

1-1 By: Bonnen, A. Johnson of Harris, Shaheen H.B. No. 1616
 1-2 (Senate Sponsor - Huffman)
 1-3 (In the Senate - Received from the House April 19, 2021;
 1-4 April 19, 2021, read first time and referred to Committee on Health
 1-5 & Human Services; May 18, 2021, reported favorably by the following
 1-6 vote: Yeas 8, Nays 0; May 18, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the Interstate Medical Licensure Compact; authorizing
 1-21 fees.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle B, Title 3, Occupations Code, is
 1-24 amended by adding Chapter 171 to read as follows:

1-25 CHAPTER 171. INTERSTATE MEDICAL LICENSURE COMPACT

1-26 Sec. 171.001. PURPOSE. In order to strengthen access to
 1-27 health care, and in recognition of the advances in the delivery of
 1-28 health care, the member states of the Interstate Medical Licensure
 1-29 Compact have allied in common purpose to develop a comprehensive
 1-30 process that complements the existing licensing and regulatory
 1-31 authority of state medical boards and provides a streamlined
 1-32 process that allows physicians to become licensed in multiple
 1-33 states, thereby enhancing the portability of a medical license and
 1-34 ensuring the safety of patients. The compact creates another
 1-35 pathway for licensure and does not otherwise change a state's
 1-36 existing medical practice act. The compact also adopts the
 1-37 prevailing standard for licensure and affirms that the practice of
 1-38 medicine occurs where the patient is located at the time of the
 1-39 physician-patient encounter, and therefore, requires the physician
 1-40 to be under the jurisdiction of the state medical board where the
 1-41 patient is located. State medical boards that participate in the
 1-42 compact retain the jurisdiction to impose an adverse action against
 1-43 a license to practice medicine in that state issued to a physician
 1-44 through the procedures in the compact.

1-45 Sec. 171.002. DEFINITIONS. In this chapter:

1-46 (1) "Bylaws" means those bylaws established by the
 1-47 interstate commission pursuant to Section 171.011 for its
 1-48 governance, or for directing and controlling its actions and
 1-49 conduct.

1-50 (2) "Commissioner" means the voting representative
 1-51 appointed by each member board pursuant to Section 171.011.

1-52 (3) "Conviction" means a finding by a court that an
 1-53 individual is guilty of a criminal offense through adjudication, or
 1-54 entry of a plea of guilt or no contest to the charge by the offender.
 1-55 Evidence of an entry of a conviction of a criminal offense by the
 1-56 court shall be considered final for purposes of disciplinary action
 1-57 by a member board.

1-58 (4) "Expedited license" means a full and unrestricted
 1-59 medical license granted by a member state to an eligible physician
 1-60 through the process set forth in the compact.

1-61 (5) "Interstate commission" means the interstate

2-1 commission created pursuant to Section 171.011.
2-2 (6) "License" means authorization by a state for a
2-3 physician to engage in the practice of medicine, which would be
2-4 unlawful without the authorization.
2-5 (7) "Medical practice act" means laws and regulations
2-6 governing the practice of allopathic and osteopathic medicine
2-7 within a member state.
2-8 (8) "Member board" means a state agency in a member
2-9 state that acts in the sovereign interests of the state by
2-10 protecting the public through licensure, regulation, and education
2-11 of physicians as directed by the state government.
2-12 (9) "Member state" means a state that has enacted the
2-13 compact.
2-14 (10) "Offense" means a felony, gross misdemeanor, or
2-15 crime of moral turpitude.
2-16 (11) "Physician" means any person who:
2-17 (A) is a graduate of a medical school accredited
2-18 by the Liaison Committee on Medical Education, the Commission on
2-19 Osteopathic College Accreditation, or a medical school listed in
2-20 the International Medical Education Directory or its equivalent;
2-21 (B) passed each component of the United States
2-22 Medical Licensing Examination (USMLE) or the Comprehensive
2-23 Osteopathic Medical Licensing Examination (COMLEX-USA) within
2-24 three attempts, or any of its predecessor examinations accepted by
2-25 a state medical board as an equivalent examination for licensure
2-26 purposes;
2-27 (C) successfully completed graduate medical
2-28 education approved by the Accreditation Council for Graduate
2-29 Medical Education or the American Osteopathic Association;
2-30 (D) holds specialty certification or a
2-31 time-unlimited specialty certificate recognized by the American
2-32 Board of Medical Specialties or the American Osteopathic
2-33 Association's Bureau of Osteopathic Specialists;
2-34 (E) possesses a full and unrestricted license to
2-35 engage in the practice of medicine issued by a member board;
2-36 (F) has never been convicted or received
2-37 adjudication, deferred adjudication, community supervision, or
2-38 deferred disposition for any offense by a court of appropriate
2-39 jurisdiction;
2-40 (G) has never held a license authorizing the
2-41 practice of medicine subjected to discipline by a licensing agency
2-42 in any state, federal, or foreign jurisdiction, excluding any
2-43 action related to nonpayment of fees related to a license;
2-44 (H) has never had a controlled substance license
2-45 or permit suspended or revoked by a state or the United States Drug
2-46 Enforcement Administration; and
2-47 (I) is not under active investigation by a
2-48 licensing agency or law enforcement authority in any state,
2-49 federal, or foreign jurisdiction.
2-50 (12) "Practice of medicine" means the clinical
2-51 prevention, diagnosis, or treatment of human disease, injury, or
2-52 condition requiring a physician to obtain and maintain a license in
2-53 compliance with the medical practice act of a member state.
2-54 (13) "Rule" means a written statement by the
2-55 interstate commission promulgated pursuant to Section 171.012 that
2-56 is of general applicability, implements, interprets, or prescribes
2-57 a policy or provision of the compact, or an organizational,
2-58 procedural, or practice requirement of the interstate commission,
2-59 and has the force and effect of statutory law in a member state, and
2-60 includes the amendment, repeal, or suspension of an existing rule.
2-61 (14) "State" means any state, commonwealth, district,
2-62 or territory of the United States.
2-63 (15) "State of principal license" means a member state
2-64 where a physician holds a license to practice medicine and that has
2-65 been designated as such by the physician for purposes of
2-66 registration and participation in the compact.
2-67 Sec. 171.003. ELIGIBILITY. (a) A physician must meet the
2-68 eligibility requirements as defined in Section 171.002(11) to
2-69 receive an expedited license under the terms and provisions of the

3-1 compact.

3-2 (b) A physician who does not meet the requirements of
 3-3 Section 171.002(11) may obtain a license to practice medicine in a
 3-4 member state if the individual complies with all laws and
 3-5 requirements, other than the compact, relating to the issuance of a
 3-6 license to practice medicine in that state.

3-7 Sec. 171.004. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

3-8 (a) A physician shall designate a member state as the state of
 3-9 principal license for purposes of registration for expedited
 3-10 licensure through the compact if the physician possesses a full and
 3-11 unrestricted license to practice medicine in that state, and the
 3-12 state is:

3-13 (1) the state of primary residence for the physician;
 3-14 (2) the state where at least 25 percent of the practice
 3-15 of medicine occurs;
 3-16 (3) the location of the physician's employer; or
 3-17 (4) if no state qualifies under Subdivision (1), (2),
 3-18 or (3), the state designated as state of residence for purpose of
 3-19 federal income tax.

3-20 (b) A physician may redesignate a member state as state of
 3-21 principal license at any time, as long as the state meets the
 3-22 requirements in Subsection (a).

3-23 (c) The interstate commission is authorized to develop
 3-24 rules to facilitate redesignation of another member state as the
 3-25 state of principal license.

3-26 Sec. 171.005. APPLICATION AND ISSUANCE OF EXPEDITED
 3-27 LICENSURE. (a) A physician seeking licensure through the compact
 3-28 shall file an application for an expedited license with the member
 3-29 board of the state selected by the physician as the state of
 3-30 principal license.

3-31 (b) Upon receipt of an application for an expedited license,
 3-32 the member board within the state selected as the state of principal
 3-33 license shall evaluate whether the physician is eligible for
 3-34 expedited licensure and issue a letter of qualification, verifying
 3-35 or denying the physician's eligibility, to the interstate
 3-36 commission.

3-37 (1) Static qualifications, which include verification
 3-38 of medical education, graduate medical education, results of any
 3-39 medical or licensing examination, and other qualifications as
 3-40 determined by the interstate commission through rule, shall not be
 3-41 subject to additional primary source verification where already
 3-42 primary source verified by the state of principal license.

3-43 (2) The member board within the state selected as the
 3-44 state of principal license shall, in the course of verifying
 3-45 eligibility, perform a criminal background check of an applicant,
 3-46 including the use of the results of fingerprint or other biometric
 3-47 data checks compliant with the requirements of the Federal Bureau
 3-48 of Investigation, with the exception of federal employees who have
 3-49 suitability determination in accordance with 5 C.F.R. Section
 3-50 731.202.

3-51 (3) Appeal on the determination of eligibility shall
 3-52 be made to the member state where the application was filed and
 3-53 shall be subject to the law of that state.

3-54 (c) Upon verification in Subsection (b), physicians
 3-55 eligible for an expedited license shall complete the registration
 3-56 process established by the interstate commission to receive a
 3-57 license in a member state selected pursuant to Subsection (a),
 3-58 including the payment of any applicable fees.

3-59 (d) After receiving verification of eligibility under
 3-60 Subsection (b) and any fees under Subsection (c), a member board
 3-61 shall issue an expedited license to the physician. This license
 3-62 shall authorize the physician to practice medicine in the issuing
 3-63 state consistent with the medical practice act and all applicable
 3-64 laws and regulations of the issuing member board and member state.

3-65 (e) An expedited license shall be valid for a period
 3-66 consistent with the licensure period in the member state and in the
 3-67 same manner as required for other physicians holding a full and
 3-68 unrestricted license within the member state.

3-69 (f) An expedited license obtained through the compact shall

4-1 be terminated if a physician fails to maintain a license in the
 4-2 state of principal licensure for a nondisciplinary reason, without
 4-3 redesignation of a new state of principal licensure.

4-4 (g) The interstate commission is authorized to develop
 4-5 rules regarding the application process, including payment of any
 4-6 applicable fees, and the issuance of an expedited license.

4-7 Sec. 171.006. FEES FOR EXPEDITED LICENSURE. (a) A member
 4-8 state issuing an expedited license authorizing the practice of
 4-9 medicine in that state may impose a fee for a license issued or
 4-10 renewed through the compact.

4-11 (b) The interstate commission is authorized to develop
 4-12 rules regarding fees for expedited licenses.

4-13 Sec. 171.007. RENEWAL AND CONTINUED PARTICIPATION. (a) A
 4-14 physician seeking to renew an expedited license granted in a member
 4-15 state shall complete a renewal process with the interstate
 4-16 commission if the physician:

4-17 (1) maintains a full and unrestricted license in a
 4-18 state of principal license;

4-19 (2) has not been convicted or received adjudication,
 4-20 deferred adjudication, community supervision, or deferred
 4-21 disposition for any offense by a court of appropriate jurisdiction;

4-22 (3) has not had a license authorizing the practice of
 4-23 medicine subject to discipline by a licensing agency in any state,
 4-24 federal, or foreign jurisdiction, excluding any action related to
 4-25 nonpayment of fees related to a license; and

4-26 (4) has not had a controlled substance license or
 4-27 permit suspended or revoked by a state or the United States Drug
 4-28 Enforcement Administration.

4-29 (b) Physicians shall comply with all continuing
 4-30 professional development or continuing medical education
 4-31 requirements for renewal of a license issued by a member state.

4-32 (c) The interstate commission shall collect any renewal
 4-33 fees charged for the renewal of a license and distribute the fees to
 4-34 the applicable member board.

4-35 (d) Upon receipt of any renewal fees collected in Subsection
 4-36 (c), a member board shall renew the physician's license.

4-37 (e) Physician information collected by the interstate
 4-38 commission during the renewal process will be distributed to all
 4-39 member boards.

4-40 (f) The interstate commission is authorized to develop
 4-41 rules to address renewal of licenses obtained through the compact.

4-42 Sec. 171.008. COORDINATED INFORMATION SYSTEM. (a) The
 4-43 interstate commission shall establish a database of all physicians
 4-44 licensed, or who have applied for licensure, under Section 171.005.

4-45 (b) Notwithstanding any other provision of law, member
 4-46 boards shall report to the interstate commission any public action
 4-47 or complaints against a licensed physician who has applied for or
 4-48 received an expedited license through the compact.

4-49 (c) Member boards shall report disciplinary or
 4-50 investigatory information determined as necessary and proper by
 4-51 rule of the interstate commission.

4-52 (d) Member boards may report any nonpublic complaint,
 4-53 disciplinary, or investigatory information not required by
 4-54 Subsection (c) to the interstate commission.

4-55 (e) Member boards shall share complaint or disciplinary
 4-56 information about a physician upon request of another member board.

4-57 (f) All information provided to the interstate commission
 4-58 or distributed by member boards shall be confidential, filed under
 4-59 seal, and used only for investigatory or disciplinary matters.

4-60 (g) The interstate commission is authorized to develop
 4-61 rules for mandated or discretionary sharing of information by
 4-62 member boards.

4-63 Sec. 171.009. JOINT INVESTIGATIONS. (a) Licensure and
 4-64 disciplinary records of physicians are considered investigative.

4-65 (b) In addition to the authority granted to a member board
 4-66 by its respective medical practice act or other applicable state
 4-67 law, a member board may participate with other member boards in
 4-68 joint investigations of physicians licensed by the member boards.

4-69 (c) A subpoena issued by a member state shall be enforceable

5-1 in other member states.

5-2 (d) Member boards may share any investigative, litigation,
5-3 or compliance materials in furtherance of any joint or individual
5-4 investigation initiated under the compact.

5-5 (e) Any member state may investigate actual or alleged
5-6 violations of the statutes authorizing the practice of medicine in
5-7 any other member state in which a physician holds a license to
5-8 practice medicine.

5-9 Sec. 171.010. DISCIPLINARY ACTIONS. (a) Any disciplinary
5-10 action taken by any member board against a physician licensed
5-11 through the compact shall be considered unprofessional conduct
5-12 which may be subject to discipline by other member boards, in
5-13 addition to any violation of the medical practice act or
5-14 regulations in that state.

5-15 (b) If a license granted to a physician by the member board
5-16 in the state of principal license is revoked, surrendered or
5-17 relinquished in lieu of discipline, or suspended, then all licenses
5-18 issued to the physician by member boards shall automatically be
5-19 placed, without further action necessary by any member board, on
5-20 the same status. If the member board in the state of principal
5-21 license subsequently reinstates the physician's license, a license
5-22 issued to the physician by any other member board shall remain
5-23 encumbered until that respective member board takes action to
5-24 reinstate the license in a manner consistent with the medical
5-25 practice act of that state.

5-26 (c) If disciplinary action is taken against a physician by a
5-27 member board not in the state of principal license, any other member
5-28 board may consider the action conclusive as to matter of law and
5-29 fact decided, and:

5-30 (1) impose the same or lesser sanction against the
5-31 physician so long as such sanction is consistent with the medical
5-32 practice act of that state; or

5-33 (2) pursue separate disciplinary action against the
5-34 physician under its respective medical practice act, regardless of
5-35 the action taken in other member states.

5-36 (d) If a license granted to a physician by a member board is
5-37 revoked, surrendered or relinquished in lieu of discipline, or
5-38 suspended, then any license issued to the physician by any other
5-39 member board shall be suspended, automatically and immediately
5-40 without further action necessary by the other member board, for 90
5-41 days upon entry of the order by the disciplining board, to permit
5-42 the member board to investigate the basis for the action under the
5-43 medical practice act of that state. A member board may terminate
5-44 the automatic suspension of the license it issued before the
5-45 completion of the 90-day suspension period in a manner consistent
5-46 with the medical practice act of that state.

5-47 Sec. 171.011. INTERSTATE MEDICAL LICENSURE COMPACT
5-48 COMMISSION. (a) The member states hereby create the Interstate
5-49 Medical Licensure Compact Commission.

5-50 (b) The purpose of the interstate commission is the
5-51 administration of the Interstate Medical Licensure Compact, which
5-52 is a discretionary state function.

5-53 (c) The interstate commission shall be a body corporate and
5-54 joint agency of the member states and shall have all the
5-55 responsibilities, powers, and duties set forth in the compact, and
5-56 such additional powers as may be conferred upon it by a subsequent
5-57 concurrent action of the respective legislatures of the member
5-58 states in accordance with the terms of the compact.

5-59 (d) The interstate commission shall consist of two voting
5-60 representatives appointed by each member state who shall serve as
5-61 commissioners. In states where allopathic and osteopathic
5-62 physicians are regulated by separate member boards, or if the
5-63 licensing and disciplinary authority is split between separate
5-64 member boards, or if the licensing and disciplinary authority is
5-65 split between multiple member boards within a member state, the
5-66 member state shall appoint one representative from each member
5-67 board. A commissioner shall be:

5-68 (1) an allopathic or osteopathic physician appointed
5-69 to a member board;

6-1 (2) an executive director, executive secretary, or
 6-2 similar executive of a member board; or

6-3 (3) a member of the public appointed to a member board.

6-4 (e) The interstate commission shall meet at least once each
 6-5 calendar year. A portion of this meeting shall be a business meeting
 6-6 to address such matters as may properly come before the commission,
 6-7 including the election of officers. The chairperson may call
 6-8 additional meetings and shall call for a meeting upon the request of
 6-9 a majority of the member states.

6-10 (f) The bylaws may provide for meetings of the interstate
 6-11 commission to be conducted by telecommunication or electronic
 6-12 communication.

6-13 (g) Each commissioner participating at a meeting of the
 6-14 interstate commission is entitled to one vote. A majority of
 6-15 commissioners shall constitute a quorum for the transaction of
 6-16 business, unless a larger quorum is required by the bylaws of the
 6-17 interstate commission. A commissioner shall not delegate a vote to
 6-18 another commissioner. In the absence of its commissioner, a member
 6-19 state may delegate voting authority for a specified meeting to
 6-20 another person from that state who shall meet the requirements of
 6-21 Subsection (d).

6-22 (h) The interstate commission shall provide public notice
 6-23 of all meetings and all meetings shall be open to the public. The
 6-24 interstate commission may close a meeting, in full or in portion,
 6-25 where it determines by a two-thirds vote of the commissioners
 6-26 present that an open meeting would be likely to:

6-27 (1) relate solely to the internal personnel practices
 6-28 and procedures of the interstate commission;

6-29 (2) discuss matters specifically exempted from
 6-30 disclosure by federal statute;

6-31 (3) discuss trade secrets or commercial or financial
 6-32 information that is privileged or confidential;

6-33 (4) involve accusing a person of a crime, or formally
 6-34 censuring a person;

6-35 (5) discuss information of a personal nature where
 6-36 disclosure would constitute a clearly unwarranted invasion of
 6-37 personal privacy;

6-38 (6) discuss investigative records compiled for law
 6-39 enforcement purposes; or

6-40 (7) specifically relate to the participation in a
 6-41 civil action or other legal proceeding.

6-42 (i) The interstate commission shall keep minutes that shall
 6-43 fully describe all matters discussed in a meeting and shall provide
 6-44 a full and accurate summary of actions taken, including record of
 6-45 any roll call votes.

6-46 (j) The interstate commission shall make its information
 6-47 and official records, to the extent not otherwise designated in the
 6-48 compact or by its rules, available to the public for inspection.

6-49 (k) The interstate commission shall establish an executive
 6-50 committee, which shall include officers, members, and others as
 6-51 determined by the bylaws. The executive committee shall have the
 6-52 power to act on behalf of the interstate commission, with the
 6-53 exception of rulemaking, during periods when the interstate
 6-54 commission is not in session. When acting on behalf of the
 6-55 interstate commission, the executive committee shall oversee the
 6-56 administration of the compact, including enforcement and
 6-57 compliance with the provisions of the compact, its bylaws and
 6-58 rules, and other such duties as necessary.

6-59 (l) The interstate commission may establish other
 6-60 committees for governance and administration of the compact.

6-61 Sec. 171.012. POWERS AND DUTIES OF INTERSTATE COMMISSION.
 6-62 The interstate commission shall have the duty and power to:

6-63 (1) oversee and maintain the administration of the
 6-64 compact;

6-65 (2) promulgate rules that shall be binding to the
 6-66 extent and in the manner provided for in the compact;

6-67 (3) issue, upon the request of a member state or member
 6-68 board, advisory opinions concerning the meaning or interpretation
 6-69 of the compact, its bylaws, rules, and actions;

7-1 (4) enforce compliance with compact provisions, the
7-2 rules promulgated by the interstate commission, and the bylaws,
7-3 using all necessary and proper means, including, but not limited
7-4 to, the use of judicial process;
7-5 (5) establish and appoint committees, including, but
7-6 not limited to, an executive committee as required by Section
7-7 171.011, which shall have the power to act on behalf of the
7-8 interstate commission in carrying out its powers and duties;
7-9 (6) pay or provide for the payment of the expenses
7-10 related to the establishment, organization, and ongoing activities
7-11 of the interstate commission;
7-12 (7) establish and maintain one or more offices;
7-13 (8) borrow, accept, hire, or contract for services of
7-14 personnel;
7-15 (9) purchase and maintain insurance and bonds;
7-16 (10) employ an executive director who shall have such
7-17 powers to employ, select, or appoint employees, agents, or
7-18 consultants, and to determine their qualifications, define their
7-19 duties, and fix their compensation;
7-20 (11) establish personnel policies and programs
7-21 relating to conflicts of interest, rates of compensation, and
7-22 qualifications of personnel;
7-23 (12) accept donations and grants of money, equipment,
7-24 supplies, materials and services, and receive, utilize, and dispose
7-25 of them in a manner consistent with the conflict-of-interest
7-26 policies established by the interstate commission;
7-27 (13) lease, purchase, accept contributions or
7-28 donations of, or otherwise own, hold, improve or use, any property,
7-29 real, personal, or mixed;
7-30 (14) sell, convey, mortgage, pledge, lease, exchange,
7-31 abandon, or otherwise dispose of any property, real, personal, or
7-32 mixed;
7-33 (15) establish a budget and make expenditures;
7-34 (16) adopt a seal and bylaws governing the management
7-35 and operation of the interstate commission;
7-36 (17) report annually to the legislatures and governors
7-37 of the member states concerning the activities of the interstate
7-38 commission during the preceding year, including reports of
7-39 financial audits and any recommendations that may have been adopted
7-40 by the interstate commission;
7-41 (18) coordinate education, training, and public
7-42 awareness regarding the compact, its implementation, and its
7-43 operation;
7-44 (19) maintain records in accordance with the bylaws;
7-45 (20) seek and obtain trademarks, copyrights, and
7-46 patents; and
7-47 (21) perform such functions as may be necessary or
7-48 appropriate to achieve the purposes of the compact.

7-49 Sec. 171.013. FINANCE POWERS. (a) The interstate
7-50 commission may levy on and collect an annual assessment from each
7-51 member state to cover the cost of the operations and activities of
7-52 the interstate commission and its staff. The total assessment must
7-53 be sufficient to cover the annual budget approved each year for
7-54 which revenue is not provided by other sources. The aggregate
7-55 annual assessment amount shall be allocated based on a formula to be
7-56 determined by the interstate commission, which shall promulgate a
7-57 rule binding upon all member states.
7-58 (b) The interstate commission shall not incur obligations
7-59 of any kind before securing the funds adequate to meet the same.
7-60 (c) The interstate commission shall not pledge the credit of
7-61 any of the member states, except by, and with the authority of, the
7-62 member state.
7-63 (d) The interstate commission shall be subject to a yearly
7-64 financial audit conducted by a certified or licensed public
7-65 accountant and the report of the audit shall be included in the
7-66 annual report of the interstate commission.

7-67 Sec. 171.014. ORGANIZATION AND OPERATION OF INTERSTATE
7-68 COMMISSION. (a) The interstate commission shall, by a majority of
7-69 commissioners present and voting, adopt bylaws to govern its

8-1 conduct as may be necessary or appropriate to carry out the purposes
8-2 of the compact within 12 months of the first interstate commission
8-3 meeting.

8-4 (b) The interstate commission shall elect or appoint
8-5 annually from among its commissioners a chairperson, a vice
8-6 chairperson, and a treasurer, each of whom shall have such
8-7 authority and duties as may be specified in the bylaws. The
8-8 chairperson, or in the chairperson's absence or disability, the
8-9 vice chairperson, shall preside at all meetings of the interstate
8-10 commission.

8-11 (c) Officers selected in Subsection (b) shall serve without
8-12 remuneration from the interstate commission.

8-13 (d) The officers and employees of the interstate commission
8-14 shall be immune from suit and liability, either personally or in
8-15 their official capacity, for a claim for damage to or loss of
8-16 property or personal injury or other civil liability caused or
8-17 arising out of, or relating to, an actual or alleged act, error, or
8-18 omission that occurred, or that such person had a reasonable basis
8-19 for believing occurred, within the scope of interstate commission
8-20 employment, duties, or responsibilities. However, such person
8-21 shall not be protected from suit or liability for damage, loss,
8-22 injury, or liability caused by the intentional or wilful and wanton
8-23 misconduct of such person.

8-24 (e) The liability of the executive director and employees of
8-25 the interstate commission or representatives of the interstate
8-26 commission, acting within the scope of such persons' employment or
8-27 duties for acts, errors, or omissions occurring within such
8-28 persons' state, may not exceed the limits of liability set forth
8-29 under the constitution and laws of that state for state officials,
8-30 employees, and agents. The interstate commission is considered to
8-31 be an instrumentality of the states for the purposes of any such
8-32 action. Nothing in this subsection shall be construed to protect
8-33 such persons from suit or liability for damage, loss, injury, or
8-34 liability caused by the intentional or wilful and wanton misconduct
8-35 of such persons.

8-36 (f) The interstate commission shall defend the executive
8-37 director and its employees, and subject to the approval of the
8-38 attorney general or other appropriate legal counsel of the member
8-39 state represented by an interstate commission representative,
8-40 shall defend such interstate commission representative in any civil
8-41 action seeking to impose liability arising out of an actual or
8-42 alleged act, error, or omission that occurred within the scope of
8-43 interstate commission employment, duties, or responsibilities, or
8-44 that the defendant had a reasonable basis for believing occurred
8-45 within the scope of interstate commission employment, duties, or
8-46 responsibilities, provided that the actual or alleged act, error,
8-47 or omission did not result from intentional or wilful and wanton
8-48 misconduct on the part of such person.

8-49 (g) To the extent not covered by the state involved, the
8-50 member state, or the interstate commission, the representatives or
8-51 employees of the interstate commission shall be held harmless in
8-52 the amount of a settlement or judgment, including attorney's fees
8-53 and costs, obtained against such persons arising out of an actual or
8-54 alleged act, error, or omission that occurred within the scope of
8-55 interstate commission employment, duties, or responsibilities, or
8-56 that such persons had a reasonable basis for believing occurred
8-57 within the scope of interstate commission employment, duties, or
8-58 responsibilities, provided that the actual or alleged act, error,
8-59 or omission did not result from intentional or wilful and wanton
8-60 misconduct on the part of such persons.

8-61 Sec. 171.015. RULEMAKING FUNCTIONS OF INTERSTATE
8-62 COMMISSION. (a) The interstate commission shall promulgate
8-63 reasonable rules in order to effectively and efficiently achieve
8-64 the purposes of the compact. Notwithstanding the foregoing, in the
8-65 event the interstate commission exercises its rulemaking authority
8-66 in a manner that is beyond the scope of the purposes of the compact,
8-67 or the powers granted hereunder, then such an action by the
8-68 interstate commission shall be invalid and have no force or effect.

8-69 (b) Rules considered appropriate for the operations of the

9-1 interstate commission shall be made pursuant to a rulemaking
9-2 process that substantially conforms to the Revised Model State
9-3 Administrative Procedure Act of 2010, and subsequent amendments
9-4 thereto.

9-5 (c) Not later than 30 days after a rule is promulgated, any
9-6 person may file a petition for judicial review of the rule in the
9-7 United States District Court for the District of Columbia or the
9-8 federal district where the interstate commission has its principal
9-9 offices, provided that the filing of such a petition shall not stay
9-10 or otherwise prevent the rule from becoming effective unless the
9-11 court finds that the petitioner has a substantial likelihood of
9-12 success. The court shall give deference to the actions of the
9-13 interstate commission consistent with applicable law and shall not
9-14 find the rule to be unlawful if the rule represents a reasonable
9-15 exercise of the authority granted to the interstate commission.

9-16 Sec. 171.016. OVERSIGHT OF INTERSTATE COMPACT. (a) The
9-17 executive, legislative, and judicial branches of state government
9-18 in each member state shall enforce the compact and shall take all
9-19 actions necessary and appropriate to effectuate the compact's
9-20 purposes and intent. The provisions of the compact and the rules
9-21 promulgated hereunder shall have standing as statutory law but
9-22 shall not override existing state authority to regulate the
9-23 practice of medicine.

9-24 (b) All courts shall take judicial notice of the compact and
9-25 the rules in any judicial or administrative proceeding in a member
9-26 state pertaining to the subject matter of the compact that may
9-27 affect the powers, responsibilities, or actions of the interstate
9-28 commission.

9-29 (c) The interstate commission shall be entitled to receive
9-30 all service of process in any such proceeding, and shall have
9-31 standing to intervene in the proceeding for all purposes. Failure
9-32 to provide service of process to the interstate commission shall
9-33 render a judgment or order void as to the interstate commission, the
9-34 compact, or promulgated rules.

9-35 Sec. 171.017. ENFORCEMENT OF INTERSTATE COMPACT. (a) The
9-36 interstate commission, in the reasonable exercise of its
9-37 discretion, shall enforce the provisions and rules of the compact.

9-38 (b) The interstate commission may, by majority vote of the
9-39 commissioners, initiate legal action in the United States District
9-40 Court for the District of Columbia, or, at the discretion of the
9-41 interstate commission, in the federal district where the interstate
9-42 commission has its principal offices, to enforce compliance with
9-43 the provisions of the compact, and its promulgated rules and
9-44 bylaws, against a member state in default. The relief sought may
9-45 include both injunctive relief and damages. In the event judicial
9-46 enforcement is necessary, the prevailing party shall be awarded all
9-47 costs of such litigation including reasonable attorney's fees.

9-48 (c) The remedies herein shall not be the exclusive remedies
9-49 of the interstate commission. The interstate commission may avail
9-50 itself of any other remedies available under state law or the
9-51 regulation of a profession.

9-52 Sec. 171.018. DEFAULT PROCEDURES. (a) The grounds for
9-53 default include, but are not limited to, failure of a member state
9-54 to perform such obligations or responsibilities imposed upon it by
9-55 the compact, or the rules and bylaws of the interstate commission
9-56 promulgated under the compact.

9-57 (b) If the interstate commission determines that a member
9-58 state has defaulted in the performance of its obligations or
9-59 responsibilities under the compact, or the bylaws or promulgated
9-60 rules, the interstate commission shall provide:

9-61 (1) written notice to the defaulting state and other
9-62 member states of the nature of the default, the means of curing the
9-63 default, and any action taken by the interstate commission and in
9-64 which the interstate commission specifies the conditions by which
9-65 the defaulting state must cure its default; and

9-66 (2) remedial training and specific technical
9-67 assistance regarding the default.

9-68 (c) If the defaulting state fails to cure the default, the
9-69 defaulting state shall be terminated from the compact upon an

10-1 affirmative vote of a majority of the commissioners and all rights,
10-2 privileges, and benefits conferred by the compact shall terminate
10-3 on the effective date of termination. A cure of the default does not
10-4 relieve the offending state of obligations or liabilities incurred
10-5 during the period of the default.

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

10-12 (e) The interstate commission shall establish rules and
10-13 procedures to address licenses and physicians that are materially
10-14 impacted by the termination of a member state, or the withdrawal of
10-15 a member state.

10-16 (f) The member state that has been terminated is responsible
10-17 for all dues, obligations, and liabilities incurred through the
10-18 effective date of termination, including obligations, the
10-19 performance of which extends beyond the effective date of
10-20 termination.

10-21 (g) The interstate commission shall not bear any costs
10-22 relating to any state has been found to be in default or that has
10-23 been terminated from the compact, unless otherwise mutually agreed
10-24 upon in writing between the interstate commission and the
10-25 defaulting state.

10-26 (h) The defaulting state may appeal the action of the
10-27 interstate commission by petitioning the United States District
10-28 Court for the District of Columbia or the federal district where the
10-29 interstate commission has its principal offices. The prevailing
10-30 party shall be awarded all costs of such litigation, including
10-31 reasonable attorney's fees.

10-32 Sec. 171.019. DISPUTE RESOLUTION. (a) The interstate
10-33 commission shall attempt, upon the request of a member state, to
10-34 resolve disputes which are subject to the compact and that may arise
10-35 among member states or member boards.

10-36 (b) The interstate commission shall promulgate rules
10-37 providing for both mediation and binding dispute resolution as
10-38 appropriate.

10-39 Sec. 171.020. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.
10-40 (a) Any state is eligible to become a member state of the compact.

10-41 (b) The compact shall become effective and binding upon
10-42 legislative enactment of the compact into law by no less than seven
10-43 states. Thereafter, it shall become effective and binding on a
10-44 state upon enactment of the compact into law by that state.

10-45 (c) The governors of nonmember states, or their designees,
10-46 shall be invited to participate in the activities of the interstate
10-47 commission on a nonvoting basis before adoption of the compact by
10-48 all states.

10-49 (d) The interstate commission may propose amendments to the
10-50 compact for enactment by the member states. No amendment shall
10-51 become effective and binding upon the interstate commission and the
10-52 member states unless and until it is enacted into law by unanimous
10-53 consent of the member states.

10-54 Sec. 171.021. WITHDRAWAL. (a) Once effective, the compact
10-55 shall continue in force and remain binding upon each and every
10-56 member state. A member state may withdraw from the compact by
10-57 specifically repealing the statute that enacted the compact into
10-58 law.

10-59 (b) Withdrawal from the compact shall be by the enactment of
10-60 a statute repealing the same, but shall not take effect until one
10-61 year after the effective date of such statute and until written
10-62 notice of the withdrawal has been given by the withdrawing state to
10-63 the governor of each other member state.

10-64 (c) The withdrawing state shall immediately notify the
10-65 chairperson of the interstate commission in writing upon the
10-66 introduction of legislation repealing the compact in the
10-67 withdrawing state.

10-68 (d) The interstate commission shall notify the other member
10-69 states of the withdrawing state's intent to withdraw within 60 days

11-1 of its receipt of notice provided under Subsection (c).

11-2 (e) The withdrawing state is responsible for all dues,
11-3 obligations, and liabilities incurred through the effective date of
11-4 withdrawal, including obligations, the performance of which extend
11-5 beyond the effective date of withdrawal.

11-6 (f) Reinstatement following withdrawal of a member state
11-7 shall occur upon the withdrawing state reenacting the compact or
11-8 upon such later date as determined by the interstate commission.

11-9 (g) The interstate commission is authorized to develop
11-10 rules to address the impact of the withdrawal of a member state on
11-11 licenses granted in other member states to physicians who
11-12 designated the withdrawing member state as the state of principal
11-13 license.

11-14 Sec. 171.022. DISSOLUTION. (a) The compact shall dissolve
11-15 effective upon the date of the withdrawal or default of the member
11-16 state that reduces the membership in the compact to one member
11-17 state.

11-18 (b) Upon the dissolution of the compact, the compact becomes
11-19 null and void and shall be of no further force or effect, and the
11-20 business and affairs of the interstate commission shall be
11-21 concluded and surplus funds shall be distributed in accordance with
11-22 the bylaws.

11-23 Sec. 171.023. SEVERABILITY AND CONSTRUCTION. (a) The
11-24 provisions of the compact shall be severable, and if any phrase,
11-25 clause, sentence, or provision is considered unenforceable, the
11-26 remaining provisions of the compact shall be enforceable.

11-27 (b) The provisions of the compact shall be liberally
11-28 construed to effectuate its purposes.

11-29 (c) Nothing in the compact shall be construed to prohibit
11-30 the applicability of other interstate compacts to which the states
11-31 are members.

11-32 Sec. 171.024. BINDING EFFECT OF COMPACT AND OTHER LAWS. (a)
11-33 Nothing herein prevents the enforcement of any other law of a member
11-34 state that is not inconsistent with the compact.

11-35 (b) All laws in a member state in conflict with the compact
11-36 are superseded to the extent of the conflict.

11-37 (c) All lawful actions of the interstate commission,
11-38 including all rules and bylaws promulgated by the commission, are
11-39 binding upon the member states.

11-40 (d) All agreements between the interstate commission and
11-41 the member states are binding in accordance with their terms.

11-42 (e) In the event any provision of the compact exceeds the
11-43 constitutional limits imposed on the legislature of any member
11-44 state, such provision shall be ineffective to the extent of the
11-45 conflict with the constitutional provision in question in that
11-46 member state.

11-47 SECTION 2. This Act takes effect September 1, 2021.

11-48 * * * * *