §30-1C-20, §30-1C-21, §30-1C-22, §30-1C-23 and §30-1C-24, all to read as follows:

**ARTICLE 1C. INTERSTATE MEDICAL LICENSURE COMPACT.**

**§30-1C-1. Purpose.**

1       In order to strengthen access to health care, and in  
2 recognition of the advances in the delivery of health care, the  
3 member states of the Interstate Medical Licensure Compact have  
4 allied in common purpose to develop a comprehensive process  
5 that complements the existing licensing and regulatory authority  
6 of state medical boards, provides a streamlined process that  
7 allows physicians to become licensed in multiple states, thereby  
8 enhancing the portability of a medical license and ensuring the  
9 safety of patients. The Compact creates another pathway for  
10 licensure and does not otherwise change a state's existing  
11 medical practice statutes. The Compact also adopts the  
12 prevailing standard for licensure and affirms that the practice of  
13 medicine occurs where the patient is located at the time of the  
14 physician-patient encounter, and therefore, requires the  
15 physician to be under the jurisdiction of the state medical board  
16 where the patient is located.

17       State medical boards that participate in the Compact retain  
18 the jurisdiction to impose an adverse action against a license to  
19 practice medicine in that state issued to a physician through the  
20 procedures in the Compact.

**§30-1C-2. Definitions.**

1 In this article adopting the Interstate Medical Licensure  
2 Compact:

3 (a) “Bylaws” means those bylaws established by the  
4 Interstate Commission pursuant to section eleven of this article  
5 for its governance, or for directing and controlling its actions and  
6 conduct.

7 (b) “Commissioner” means the voting representative  
8 appointed by each member board pursuant to section eleven of  
9 this article.

10 (c) “Compact” means the Interstate Medical Licensure  
11 Compact.

12 (d) “Conviction” means a finding by a court that an  
13 individual is guilty of a criminal offense through adjudication,  
14 or entry of a plea of guilt or no contest to the charge by the  
15 offender. Evidence of an entry of a conviction of a criminal  
16 offense by the court shall be considered final for purposes of  
17 disciplinary action by a member board.

18 (e) “Expedited License” means a full and unrestricted  
19 medical license granted by a member state to an eligible  
20 physician through the process set forth in the Compact.

21 (f) “Interstate Commission” means the Interstate Medical  
22 Licensure Compact Commission created pursuant to section  
23 eleven of this article.

24 (g) “License” means authorization by a state for a physician  
25 to engage in the practice of medicine, which would be unlawful  
26 without the authorization.

27 (h) “Medical Practice Act” means laws and regulations  
28 governing the practice of allopathic and osteopathic medicine  
29 within a member state.

30 (i) “Member Board” means a state agency in a member state  
31 that acts in the sovereign interests of the state by protecting the  
32 public through licensure, regulation, and education of physicians  
33 as directed by the state government.

34 (j) “Member State” means a state that has enacted the  
35 Compact.

36 (k) “Practice of Medicine” means the clinical prevention,  
37 diagnosis, or treatment of human disease, injury, or condition  
38 requiring a physician to obtain and maintain a license in  
39 compliance with the Medical Practice Act of a member state.

40 (l) “Physician” means any person who:

41 (1) Is a graduate of a medical school accredited by the  
42 Liaison Committee on Medical Education, the Commission on  
43 Osteopathic College Accreditation, or a medical school listed in  
44 the International Medical Education Directory or its equivalent;

45 (2) Passed each component of the United States Medical  
46 Licensing Examination (USMLE) or the Comprehensive  
47 Osteopathic Medical Licensing Examination (COMLEX-USA)  
48 within three attempts, or any of its predecessor examinations  
49 accepted by a state medical board as an equivalent examination  
50 for licensure purposes;

51 (3) Successfully completed graduate medical education  
52 approved by the Accreditation Council for Graduate Medical  
53 Education or the American Osteopathic Association;

54 (4) Holds specialty certification or a time-unlimited specialty  
55 certificate recognized by the American Board of Medical  
56 Specialties or the American Osteopathic Association’s Bureau  
57 of Osteopathic Specialists;

58 (5) Possesses a full and unrestricted license to engage in the  
59 practice of medicine issued by a member board;

60 (6) Has never been convicted, received adjudication,  
61 deferred adjudication, community supervision, or deferred  
62 disposition for any offense by a court of appropriate jurisdiction;

63 (7) Has never held a license authorizing the practice of  
64 medicine subjected to discipline by a licensing agency in any  
65 state, federal, or foreign jurisdiction, excluding any action  
66 related to nonpayment of fees related to a license;

67 (8) Has never had a controlled substance license or permit  
68 suspended or revoked by a state or the United States Drug  
69 Enforcement Administration; and

70 (9) Is not under active investigation by a licensing agency or  
71 law-enforcement authority in any state, federal, or foreign  
72 jurisdiction.

73 (m) “Offense” means a felony, gross misdemeanor, or crime  
74 of moral turpitude.

75 (n) “Rule” means a written statement by the Interstate  
76 Commission promulgated pursuant to section twelve of this  
77 article that is of general applicability, implements, interprets, or  
78 prescribes a policy or provision of the Compact, or an  
79 organizational, procedural, or practice requirement of the  
80 Interstate Commission, and has the force and effect of statutory  
81 law in a member state, and includes the amendment, repeal, or  
82 suspension of an existing rule.

83 (o) “State” means any state, commonwealth, district, or  
84 territory of the United States.

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

**§30-1C-3. Eligibility.**

1 (a) A physician must meet the eligibility requirements as  
2 defined in section two, subsection (1) of this article to receive an  
3 expedited license under the terms and provisions of the  
4 Compact.

5 (b) A physician who does not meet the requirements of  
6 section two of this article may obtain a license to practice  
7 medicine in a member state if the individual complies with all  
8 laws and requirements, other than the Compact, relating to the  
9 issuance of a license to practice medicine in that state.

**§30-1C-4. Designation of state of principal license.**

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

6 (1) The state of primary residence for the physician;

7 (2) The state where at least twenty-five percent of the  
8 practice of medicine occurs; or

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

10 (4) If no state qualifies under subdivision (1), (2), or (3) of  
11 this subsection, the state designated as state of residence for  
12 purpose of federal income tax.

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

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

**§30-1C-5. Application and issuance of expedited licensure.**

1 (a) A physician seeking licensure through the Compact shall  
2 file an application for an expedited license with the member  
3 board of the state selected by the physician as the state of  
4 principal license.

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

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

17 (2) The member board within the state selected as the state  
18 of principal license shall, in the course of verifying eligibility,  
19 perform a criminal background check of an applicant, including  
20 the use of the results of fingerprint or other biometric data  
21 checks compliant with the requirements of the Federal Bureau of  
22 Investigation, with the exception of federal employees who have  
23 suitability determination in accordance with 5 C.F.R. §731.202.

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

27 (c) Upon verification in subsection (b) of this section,  
28 physicians eligible for an expedited license shall complete the  
29 registration process established by the Interstate Commission to



30 receive a license in a member state selected pursuant to  
31 subsection (a) of this section, including the payment of any  
32 applicable fees.

33 (d) After receiving verification of eligibility under  
34 subsection (b) of this section and any fees under subsection (c)  
35 of this section, a member board shall issue an expedited license  
36 to the physician. This license shall authorize the physician to  
37 practice medicine in the issuing state consistent with the Medical  
38 Practice Act and all applicable laws and regulations of the  
39 issuing member board and member state.

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

44 (f) An expedited license obtained through the Compact shall  
45 be terminated if a physician fails to maintain a license in the  
46 state of principal licensure for a nondisciplinary reason, without  
47 redesignation of a new state of principal licensure.

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

**§30-1C-6. Fees for expedited licensure.**

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

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

**§30-1C-7. Renewal and continued participation.**

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

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

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

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

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

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

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

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

25 (e) Physician information collected by the Interstate  
26 Commission during the renewal process will be distributed to all  
27 member boards.

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

**§30-1C-8. Coordinated information system.**

1 (a) The Interstate Commission shall establish a database of  
2 all physicians licensed, or who have applied for licensure, under  
3 section five of this article.

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

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

11 (d) Member boards may report any nonpublic complaint,  
12 disciplinary, or investigatory information not required by  
13 subsection (c) of this section to the Interstate Commission.

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

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

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

**§30-1C-9. Joint investigations.**

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

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

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

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

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

**§30-1C-10. Disciplinary actions.**

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

6 (b) If a license granted to a physician by the member board  
7 in the state of principal license is revoked, surrendered or  
8 relinquished in lieu of discipline, or suspended, then all licenses  
9 issued to the physician by member boards shall automatically be  
10 placed, without further action necessary by any member board,  
11 on the same status. If the member board in the state of principal  
12 license subsequently reinstates the physician's license, a licensed  
13 issued to the physician by any other member board shall remain  
14 encumbered until that respective member board takes action to  
15 reinstate the license in a manner consistent with the Medical  
16 Practice Act of that state.

17 (c) If disciplinary action is taken against a physician by a  
18 member board not in the state of principal license, any other  
19 member board may deem the action conclusive as to matter of  
20 law and fact decided, and:

21 (i) Impose the same or lesser sanction(s) against the  
22 physician so long as such sanctions are consistent with the  
23 Medical Practice Act of that state; or

24 (ii) Pursue separate disciplinary action against the physician  
25 under its respective Medical Practice Act, regardless of the  
26 action taken in other member states.

27 (d) If a license granted to a physician by a member board is  
28 revoked, surrendered or relinquished in lieu of discipline, or  
29 suspended, then any licenses issued to the physician by any other  
30 member boards shall be suspended, automatically and  
31 immediately without further action necessary by the other  
32 member boards, for ninety days upon entry of the order by the  
33 disciplining board, to permit the member boards to investigate  
34 the basis for the action under the Medical Practice Act of that  
35 state. A member board may terminate the automatic suspension  
36 of the license it issued prior to the completion of the ninety day  
37 suspension period in a manner consistent with the Medical  
38 Practice Act of that state.

**§30-1C-11. Interstate Medical Licensure Compact Commission.**

1 (a) The member states hereby create the “Interstate Medical  
2 Licensure Compact Commission”.

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

6 (c) The Interstate Commission shall be a body corporate and  
7 joint agency of the member states and shall have all the

8 responsibilities, powers, and duties set forth in the Compact, and  
9 such additional powers as may be conferred upon it by a  
10 subsequent concurrent action of the respective Legislatures of  
11 the member states in accordance with the terms of the Compact.

12 (d) The Interstate Commission shall consist of two voting  
13 representatives appointed by each member state who shall serve  
14 as Commissioners. In states where allopathic and osteopathic  
15 physicians are regulated by separate member boards, or if the  
16 licensing and disciplinary authority is split between multiple  
17 member boards within a member state, the member state shall  
18 appoint one representative from each member board. A  
19 Commissioner shall be an:

20 (1) Allopathic or osteopathic physician appointed to a  
21 member board;

22 (2) Executive director, executive secretary, or similar  
23 executive of a member board; or

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

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

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

34 (g) Each Commissioner participating at a meeting of the  
35 Interstate Commission is entitled to one vote. A majority of  
36 Commissioners shall constitute a quorum for the transaction of  
37 business, unless a larger quorum is required by the bylaws of the

38 Interstate Commission. A Commissioner shall not delegate a  
39 vote to another Commissioner. In the absence of its  
40 Commissioner, a member state may delegate voting authority for  
41 a specified meeting to another person from that state who shall  
42 meet the requirements of subsection (d) of this section.

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

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

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

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

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

56 (5) Discuss information of a personal nature where  
57 disclosure would constitute a clearly unwarranted invasion of  
58 personal privacy;

59 (6) Discuss investigative records compiled for law-  
60 enforcement purposes; or

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

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

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

70 (k) The Interstate Commission shall establish an executive  
71 committee, which shall include officers, members, and others as  
72 determined by the bylaws. The executive committee shall have  
73 the power to act on behalf of the Interstate Commission, with the  
74 exception of rulemaking, during periods when the Interstate  
75 Commission is not in session. When acting on behalf of the  
76 Interstate Commission, the executive committee shall oversee  
77 the administration of the Compact including enforcement and  
78 compliance with the provisions of the Compact, its bylaws and  
79 rules, and other such duties as necessary.

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

**§30-1C-12. Powers and duties of the Interstate Commission.**

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

2 (1) Oversee and maintain the administration of the Compact;

3 (2) Promulgate rules which shall be binding to the extent and  
4 in the manner provided for in the Compact;

5 (3) Issue, upon the request of a member state or member  
6 board, advisory opinions concerning the meaning or  
7 interpretation of the Compact, its bylaws, rules, and actions;

8 (4) Enforce compliance with Compact provisions, the rules  
9 promulgated by the Interstate Commission, and the bylaws,  
10 using all necessary and proper means, including, but not limited  
11 to, the use of judicial process;

12 (5) Establish and appoint committees including, but not  
13 limited to, an executive committee as required by section eleven



14 of this article, which shall have the power to act on behalf of the  
15 Interstate Commission in carrying out its powers and duties;

16 (6) Pay, or provide for the payment of the expenses related  
17 to the establishment, organization, and ongoing activities of the  
18 Interstate Commission;

19 (7) Establish and maintain one or more offices;

20 (8) Borrow, accept, hire, or contract for services of  
21 personnel;

22 (9) Purchase and maintain insurance and bonds;

23 (10) Employ an executive director who shall have such  
24 powers to employ, select or appoint employees, agents, or  
25 consultants, and to determine their qualifications, define their  
26 duties, and fix their compensation;

27 (11) Establish personnel policies and programs relating to  
28 conflicts of interest, rates of compensation, and qualifications of  
29 personnel;

30 (12) Accept donations and grants of money, equipment,  
31 supplies, materials and services, and to receive, utilize, and  
32 dispose of it in a manner consistent with the conflict of interest  
33 policies established by the Interstate Commission;

34 (13) Lease, purchase, accept contributions or donations of,  
35 or otherwise to own, hold, improve or use, any property, real,  
36 personal, or mixed;

37 (14) Sell, convey, mortgage, pledge, lease, exchange,  
38 abandon, or otherwise dispose of any property, real, personal, or  
39 mixed;

40 (15) Establish a budget and make expenditures;

41 (16) Adopt a seal and bylaws governing the management and  
42 operation of the Interstate Commission;

43 (17) Report annually to the Legislatures and Governors of  
44 the member states concerning the activities of the Interstate  
45 Commission during the preceding year. Such reports shall also  
46 include reports of financial audits and any recommendations that  
47 may have been adopted by the Interstate Commission;

48 (18) Coordinate education, training, and public awareness  
49 regarding the Compact, its implementation, and its operation;

50 (19) Maintain records in accordance with the bylaws;

51 (20) Seek and obtain trademarks, copyrights, and patents;  
52 and

53 (21) Perform such functions as may be necessary or  
54 appropriate to achieve the purposes of the Compact.

**§30-1C-13. Finance powers.**

1 (a) The Interstate Commission may levy on and collect an  
2 annual assessment from each member state to cover the cost of  
3 the operations and activities of the Interstate Commission and its  
4 staff. The total assessment must be sufficient to cover the annual  
5 budget approved each year for which revenue is not provided by  
6 other sources. The aggregate annual assessment amount shall be  
7 allocated upon a formula to be determined by the Interstate  
8 Commission, which shall promulgate a rule binding upon all  
9 member states.

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

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

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

**§30-1C-14. Organization and operation of the Interstate  
Commission.**

1 (a) The Interstate Commission shall, by a majority of  
2 Commissioners present and voting, adopt bylaws to govern its  
3 conduct as may be necessary or appropriate to carry out the  
4 purposes of the Compact within twelve months of the first  
5 Interstate Commission meeting.

6 (b) The Interstate Commission shall elect or appoint  
7 annually from among its Commissioners a chairperson, a vice-  
8 chairperson, and a treasurer, each of whom shall have such  
9 authority and duties as may be specified in the bylaws. The  
10 chairperson, or in the chairperson's absence or disability, the  
11 vice-chairperson, shall preside at all meetings of the Interstate  
12 Commission.

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

15 (d) The officers and employees of the Interstate Commission  
16 shall be immune from suit and liability, either personally or in  
17 their official capacity, for a claim for damage to or loss of  
18 property or personal injury or other civil liability caused or  
19 arising out of, or relating to, an actual or alleged act, error, or  
20 omission that occurred, or that such person had a reasonable  
21 basis for believing occurred, within the scope of Interstate  
22 Commission employment, duties, or responsibilities; provided  
23 that such person shall not be protected from suit or liability for  
24 damage, loss, injury, or liability caused by the intentional or  
25 willful and wanton misconduct of such person.

26       (1) The liability of the executive director and employees of  
27 the Interstate Commission or representatives of the Interstate  
28 Commission, acting within the scope of such person's  
29 employment or duties for acts, errors, or omissions occurring  
30 within such person's state, may not exceed the limits of liability  
31 set forth under the Constitution and laws of that state for state  
32 officials, employees, and agents. The Interstate Commission is  
33 considered to be an instrumentality of the states for the purposes  
34 of any such action. Nothing in this subsection may be construed  
35 to protect such person from suit or liability for damage, loss,  
36 injury, or liability caused by the intentional or willful and  
37 wanton misconduct of such person.

38       (2) The Interstate Commission shall defend the executive  
39 director, its employees, and subject to the approval of the  
40 Attorney General or other appropriate legal counsel of the  
41 member state represented by an Interstate Commission  
42 representative, shall defend such Interstate Commission  
43 representative in any civil action seeking to impose liability  
44 arising out of an actual or alleged act, error or omission that  
45 occurred within the scope of Interstate Commission  
46 employment, duties or responsibilities, or that the defendant had  
47 a reasonable basis for believing occurred within the scope of  
48 Interstate Commission employment, duties, or responsibilities,  
49 provided that the actual or alleged act, error, or omission did not  
50 result from intentional or willful and wanton misconduct on the  
51 part of such person.

52       (3) To the extent not covered by the state involved, member  
53 state, or the Interstate Commission, the representatives or  
54 employees of the Interstate Commission shall be held harmless  
55 in the amount of a settlement or judgment, including attorney's  
56 fees and costs, obtained against such persons arising out of an  
57 actual or alleged act, error, or omission that occurred within the  
58 scope of Interstate Commission employment, duties, or  
59 responsibilities, or that such persons had a reasonable basis for

60 believing occurred within the scope of Interstate Commission  
61 employment, duties, or responsibilities, provided that the actual  
62 or alleged act, error, or omission did not result from intentional  
63 or willful and wanton misconduct on the part of such persons.

**§30-1C-15. Rule-making functions of the Interstate Commission.**

1 (a) The Interstate Commission shall promulgate reasonable  
2 rules in order to effectively and efficiently achieve the purposes  
3 of the Compact. Notwithstanding the foregoing, in the event the  
4 Interstate Commission exercises its rule-making authority in a  
5 manner that is beyond the scope of the purposes of the Compact,  
6 or the powers granted hereunder, then such an action by the  
7 Interstate Commission shall be invalid and have no force or  
8 effect.

9 (b) Rules deemed appropriate for the operations of the  
10 Interstate Commission shall be made pursuant to a rule-making  
11 process that substantially conforms to the “Model State  
12 Administrative Procedure Act” of 2010, and subsequent  
13 amendments thereto.

14 (c) Not later than thirty days after a rule is promulgated, any  
15 person may file a petition for judicial review of the rule in the  
16 United States District Court for the District of Columbia or the  
17 federal district where the Interstate Commission has its principal  
18 offices, provided that the filing of such a petition shall not stay  
19 or otherwise prevent the rule from becoming effective unless the  
20 court finds that the petitioner has a substantial likelihood of  
21 success. The court shall give deference to the actions of the  
22 Interstate Commission consistent with applicable law and shall  
23 not find the rule to be unlawful if the rule represents a reasonable  
24 exercise of the authority granted to the Interstate Commission.

**§30-1C-16. Oversight of Interstate Compact.**

1 (a) The executive, legislative, and judicial branches of state  
2 government in each member state shall enforce the Compact and

3 shall take all actions necessary and appropriate to effectuate the  
4 Compact's purposes and intent. The provisions of the Compact  
5 and the rules promulgated hereunder shall have standing as  
6 statutory law but shall not override existing state authority to  
7 regulate the practice of medicine.

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

13 (c) The Interstate Commission shall be entitled to receive all  
14 service of process in any such proceeding, and shall have  
15 standing to intervene in the proceeding for all purposes. Failure  
16 to provide service of process to the Interstate Commission shall  
17 render a judgment or order void as to the Interstate Commission,  
18 the Compact, or promulgated rules.

**§30-1C-17. Enforcement of Interstate Compact.**

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

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

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

**§30-1C-18. Default procedures.**

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

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

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

15 (2) Provide remedial training and specific technical  
16 assistance regarding the default.

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

24 (d) Termination of membership in the Compact shall be  
25 imposed only after all other means of securing compliance have

26 been exhausted. Notice of intent to terminate shall be given by  
27 the Interstate Commission to the Governor, the majority and  
28 minority leaders of the defaulting state's Legislature, and each  
29 of the member states.

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

34 (f) The member state which has been terminated is  
35 responsible for all dues, obligations, and liabilities incurred  
36 through the effective date of termination including obligations,  
37 the performance of which extends beyond the effective date of  
38 termination.

39 (g) The Interstate Commission shall not bear any costs  
40 relating to any state that has been found to be in default or which  
41 has been terminated from the Compact, unless otherwise  
42 mutually agreed upon in writing between the Interstate  
43 Commission and the defaulting state.

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

**§30-1C-19. Dispute resolution.**

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



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

**§30-1C-20. Member states, effective date and amendment.**

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

3 (b) The Compact shall become effective and binding upon  
4 legislative enactment of the Compact into law by no less than  
5 seven states. Thereafter, it shall become effective and binding on  
6 a state upon enactment of the Compact into law by that state.

7 (c) The governors of nonmember states, or their designees,  
8 shall be invited to participate in the activities of the Interstate  
9 Commission on a nonvoting basis prior to adoption of the  
10 Compact by all states.

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

**§30-1C-21. Withdrawal.**

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

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

10 (c) The withdrawing state shall immediately notify the  
11 chairperson of the Interstate Commission in writing upon the  
12 introduction of legislation repealing the Compact in the  
13 withdrawing state.

14 (d) The Interstate Commission shall notify the other member  
15 states of the withdrawing state's intent to withdraw within sixty  
16 days of its receipt of notice provided under subsection (c) of this  
17 section.

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

22 (f) Reinstatement following withdrawal of a member state  
23 shall occur upon the withdrawing state reenacting the Compact  
24 or upon such later date as determined by the Interstate  
25 Commission.

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

**§30-1C-22. Dissolution.**

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

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

**§30-1C-23. Severability and construction.**

1       (a) The provisions of the Compact shall be severable, and if  
2 any phrase, clause, sentence, or provision is deemed  
3 unenforceable, the remaining provisions of the Compact shall be  
4 enforceable.

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

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

**§30-1C-24. Binding effect of Compact and other laws.**

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

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

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

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

10       (e) In the event any provision of the Compact exceeds the  
11 Constitutional limits imposed on the Legislature of any member  
12 state, such provision shall be ineffective to the extent of the  
13 conflict with the Constitutional provision in question in that  
14 member state.



That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

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*Governor*





