

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 16-0498.02 Christy Chase x2008

**HOUSE BILL 16-1047**

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**HOUSE SPONSORSHIP**

**Buck and Winter,**

**SENATE SPONSORSHIP**

**Newell and Roberts,**

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**House Committees**  
Health, Insurance, & Environment  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ADOPTION OF AN INTERSTATE COMPACT TO ALLOW**  
102         **PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES**  
103         **THROUGH AN EXPEDITED LICENSURE PROCESS, AND, IN**  
104         **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill enacts and authorizes the governor to enter into an interstate compact with other states to recognize and allow physicians licensed in a compact member state to obtain an expedited license,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
April 14, 2016

HOUSE  
Amended 2nd Reading  
April 11, 2016

enabling them to practice medicine in Colorado or another member state.

1     *Be it enacted by the General Assembly of the State of Colorado:*

2                   **SECTION 1.** In Colorado Revised Statutes, **add** part 36 to article  
3                   60 of title 24 as follows:

## PART 36

# INTERSTATE MEDICAL LICENSURE COMPACT

**24-60-3601. Short title.** THE SHORT TITLE OF THIS PART 36 IS THE "INTERSTATE MEDICAL LICENSURE COMPACT ACT".

8                   **24-60-3602. Compact approved and ratified.** THE GENERAL  
9                   ASSEMBLY HEREBY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL  
10                  ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH  
11                  ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING  
12                  THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

# INTERSTATE MEDICAL LICENSURE COMPACT

## SECTION 1. PURPOSE

15 IN ORDER TO STRENGTHEN ACCESS TO HEALTH CARE, AND IN RECOGNITION  
16 OF THE ADVANCES IN THE DELIVERY OF HEALTH CARE, THE MEMBER  
17 STATES OF THE INTERSTATE MEDICAL LICENSURE COMPACT HAVE ALLIED  
18 IN COMMON PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT  
19 COMPLEMENTS THE EXISTING LICENSING AND REGULATORY AUTHORITY OF  
20 STATE MEDICAL BOARDS, PROVIDES A STREAMLINED PROCESS THAT  
21 ALLOWS PHYSICIANS TO BECOME LICENSED IN MULTIPLE STATES, THEREBY  
22 ENHANCING THE PORTABILITY OF A MEDICAL LICENSE AND ENSURING THE  
23 SAFETY OF PATIENTS. THE COMPACT CREATES ANOTHER PATHWAY FOR  
24 LICENSURE AND DOES NOT OTHERWISE CHANGE A STATE'S EXISTING  
25 MEDICAL PRACTICE ACT. THE COMPACT ALSO ADOPTS THE PREVAILING

1 STANDARD FOR LICENSURE AND AFFIRMS THAT THE PRACTICE OF MEDICINE  
2 OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE  
3 PHYSICIAN-PATIENT ENCOUNTER, AND THEREFORE, REQUIRES THE  
4 PHYSICIAN TO BE UNDER THE JURISDICTION OF THE STATE MEDICAL BOARD  
5 WHERE THE PATIENT IS LOCATED. STATE MEDICAL BOARDS THAT  
6 PARTICIPATE IN THE COMPACT RETAIN THE JURISDICTION TO IMPOSE AN  
7 ADVERSE ACTION AGAINST A LICENSE TO PRACTICE MEDICINE IN THAT  
8 STATE ISSUED TO A PHYSICIAN THROUGH THE PROCEDURES IN THE  
9 COMPACT.

10 **SECTION 2. DEFINITIONS**

11 IN THIS COMPACT:

12 (a) "BYLAWS" MEANS THOSE BYLAWS ESTABLISHED BY THE  
13 INTERSTATE COMMISSION PURSUANT TO SECTION 11 FOR ITS  
14 GOVERNANCE, OR FOR DIRECTING AND CONTROLLING ITS ACTIONS AND  
15 CONDUCT.

16 (b) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE  
17 APPOINTED BY EACH MEMBER BOARD PURSUANT TO SECTION 11.

18 (c) "CONVICTION" MEANS A FINDING BY A COURT THAT AN  
19 INDIVIDUAL IS GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION,  
20 OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO THE CHARGE BY THE  
21 OFFENDER. EVIDENCE OF AN ENTRY OF A CONVICTION OF A CRIMINAL  
22 OFFENSE BY THE COURT SHALL BE CONSIDERED FINAL FOR PURPOSES OF  
23 DISCIPLINARY ACTION BY A MEMBER BOARD.

24 (d) "EXPEDITED LICENSE" MEANS A FULL AND UNRESTRICTED  
25 MEDICAL LICENSE GRANTED BY A MEMBER STATE TO AN ELIGIBLE  
26 PHYSICIAN THROUGH THE PROCESS SET FORTH IN THE COMPACT.

27 (e) "INTERSTATE COMMISSION" MEANS THE INTERSTATE

1 COMMISSION CREATED PURSUANT TO SECTION 11.

2 (f) "LICENSE" MEANS AUTHORIZATION BY A STATE FOR A  
3 PHYSICIAN TO ENGAGE IN THE PRACTICE OF MEDICINE, WHICH WOULD BE  
4 UNLAWFUL WITHOUT THE AUTHORIZATION.

5 (g) "MEDICAL PRACTICE ACT" MEANS LAWS AND REGULATIONS  
6 GOVERNING THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE  
7 WITHIN A MEMBER STATE.

8 (h) "MEMBER BOARD" MEANS A STATE AGENCY IN A MEMBER  
9 STATE THAT ACTS IN THE SOVEREIGN INTERESTS OF THE STATE BY  
10 PROTECTING THE PUBLIC THROUGH LICENSURE, REGULATION, AND  
11 EDUCATION OF PHYSICIANS AS DIRECTED BY THE STATE GOVERNMENT.

12 (i) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE  
13 COMPACT.

14 (j) "PRACTICE OF MEDICINE" MEANS THE CLINICAL PREVENTION,  
15 DIAGNOSIS, OR TREATMENT OF HUMAN DISEASE, INJURY, OR CONDITION  
16 REQUIRING A PHYSICIAN TO OBTAIN AND MAINTAIN A LICENSE IN  
17 COMPLIANCE WITH THE MEDICAL PRACTICE ACT OF A MEMBER STATE.

18 (k) "PHYSICIAN" MEANS ANY PERSON WHO:

19 (1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE  
20 LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON  
21 OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED  
22 IN THE INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS  
23 EQUIVALENT;

24 (2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL  
25 LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE  
26 OSTEOPATHIC MEDICAL LICENSING EXAMINATION (COMLEX-USA)  
27 WITHIN THREE ATTEMPTS, OR ANY OF ITS PREDECESSOR EXAMINATIONS

1       ACCEPTED BY A STATE MEDICAL BOARD AS AN EQUIVALENT EXAMINATION  
2       FOR LICENSURE PURPOSES;

3           (3) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION  
4       APPROVED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL  
5       EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

6           (4) HOLDS SPECIALTY CERTIFICATION OR A TIME-UNLIMITED  
7       SPECIALTY CERTIFICATE RECOGNIZED BY THE AMERICAN BOARD OF  
8       MEDICAL SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION'S  
9       BUREAU OF OSTEOPATHIC SPECIALISTS;

10           (5) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN  
11       THE PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

12           (6) HAS NEVER BEEN CONVICTED, RECEIVED ADJUDICATION,  
13       DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED  
14       DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE  
15       JURISDICTION;

16           (7) HAS NEVER HELD A LICENSE AUTHORIZING THE PRACTICE OF  
17       MEDICINE SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY  
18       STATE, FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION  
19       RELATED TO NON-PAYMENT OF FEES RELATED TO A LICENSE;

20           (8) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR  
21       PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES  
22       DRUG ENFORCEMENT ADMINISTRATION; AND

23           (9) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY  
24       OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN  
25       JURISDICTION.

26           (I) "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR, OR CRIME  
27       OF MORAL TURPITUDE.

11 (o) "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE  
12 WHERE A PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND WHICH  
13 HAS BEEN DESIGNATED AS SUCH BY THE PHYSICIAN FOR PURPOSES OF  
14 REGISTRATION AND PARTICIPATION IN THE COMPACT.

### **SECTION 3. ELIGIBILITY**

16 (a) A PHYSICIAN MUST MEET THE ELIGIBILITY REQUIREMENTS AS  
17 DEFINED IN SECTION 2(k) TO RECEIVE AN EXPEDITED LICENSE UNDER THE  
18 TERMS AND PROVISIONS OF THE COMPACT.

19 (b) A PHYSICIAN WHO DOES NOT MEET THE REQUIREMENTS OF  
20 SECTION 2(k) MAY OBTAIN A LICENSE TO PRACTICE MEDICINE IN A  
21 MEMBER STATE IF THE INDIVIDUAL COMPLIES WITH ALL LAWS AND  
22 REQUIREMENTS, OTHER THAN THE COMPACT, RELATING TO THE ISSUANCE  
23 OF A LICENSE TO PRACTICE MEDICINE IN THAT STATE.

24 **SECTION 4. DESIGNATION OF STATE OF PRINCIPAL**  
25 **LICENSE**

26 (a) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE  
27 STATE OF PRINCIPAL LICENSE FOR PURPOSES OF REGISTRATION FOR

1 EXPEDITED LICENSURE THROUGH THE COMPACT IF THE PHYSICIAN  
2 POSSESSES A FULL AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN  
3 THAT STATE, AND THE STATE IS:

4 (1) THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN, OR  
5 (2) THE STATE WHERE AT LEAST 25% OF THE PRACTICE OF  
6 MEDICINE OCCURS, OR  
7 (3) THE LOCATION OF THE PHYSICIAN'S EMPLOYER, OR  
8 (4) IF NO STATE QUALIFIES UNDER SUBSECTION (1), SUBSECTION  
9 (2), OR SUBSECTION (3), THE STATE DESIGNATED AS STATE OF RESIDENCE  
10 FOR PURPOSE OF FEDERAL INCOME TAX.

11 (b) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS STATE OF  
12 PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE  
13 REQUIREMENTS IN SUBSECTION (a).

14 (c) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP  
15 RULES TO FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE  
16 STATE OF PRINCIPAL LICENSE.

17 **SECTION 5. APPLICATION AND ISSUANCE OF**  
18 **EXPEDITED LICENSURE**

19 (a) A PHYSICIAN SEEKING LICENSURE THROUGH THE COMPACT  
20 SHALL FILE AN APPLICATION FOR AN EXPEDITED LICENSE WITH THE  
21 MEMBER BOARD OF THE STATE SELECTED BY THE PHYSICIAN AS THE STATE  
22 OF PRINCIPAL LICENSE.

23 (b) UPON RECEIPT OF AN APPLICATION FOR AN EXPEDITED LICENSE,  
24 THE MEMBER BOARD WITHIN THE STATE SELECTED AS THE STATE OF  
25 PRINCIPAL LICENSE SHALL EVALUATE WHETHER THE PHYSICIAN IS ELIGIBLE  
26 FOR EXPEDITED LICENSURE AND ISSUE A LETTER OF QUALIFICATION,  
27 VERIFYING OR DENYING THE PHYSICIAN'S ELIGIBILITY, TO THE INTERSTATE

1        COMMISSION.

2                    (i) STATIC QUALIFICATIONS, WHICH INCLUDE VERIFICATION  
3                    OF MEDICAL EDUCATION, GRADUATE MEDICAL EDUCATION, RESULTS OF  
4                    ANY MEDICAL OR LICENSING EXAMINATION, AND OTHER QUALIFICATIONS  
5                    AS DETERMINED BY THE INTERSTATE COMMISSION THROUGH RULE, SHALL  
6                    NOT BE SUBJECT TO ADDITIONAL PRIMARY SOURCE VERIFICATION WHERE  
7                    ALREADY PRIMARY SOURCE VERIFIED BY THE STATE OF PRINCIPAL  
8                    LICENSE.

9                    (ii) THE MEMBER BOARD WITHIN THE STATE SELECTED AS  
10                   THE STATE OF PRINCIPAL LICENSE SHALL, IN THE COURSE OF VERIFYING  
11                   ELIGIBILITY, PERFORM A CRIMINAL BACKGROUND CHECK OF AN  
12                   APPLICANT, INCLUDING THE USE OF THE RESULTS OF FINGERPRINT OR  
13                   OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF  
14                   THE FEDERAL BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF  
15                   FEDERAL EMPLOYEES WHO HAVE SUITABILITY DETERMINATION IN  
16                   ACCORDANCE WITH U.S. 5 C.F.R. § 731.202.

17                   (iii) APPEAL ON THE DETERMINATION OF ELIGIBILITY SHALL  
18                   BE MADE TO THE MEMBER STATE WHERE THE APPLICATION WAS FILED AND  
19                   SHALL BE SUBJECT TO THE LAW OF THAT STATE.

20                   (c) UPON VERIFICATION IN SUBSECTION (b), PHYSICIANS ELIGIBLE  
21                   FOR AN EXPEDITED LICENSE SHALL COMPLETE THE REGISTRATION PROCESS  
22                   ESTABLISHED BY THE INTERSTATE COMMISSION TO RECEIVE A LICENSE IN  
23                   A MEMBER STATE SELECTED PURSUANT TO SUBSECTION (a), INCLUDING  
24                   THE PAYMENT OF ANY APPLICABLE FEES.

25                   (d) AFTER RECEIVING VERIFICATION OF ELIGIBILITY UNDER  
26                   SUBSECTION (b) AND ANY FEES UNDER SUBSECTION (c), A MEMBER BOARD  
27                   SHALL ISSUE AN EXPEDITED LICENSE TO THE PHYSICIAN. THIS LICENSE

1        SHALL AUTHORIZE THE PHYSICIAN TO PRACTICE MEDICINE IN THE ISSUING  
2        STATE CONSISTENT WITH THE MEDICAL PRACTICE ACT AND ALL  
3        APPLICABLE LAWS AND REGULATIONS OF THE ISSUING MEMBER BOARD  
4        AND MEMBER STATE.

5                (e) AN EXPEDITED LICENSE SHALL BE VALID FOR A PERIOD  
6        CONSISTENT WITH THE LICENSURE PERIOD IN THE MEMBER STATE AND IN  
7        THE SAME MANNER AS REQUIRED FOR OTHER PHYSICIANS HOLDING A FULL  
8        AND UNRESTRICTED LICENSE WITHIN THE MEMBER STATE.

9                (f) AN EXPEDITED LICENSE OBTAINED THROUGH THE COMPACT  
10        SHALL BE TERMINATED IF A PHYSICIAN FAILS TO MAINTAIN A LICENSE IN  
11        THE STATE OF PRINCIPAL LICENSURE FOR A NON-DISCIPLINARY REASON,  
12        WITHOUT REDESIGNATION OF A NEW STATE OF PRINCIPAL LICENSURE.

13                (g) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP  
14        RULES REGARDING THE APPLICATION PROCESS, INCLUDING PAYMENT OF  
15        ANY APPLICABLE FEES, AND THE ISSUANCE OF AN EXPEDITED LICENSE.

## 16        **SECTION 6. FEES FOR EXPEDITED LICENSURE**

17                (a) A MEMBER STATE ISSUING AN EXPEDITED LICENSE  
18        AUTHORIZING THE PRACTICE OF MEDICINE IN THAT STATE MAY IMPOSE A  
19        FEE FOR A LICENSE ISSUED OR RENEWED THROUGH THE COMPACT.

20                (b) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP  
21        RULES REGARDING FEES FOR EXPEDITED LICENSES.

## 22        **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

23                (a) A PHYSICIAN SEEKING TO RENEW AN EXPEDITED LICENSE  
24        GRANTED IN A MEMBER STATE SHALL COMPLETE A RENEWAL PROCESS  
25        WITH THE INTERSTATE COMMISSION IF THE PHYSICIAN:

26                        (1) MAINTAINS A FULL AND UNRESTRICTED LICENSE IN A  
27        STATE OF PRINCIPAL LICENSE;

9 (4) HAS NOT HAD A CONTROLLED SUBSTANCE LICENSE OR  
10 PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES  
11 DRUG ENFORCEMENT ADMINISTRATION.

12 (b) PHYSICIANS SHALL COMPLY WITH ALL CONTINUING  
13 PROFESSIONAL DEVELOPMENT OR CONTINUING MEDICAL EDUCATION  
14 REQUIREMENTS FOR RENEWAL OF A LICENSE ISSUED BY A MEMBER STATE.

15 (c) THE INTERSTATE COMMISSION SHALL COLLECT ANY RENEWAL  
16 FEES CHARGED FOR THE RENEWAL OF A LICENSE AND DISTRIBUTE THE FEES  
17 TO THE APPLICABLE MEMBER BOARD.

18 (d) UPON RECEIPT OF ANY RENEWAL FEES COLLECTED IN  
19 SUBSECTION (c), A MEMBER BOARD SHALL RENEW THE PHYSICIAN'S  
20 LICENSE.

21 (e) PHYSICIAN INFORMATION COLLECTED BY THE INTERSTATE  
22 COMMISSION DURING THE RENEWAL PROCESS WILL BE DISTRIBUTED TO  
23 ALL MEMBER BOARDS.

24 (f) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP  
25 RULES TO ADDRESS RENEWAL OF LICENSES OBTAINED THROUGH THE  
26 COMPACT.

## 27 SECTION 8. COORDINATED INFORMATION SYSTEM

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  
9 INVESTIGATORY INFORMATION DETERMINED AS NECESSARY AND PROPER  
10 BY RULE OF THE INTERSTATE COMMISSION.

11 (d) MEMBER BOARDS MAY REPORT ANY NON-PUBLIC COMPLAINT,  
12 DISCIPLINARY, OR INVESTIGATORY INFORMATION NOT REQUIRED BY  
13 SUBSECTION (c) 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  
18 OR DISTRIBUTED BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED  
19 UNDER SEAL, AND USED ONLY FOR INVESTIGATORY OR DISCIPLINARY  
20 MATTERS

21 (g) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP  
22 RULES FOR MANDATED OR DISCRETIONARY SHARING OF INFORMATION BY  
23 MEMBER BOARDS

## SECTION 9. JOINT INVESTIGATIONS

25 (a) LICENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE  
26 DEEMED INVESTIGATIVE

27 (b) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER

1       BOARD BY ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE  
2       STATE LAW, A MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER  
3       BOARDS IN JOINT INVESTIGATIONS OF PHYSICIANS LICENSED BY THE  
4       MEMBER BOARDS.

5               (c) A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE  
6       ENFORCEABLE IN OTHER MEMBER STATES.

7               (d) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE,  
8       LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT  
9       OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

10               (e) ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED  
11       VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE  
12       IN ANY OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO  
13       PRACTICE MEDICINE.

#### **SECTION 10. DISCIPLINARY ACTIONS**

15               (a) ANY DISCIPLINARY ACTION TAKEN BY ANY MEMBER BOARD  
16       AGAINST A PHYSICIAN LICENSED THROUGH THE COMPACT SHALL BE  
17       DEEMED UNPROFESSIONAL CONDUCT THAT MAY BE SUBJECT TO DISCIPLINE  
18       BY OTHER MEMBER BOARDS, IN ADDITION TO ANY VIOLATION OF THE  
19       MEDICAL PRACTICE ACT OR REGULATIONS IN THAT STATE.

20               (b) IF A LICENSE GRANTED TO A PHYSICIAN BY THE MEMBER BOARD  
21       IN THE STATE OF PRINCIPAL LICENSE IS REVOKED, SURRENDERED OR  
22       RELINQUISHED IN LIEU OF DISCIPLINE, OR SUSPENDED, THEN ALL LICENSES  
23       ISSUED TO THE PHYSICIAN BY MEMBER BOARDS SHALL AUTOMATICALLY  
24       BE PLACED, WITHOUT FURTHER ACTION NECESSARY BY ANY MEMBER  
25       BOARD, ON THE SAME STATUS. IF THE MEMBER BOARD IN THE STATE OF  
26       PRINCIPAL LICENSE SUBSEQUENTLY REINSTATES THE PHYSICIAN'S LICENSE,  
27       A LICENSE ISSUED TO THE PHYSICIAN BY ANY OTHER MEMBER BOARD

1        SHALL REMAIN ENCUMBERED UNTIL THAT RESPECTIVE MEMBER BOARD  
2        TAKES ACTION TO REINSTATE THE LICENSE IN A MANNER CONSISTENT WITH  
3        THE MEDICAL PRACTICE ACT OF THAT STATE.

4                (c) IF DISCIPLINARY ACTION IS TAKEN AGAINST A PHYSICIAN BY A  
5        MEMBER BOARD NOT IN THE STATE OF PRINCIPAL LICENSE, ANY OTHER  
6        MEMBER BOARD MAY DEEM THE ACTION CONCLUSIVE AS TO MATTER OF  
7        LAW AND FACT DECIDED, AND:

8                        (i) IMPOSE THE SAME OR LESSER SANCTION(S) AGAINST THE  
9        PHYSICIAN SO LONG AS SUCH SANCTIONS ARE CONSISTENT WITH THE  
10       MEDICAL PRACTICE ACT OF THAT STATE;

11                        (ii) OR PURSUE SEPARATE DISCIPLINARY ACTION AGAINST THE  
12        PHYSICIAN UNDER ITS RESPECTIVE MEDICAL PRACTICE ACT, REGARDLESS  
13       OF THE ACTION TAKEN IN OTHER MEMBER STATES.

14                (d) IF A LICENSE GRANTED TO A PHYSICIAN BY A MEMBER BOARD  
15        IS REVOKED, SURRENDERED OR RELINQUISHED IN LIEU OF DISCIPLINE, OR  
16        SUSPENDED, THEN ANY LICENSE(S) ISSUED TO THE PHYSICIAN BY ANY  
17        OTHER MEMBER BOARD(S) SHALL BE SUSPENDED, AUTOMATICALLY AND  
18        IMMEDIATELY WITHOUT FURTHER ACTION NECESSARY BY THE OTHER  
19        MEMBER BOARD(S), FOR NINETY (90) DAYS UPON ENTRY OF THE ORDER BY  
20        THE DISCIPLINING BOARD, TO PERMIT THE MEMBER BOARD(S) TO  
21        INVESTIGATE THE BASIS FOR THE ACTION UNDER THE MEDICAL PRACTICE  
22        ACT OF THAT STATE. A MEMBER BOARD MAY TERMINATE THE AUTOMATIC  
23        SUSPENSION OF THE LICENSE IT ISSUED PRIOR TO THE COMPLETION OF THE  
24        NINETY (90) DAY SUSPENSION PERIOD IN A MANNER CONSISTENT WITH THE  
25        MEDICAL PRACTICE ACT OF THAT STATE.

26                        **SECTION 11. INTERSTATE MEDICAL LICENSURE**  
27                        **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  
7 AND 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 A(N):

20 (1) ALLOPATHIC OR OSTEOPATHIC PHYSICIAN APPOINTED TO  
21 A MEMBER BOARD;

22 (2) EXECUTIVE DIRECTOR, EXECUTIVE SECRETARY, OR  
23 SIMILAR EXECUTIVE OF A MEMBER BOARD; OR

24 (3) MEMBER OF THE PUBLIC APPOINTED TO A MEMBER  
25 BOARD.

26 (e) THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE  
27 EACH CALENDAR YEAR. A PORTION OF THIS MEETING SHALL BE A BUSINESS

1 MEETING TO ADDRESS SUCH MATTERS AS MAY PROPERLY COME BEFORE  
2 THE COMMISSION, INCLUDING THE ELECTION OF OFFICERS. THE  
3 CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A  
4 MEETING UPON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.

5 (f) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE  
6 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC  
7 COMMUNICATION.

8 (g) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE  
9 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF  
10 COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF  
11 BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF  
12 THE INTERSTATE COMMISSION. A COMMISSIONER SHALL NOT DELEGATE  
13 A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS  
14 COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY  
15 FOR A SPECIFIED MEETING TO ANOTHER PERSON FROM THAT STATE WHO  
16 SHALL MEET THE REQUIREMENTS OF SUBSECTION (d).

17 (h) THE INTERSTATE COMMISSION SHALL PROVIDE PUBLIC NOTICE  
18 OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE  
19 INTERSTATE COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PORTION,  
20 WHERE IT DETERMINES BY A TWO-THIRDS VOTE OF THE COMMISSIONERS  
21 PRESENT THAT AN OPEN MEETING WOULD BE LIKELY TO:

22 (1) RELATE SOLELY TO THE INTERNAL PERSONNEL  
23 PRACTICES AND PROCEDURES OF THE INTERSTATE COMMISSION;

24 (2) DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM  
25 DISCLOSURE BY FEDERAL STATUTE;

26 (3) DISCUSS TRADE SECRETS, COMMERCIAL OR FINANCIAL  
27 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

1 (4) INVOLVE ACCUSING A PERSON OF A CRIME, OR  
2 FORMALLY CENSURING A PERSON;

3 (5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE  
4 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF  
5 PERSONAL PRIVACY;

6 (6) DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW  
7 ENFORCEMENT PURPOSES; OR

14 (j) THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION  
15 AND OFFICIAL RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN  
16 THE COMPACT OR BY ITS RULES, AVAILABLE TO THE PUBLIC FOR  
17 INSPECTION.

(l) THE INTERSTATE COMMISSION MAY ESTABLISH OTHER COMMITTEES FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

## SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

THE INTERSTATE COMMISSION SHALL HAVE THE DUTY AND POWER  
TO:

(a) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT;

(b) PROMULGATE RULES WHICH SHALL BE BINDING TO THE EXTENT AND IN THE MANNER PROVIDED FOR IN THE COMPACT;

11 (c) ISSUE, UPON THE REQUEST OF A MEMBER STATE OR MEMBER  
12 BOARD, ADVISORY OPINIONS CONCERNING THE MEANING OR  
13 INTERPRETATION OF THE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;

14 (d) ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES  
15 PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS,  
16 USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED  
17 TO THE USE OF JUDICIAL PROCESS;

18 (e) ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT  
19 LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY SECTION 11,  
20 WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE  
21 COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES;

22 (f) PAY, OR PROVIDE FOR THE PAYMENT OF THE EXPENSES RELATED  
23 TO THE ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES OF THE  
24 INTERSTATE COMMISSION;

25 (g) ESTABLISH AND MAINTAIN ONE OR MORE OFFICES;

26 (h) BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF  
27 PERSONNEL;

6 (k) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO  
7 CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS  
8 OF PERSONNEL;

13 (m) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,  
14 OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,  
15 PERSONAL, OR MIXED;

16 (n) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,  
17 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL,  
18 OR MIXED:

19 (o) ESTABLISH A BUDGET AND MAKE EXPENDITURES:

20 (p) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT  
21 AND OPERATION OF THE INTERSTATE COMMISSION;

22 (q) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF  
23 THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE  
24 COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO  
25 INCLUDE REPORTS OF FINANCIAL AUDITS AND ANY RECOMMENDATIONS  
26 THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION.

27 (r) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS

1 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

2 (s) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;

3 (t) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS;

4 AND

5 (u) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR  
6 APPROPRIATE TO ACHIEVE THE PURPOSES OF THE COMPACT.

7 **SECTION 13. FINANCE POWERS**

8 (a) THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN  
9 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF  
10 THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND  
11 ITS STAFF. THE TOTAL ASSESSMENT MUST BE SUFFICIENT TO COVER THE  
12 ANNUAL BUDGET APPROVED EACH YEAR FOR WHICH REVENUE IS NOT  
13 PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT  
14 AMOUNT SHALL BE ALLOCATED UPON A FORMULA TO BE DETERMINED BY  
15 THE INTERSTATE COMMISSION, WHICH SHALL PROMULGATE A RULE  
16 BINDING UPON ALL MEMBER STATES.

17 (b) THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS  
18 OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET SAME.

19 (c) THE INTERSTATE COMMISSION SHALL NOT PLEDGE THE CREDIT  
20 OF ANY OF THE MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY  
21 OF, THE MEMBER STATE.

22 (d) THE INTERSTATE COMMISSION SHALL BE SUBJECT TO A YEARLY  
23 FINANCIAL AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC  
24 ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE  
25 ANNUAL REPORT OF THE INTERSTATE COMMISSION.

26 **SECTION 14. ORGANIZATION AND OPERATION OF**  
27 **THE INTERSTATE COMMISSION**

6 (b) THE INTERSTATE COMMISSION SHALL ELECT OR APPOINT  
7 ANNUALLY FROM AMONG ITS COMMISSIONERS A CHAIRPERSON, A  
8 VICE-CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE  
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) SHALL SERVE WITHOUT  
14 REMUNERATION FROM THE INTERSTATE COMMISSION.

15 (d) THE OFFICERS AND EMPLOYEES OF THE INTERSTATE  
16 COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER  
17 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE  
18 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY  
19 CAUSED OR ARISING OUT OF, OR RELATING TO, AN ACTUAL OR ALLEGED  
20 ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD  
21 A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF  
22 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;  
23 PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR  
24 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE  
25 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

26 (1) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND  
27 EMPLOYEES OF THE INTERSTATE COMMISSION OR REPRESENTATIVE OF THE

1       INTERSTATE COMMISSION, ACTING WITHIN THE SCOPE OF SUCH PERSON'S  
2       EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING  
3       WITHIN EACH PERSON'S STATE, MAY NOT EXCEED THE LIMITS OF LIABILITY  
4       SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR  
5       STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE  
6       COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES  
7       FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION  
8       SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY  
9       FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL  
10      OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

11                   (2) THE INTERSTATE COMMISSION SHALL DEFEND THE  
12       EXECUTIVE DIRECTOR, ITS EMPLOYEES AND SUBJECT TO THE APPROVAL OF  
13       THE ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE  
14       MEMBER STATE REPRESENTED BY AN INTERSTATE COMMISSION  
15       REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION  
16       REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY  
17       ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
18       OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,  
19       DUTIES OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A  
20       REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF  
21       INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,  
22       PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID  
23       NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT  
24       ON THE PART OF SUCH PERSON.

25                   (3) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,  
26       MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES  
27       OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD

1 HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING  
2 ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING  
3 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT  
4 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,  
5 DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE  
6 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE  
7 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED  
8 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT  
9 FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART  
10 OF SUCH PERSONS.

11 **SECTION 15. RULEMAKING FUNCTIONS OF THE**  
12 **INTERSTATE COMMISSION**

13 (a) THE INTERSTATE COMMISSION SHALL PROMULGATE  
14 REASONABLE RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE  
15 THE PURPOSES OF THE COMPACT. NOTWITHSTANDING THE INTERSTATE  
16 COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT  
17 IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT, OR THE POWERS  
18 GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE INTERSTATE  
19 COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

20 (b) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE  
21 INTERSTATE COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING  
22 PROCESS THAT SUBSTANTIALLY CONFORMS TO THE "MODEL STATE  
23 ADMINISTRATIVE PROCEDURE ACT" OF 2010, AND SUBSEQUENT  
24 AMENDMENTS THERETO.

25 (c) NOT LATER THAN THIRTY (30) DAYS AFTER A RULE IS  
26 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW  
27 OF THE RULE IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT

1 OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE  
2 COMMISSION HAS ITS PRINCIPAL OFFICES PROVIDED THAT THE FILING OF  
3 SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE  
4 FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE  
5 PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT  
6 SHALL GIVE DEFERENCE TO THE ACTIONS OF THE INTERSTATE COMMISSION  
7 CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE RULE TO BE  
8 UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE  
9 AUTHORITY GRANTED TO THE INTERSTATE COMMISSION.

10 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

11 (a) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF  
12 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE  
13 COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE  
14 TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS  
15 OF THE COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL  
16 HAVE STANDING AS STATUTORY LAW BUT SHALL NOT OVERRIDE EXISTING  
17 STATE AUTHORITY TO REGULATE THE PRACTICE OF MEDICINE.

18 (b) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT  
19 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A  
20 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THE COMPACT  
21 WHICH MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE  
22 INTERSTATE COMMISSION.

23 (c) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE  
24 ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE  
25 STANDING TO INTERVENE IN THE PROCEEDINGS FOR ALL PURPOSES.  
26 FAILURE TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE  
27 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE

1       INTERSTATE COMMISSION, THE COMPACT, OR PROMULGATED RULES.

2           **SECTION 17. ENFORCEMENT OF INTERSTATE**  
3           **COMPACT**

4           (a) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE  
5       OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE  
6       COMPACT.

7           (b) THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF  
8       THE COMMISSIONERS, INITIATE LEGAL ACTION IN THE UNITED STATES  
9       DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION  
10      OF THE INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE  
11      INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE  
12      COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, AND ITS  
13      PROMULGATED RULES AND BYLAWS, AGAINST A MEMBER STATE IN  
14      DEFAULT. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF  
15      AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE  
16      PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION  
17      INCLUDING REASONABLE ATTORNEY FEES.

18           (c) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE  
19       REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE  
20       COMMISSION MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE  
21       UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

22           **SECTION 18. DEFAULT PROCEDURES**

23           (a) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED  
24       TO, FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR  
25       RESPONSIBILITIES IMPOSED UPON IT BY THE COMPACT OR BY THE RULES  
26       AND BYLAWS OF THE INTERSTATE COMMISSION PROMULGATED UNDER THE  
27       COMPACT.

5 (1) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE  
6 AND OTHER MEMBER STATES, OF THE NATURE OF THE DEFAULT, THE  
7 MEANS OF CURING THE DEFAULT, AND ANY ACTION TAKEN BY THE  
8 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY  
9 THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS  
10 DEFAULT; AND

11 (2) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL  
12 ASSISTANCE REGARDING THE DEFAULT.

20 (d) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE  
21 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE  
22 BEEN EXHAUSTED. NOTICE OF INTENT TO TERMINATE SHALL BE GIVEN BY  
23 THE INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND  
24 MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH  
25 OF THE MEMBER STATES.

26 (e) THE INTERSTATE COMMISSION SHALL ESTABLISH RULES AND  
27 PROCEDURES TO ADDRESS LICENSES AND PHYSICIANS THAT ARE

1       MATERIALLY IMPACTED BY THE TERMINATION OF A MEMBER STATE, OR  
2       THE WITHDRAWAL OF A MEMBER STATE.

3               (f)    THE MEMBER STATE WHICH HAS BEEN TERMINATED IS  
4       RESPONSIBLE FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED  
5       THROUGH THE EFFECTIVE DATE OF TERMINATION INCLUDING OBLIGATIONS,  
6       THE PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF  
7       TERMINATION.

8               (g)    THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS  
9       RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR  
10       WHICH HAS BEEN TERMINATED FROM THE COMPACT, UNLESS OTHERWISE  
11       MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE  
12       COMMISSION AND THE DEFAULTING STATE.

13               (h)    THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE  
14       INTERSTATE COMMISSION BY PETITIONING THE UNITED STATES DISTRICT  
15       COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE  
16       THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE  
17       PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION  
18       INCLUDING REASONABLE ATTORNEY FEES.

19               **SECTION 19. DISPUTE RESOLUTION**

20               (a)    THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE  
21       REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT  
22       TO THE COMPACT AND WHICH MAY ARISE AMONG MEMBER STATES OR  
23       MEMBER BOARDS.

24               (b)    THE INTERSTATE COMMISSION SHALL PROMULGATE RULES  
25       PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION AS  
26       APPROPRIATE.

27               **SECTION 20. MEMBER STATES, EFFECTIVE DATE,**

1       **AND AMENDMENT**

2           (a) ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THE  
3       COMPACT.

4           (b) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON  
5       LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN  
6       SEVEN (7) STATES. THEREAFTER, IT SHALL BECOME EFFECTIVE AND  
7       BINDING ON A STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY  
8       THAT STATE.

9           (c) THE GOVERNORS OF NON-MEMBER STATES, OR THEIR  
10       DESIGNEES, SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE  
11       INTERSTATE COMMISSION ON A NON-VOTING BASIS PRIOR TO ADOPTION OF  
12       THE COMPACT BY ALL STATES.

13           (d) THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO  
14       THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT  
15       SHALL BE EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION  
16       AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY  
17       UNANIMOUS CONSENT OF THE MEMBER STATES.

18       **SECTION 21. WITHDRAWAL**

19           (a) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE  
20       AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED  
21       THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY  
22       SPECIFICALLY REPEALING THE STATUTE WHICH ENACTED THE COMPACT  
23       INTO LAW.

24           (b) WITHDRAWAL FROM THE COMPACT SHALL BE BY THE  
25       ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE  
26       EFFECT UNTIL ONE (1) YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE  
27       AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE

1           WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER STATE.

2           (c) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE  
3           CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE  
4           INTRODUCTION OF LEGISLATION REPEALING THE COMPACT IN THE  
5           WITHDRAWING STATE.

6           (d) THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER  
7           MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW  
8           WITHIN SIXTY (60) DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER  
9           SUBSECTION (c).

10           (e) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES,  
11           OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE  
12           OF WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH  
13           EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

14           (f) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER  
15           STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE  
16           COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE  
17           INTERSTATE COMMISSION.

18           (g) THE INTERSTATE COMMISSION IS AUTHORIZED TO DEVELOP  
19           RULES TO ADDRESS THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE  
20           ON LICENSES GRANTED IN OTHER MEMBER STATES TO PHYSICIANS WHO  
21           DESIGNATED THE WITHDRAWING MEMBER STATE AS THE STATE OF  
22           PRINCIPAL LICENSE.

23           **SECTION 22. DISSOLUTION**

24           (a) THE COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF  
25           THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES  
26           THE MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.

27           (b) UPON THE DISSOLUTION OF THE COMPACT, THE COMPACT

1 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR  
2 EFFECT, AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION  
3 SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN  
4 ACCORDANCE WITH THE BYLAWS.

5 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

6 (a) THE PROVISIONS OF THE COMPACT SHALL BE SEVERABLE, AND  
7 IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED  
8 UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE  
9 ENFORCEABLE.

10 (b) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY  
11 CONSTRUED TO EFFECTUATE ITS PURPOSES.

12 (c) NOTHING IN THE COMPACT SHALL BE CONSTRUED TO PROHIBIT  
13 THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE  
14 STATES ARE MEMBERS.

15 **SECTION 24. BINDING EFFECT OF COMPACT AND**  
16 **OTHER LAWS**

17 (a) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER  
18 LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

19 (b) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE  
20 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

21 (c) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,  
22 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE COMMISSION,  
23 ARE BINDING UPON THE MEMBER STATES.

24 (d) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION  
25 AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR  
26 TERMS.

27 (e) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE

1 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER  
2 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE  
3 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT  
4 MEMBER STATE.

5 **24-60-3603. Effective date of part.** THIS PART 36 TAKES EFFECT  
6 ON JANUARY 1, 2017, OR THE DATE ON WHICH THE INTERSTATE MEDICAL  
7 LICENSURE COMPACT COMMISSION CREATED IN SECTION 11 OF SECTION  
8 24-60-3602 IS ABLE TO FULLY IMPLEMENT THE INTERSTATE MEDICAL  
9 LICENSURE COMPACT AND LICENSES ARE ABLE TO BE ISSUED THROUGH THE  
10 PROCESS SPECIFIED IN THE COMPACT, WHICHEVER IS LATER. THE  
11 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES  
12 SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, WHEN THE  
13 CONDITIONS SPECIFIED IN THIS SECTION OCCUR.

14 **SECTION 2.** In Colorado Revised Statutes, 12-36-104, **add (4)**  
15 as follows:

16 **12-36-104. Powers and duties of board.** (4) TO FACILITATE THE  
17 LICENSURE OF A PHYSICIAN UNDER THE "INTERSTATE MEDICAL LICENSURE  
18 COMPACT ACT", PART 36 OF ARTICLE 60 OF TITLE 24, C.R.S., THE BOARD  
19 SHALL OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR  
20 LICENSURE UNDER THE COMPACT AND SHALL FORWARD THE FINGERPRINTS  
21 TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF  
22 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.  
23 UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE  
24 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND  
25 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING  
26 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
27 FEDERAL BUREAU OF INVESTIGATION. THE BOARD IS THE AUTHORIZED

1 AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A  
2 NATIONAL CRIMINAL HISTORY RECORD CHECK. THE APPLICANT WHOSE  
3 FINGERPRINTS ARE CHECKED SHALL PAY THE ACTUAL COSTS OF THE STATE  
4 AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

5 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **amend**  
6 (3) (a) (VIII) as follows:

7 **24-34-110. Medical transparency act of 2010 - disclosure of**  
8 **information about health care licensees - fines - rules - short title -**  
9 **legislative declaration.** (3) (a) As used in this section, "applicant" means  
10 a person applying for a new, active license, certification, or registration  
11 or to renew, reinstate, or reactivate an active license, certification, or  
12 registration to practice:

13 (VIII) Medicine pursuant to article 36 of title 12, C.R.S., OR PART  
14 36 OF ARTICLE 60 OF THIS TITLE;

15 **SECTION 4.** In Colorado Revised Statutes, 24-34-101, **add** (14)  
16 as follows:

17 **24-34-101. Department created - executive director.** (14) FOR  
18 PURPOSES OF THE INTERSTATE MEDICAL LICENSURE COMPACT ENACTED IN  
19 PART 36 OF ARTICLE 60 OF THIS TITLE, THE EXECUTIVE DIRECTOR SHALL  
20 APPOINT TWO INDIVIDUALS SATISFYING THE CRITERIA SET FORTH IN  
21 SECTION 11 (d) OF THE COMPACT TO REPRESENT THE STATE ON THE  
22 INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION CREATED IN  
23 SECTION 11 OF THE COMPACT. UPON APPOINTMENT, THE INDIVIDUALS  
24 APPOINTED TO THE COMMISSION UNDER THIS SUBSECTION (14) SHALL  
25 PARTICIPATE IN COMMISSION MEETINGS AND ACTIVITIES.

26 **SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal  
27 year, \$136,913 is appropriated to the department of regulatory agencies.

1 This appropriation is from the division of professions and occupations  
2 cash fund created in section 24-34-105 (2) (b) (I), C.R.S. To implement  
3 this act, the department may use this appropriation as follows:

4 (a) \$26,762 for use by the division of professions and occupations  
5 for personal services, which amount is based on an assumption that the  
6 division will require an additional 0.3 FTE;

7 (b) \$23,000 for use by the division professions and occupations  
8 for operating expenses;

9 (c) \$82,400 for the purchase of information technology services;  
10 and

11 (d) \$4,751 for the purchase of legal services.

12 (2) For the 2016-17 state fiscal year, \$82,400 is appropriated to  
13 the office of the governor for use by the office of information technology.  
14 This appropriation is from reappropriated funds received from the  
15 department of regulatory agencies under paragraph (c) of subsection (1)  
16 of this section. To implement this act, the office may use this  
17 appropriation to provide information technology services for the  
18 department of regulatory agencies.

19 (3) For the 2016-17 state fiscal year, \$4,751 is appropriated to the  
20 department of law. This appropriation is from reappropriated funds  
21 received from the department of regulatory agencies under paragraph (d)  
22 of subsection (1) of this section. To implement this act, the department of  
23 law may use this appropriation to provide legal services for the  
24 department of regulatory agencies.

25 **SECTION 6. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.