

**House Study Bill 291 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON BLOOMINGDALE)

**A BILL FOR**

1 An Act enacting the interstate podiatric medical licensure  
2 compact.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **147J.1 Interstate podiatric medical**  
2 **licensure compact.**

3 1. *Purpose.* In order to strengthen access to health care,  
4 and in recognition of the advances in the delivery of health  
5 care, the member states of the interstate podiatric medical  
6 licensure compact have allied in common purpose to develop a  
7 comprehensive process that complements the existing licensing and  
8 regulatory authority of state podiatric medical boards, provides  
9 a streamlined process that allows podiatric physicians to become  
10 licensed in multiple states, thereby enhancing the portability  
11 of a podiatric medical license and ensuring the safety of  
12 patients. The compact creates another pathway for licensure  
13 and does not otherwise change a state's existing podiatric  
14 medical practice act. The compact also adopts the prevailing  
15 standard for licensure and affirms that the practice of podiatric  
16 medicine occurs where the patient is located at the time of the  
17 podiatric physician-patient encounter, and therefore, requires  
18 the podiatric physician to be under the jurisdiction of the state  
19 podiatric medical board where the patient is located. State  
20 podiatric medical boards that participate in the compact retain  
21 the jurisdiction to impose an adverse action against a license to  
22 practice podiatric medicine in that state issued to a podiatric  
23 physician through the procedures in the compact.

24 2. *Definitions.* In this compact:

25 a. "Bylaws" means those bylaws established by the interstate  
26 commission pursuant to subsection 11.

27 b. "Commissioner" means the voting representative appointed  
28 by each member board pursuant to subsection 11.

29 c. "Conviction" means a finding by a court that an individual  
30 is guilty of a criminal offense through adjudication, or entry of  
31 a plea of guilt or no contest to the charge by the offender.  
32 Evidence of an entry of conviction of a criminal offense by  
33 the court shall be considered final for purposes of disciplinary  
34 action by a member board.

35 d. "Criminal background check" means that the member board is

1 authorized to obtain a federal bureau of investigations biometric  
2 based federal criminal records check information report from the  
3 authorized state agency for the exclusive purpose of determining  
4 eligibility for certification of qualification that would allow  
5 for an expedited license.

6 e. "*Expedited license*" means a full unrestricted podiatric  
7 medical license granted by a member state to an eligible  
8 podiatric physician through the process set forth in the compact.

9 f. "*Federal criminal records check information*" means any  
10 information obtained by a member board from the federal bureau  
11 of investigation relating to a federal criminal records check  
12 performed by a member board under Pub. L. No. 92-544.

13 g. "*Interstate commission*" means the interstate commission  
14 created pursuant to subsection 11.

15 h. "*License*" means authorization by a member state for a  
16 podiatric physician to engage in the practice of podiatric  
17 medicine, which would be unlawful without authorization.

18 i. "*Member board*" means a state agency in a member state that  
19 acts in the sovereign interest of the state by protecting the  
20 public through licensure, regulation, and education of podiatric  
21 physicians as directed by the state government.

22 j. "*Member state*" means a state which has enacted this  
23 compact.

24 k. "*Offense*" means a felony or gross misdemeanor which is  
25 the result of intentional, willful, reckless misconduct and which  
26 occurred less than ten years ago, or a misdemeanor related to the  
27 practice of podiatry.

28 l. "*Podiatric medical practice act*" means laws and  
29 regulations governing the practice of podiatric medicine within  
30 a member state.

31 m. "*Podiatric physician*" means a person who meets all of the  
32 following requirements:

33 (1) Is a graduate of a podiatric medical school accredited by  
34 the council of podiatric medical education.

35 (2) Passed parts I, II, and III of the national

1 board of podiatric medical examiners' or American podiatric  
2 medical licensing examination, or their recognized replacement  
3 examinations.

4 (3) Successfully complete a podiatric residency program  
5 approved by the council on podiatric medical education.

6 (4) Holds a specialty certification from a specialty board  
7 recognized by the council on podiatric medical education.

8 (5) Possesses a full and unrestricted license to engage in  
9 the practice of podiatric medicine issued by a member board.

10 (6) Has never been convicted, received adjudication, deferred  
11 adjudication, community supervision, or deferred disposition for  
12 any offense by a court of appropriate jurisdiction.

13 (7) Has never held a license authorizing the practice of  
14 podiatric medicine subjected to discipline by a licensing agency  
15 in any state, federal, or foreign jurisdiction, excluding any  
16 action related to the nonpayment of fees related to a license.

17 (8) Has never had a controlled substance license or permit  
18 suspended or revoked by a state or the United States drug  
19 enforcement administration or voluntarily surrendered such  
20 license after notification of investigation.

21 (9) Is not under active investigation by a licensing agency  
22 or law enforcement authority in any state, federal, or foreign  
23 jurisdiction.

24 n. "*Practice of podiatric medicine*" means that clinical  
25 prevention, diagnosis, or treatment of human disease, injury, or  
26 condition requiring a podiatric physician to obtain and maintain  
27 a license in compliance with the podiatric medical practice act  
28 of a member state.

29 o. "*Rule*" means a written statement by the interstate  
30 commission promulgated pursuant to subsection 12 of the compact  
31 that is of general applicability, implements, interprets, or  
32 prescribes a policy or provision of the compact, or an  
33 organizational, procedural, or practice requirement of the  
34 interstate commission, and has the force and effect of statutory  
35 law in a member state, and includes the amendment, repeal, or

1 suspension of an existing rule.

2 p. "State" means any state, commonwealth, district, or  
3 territory of the United States.

4 q. "State of principal license" means a member state where  
5 a podiatric physician holds a license to practice podiatric  
6 medicine and which has been designated by such a podiatric  
7 physician for purposes of registration and participation in the  
8 compact.

9 3. *Eligibility.*

10 a. A podiatric physician must meet the eligibility  
11 requirements as defined in subsection 2, paragraph "m", to  
12 receive an expedited licensure under the terms and provisions of  
13 the compact.

14 b. A podiatric physician who does not meet the requirements  
15 of subsection 2, paragraph "m", may obtain a license to practice  
16 podiatric medicine in a member state if the individual complies  
17 with all laws and requirements, other than the compact, relating  
18 to the issuance of a license to practice podiatric medicine in  
19 that state.

20 4. *Designation of state of principal license.*

21 a. A podiatric physician shall designate a member state as  
22 the state of principal license for purposes of registration  
23 for expedited licensure through the compact if the podiatric  
24 physician possesses a full and unrestricted license to practice  
25 podiatric medicine in that state, and the state is any of the  
26 following:

27 (1) The state of principal residence for the podiatric  
28 physician.

29 (2) The state where at least twenty-five percent of the  
30 podiatric physician's practice of podiatric medicine occurs.

31 (3) The location of the podiatric physician's employer.

32 (4) If no state qualifies under subparagraph (1), (2), or  
33 (3), the state designated as state of residence for purpose of  
34 federal income tax.

35 b. A podiatric physician may redesignate a member state as

1 state of principal license at any time, so long as the state  
2 meets the requirements of paragraph "a".

3 c. The interstate commission is authorized to develop rules  
4 to facilitate redesignation of another member state as the state  
5 of principal license.

6 5. *Application and issuance of expedited licensure.*

7 a. A podiatric physician seeking licensure through the  
8 compact shall file an application for an expedited license with  
9 the member board of the state selected by the podiatric physician  
10 as the state of principal license.

11 b. Upon receipt of an application for an expedited license,  
12 the member board within the state selected as the state of  
13 principal license shall evaluate whether the podiatric physician  
14 is eligible for expedited licensure and issue a letter of  
15 qualification, verifying or denying the podiatric physician's  
16 eligibility to, and in the manner established through rule by,  
17 the interstate commission.

18 (1) Static qualifications, which include verification  
19 of podiatric medical education, podiatric graduate medical  
20 education, results of any podiatric medical licensing  
21 examination, and other qualifications as determined by the  
22 interstate commission through rule, shall not be subject to  
23 additional primary source verification where already primary  
24 source verified by the state of principal license.

25 (2) The member board within the state selected as the  
26 state of principal license shall, in the course of verifying  
27 eligibility, perform a criminal background check of an applicant,  
28 including the use of results of fingerprint or other biometric  
29 data checks compliant with the requirements of the federal bureau  
30 of investigation with the exception of federal employees who have  
31 a suitability determination in accordance with 5 C.F.R. §731.202.

32 (a) Communication between a member board and the interstate  
33 commission and communication between member boards regarding the  
34 verification of eligibility in subsection 3 through the compact  
35 shall not include any information received from the federal

1 bureau of investigation relating to a federal criminal records  
2 check performed by a member board under Pub. L. No. 92-544,  
3 including federal criminal records check information.

4 (b) Federal bureau of investigation information obtained by a  
5 member board shall not be shared with the interstate commission.

6 (3) Appeal of the determination of eligibility shall be made  
7 to the member state where the application was filed and shall be  
8 subject to the law of that state.

9 c. Upon receipt by a member board of verification as provided  
10 in paragraph "b" of a podiatric physician's eligibility for an  
11 expedited license, the podiatric physician shall complete the  
12 registration process established by the interstate commission  
13 to receive a license in a member state selected pursuant to  
14 paragraph "a", including the payment of any applicable fees.

15 d. After receiving verification of eligibility under  
16 paragraph "b" and any fees under paragraph "c", a member board  
17 shall issue an expedited license to the podiatric physician.  
18 This license shall authorize the podiatric physician to practice  
19 podiatric medicine in the issuing state consistent with the  
20 podiatric medical practice act and all applicable laws and  
21 regulations of the issuing member board and member state.

22 e. An expedited license shall be valid for a period  
23 consistent with the licensure period in the member state and  
24 in the same manner as required for other podiatric physicians  
25 holding a full and unrestricted license within the member state.

26 f. An expedited license obtained through the compact shall be  
27 terminated if a podiatric physician fails to maintain a license  
28 in the state of principal licensure for a nondisciplinary reason,  
29 without redesignation of a new state of principal licensure.

30 g. The interstate commission is authorized to develop rules  
31 regarding the application process, including payment of any  
32 applicable fees, and the reporting of the issuance of an  
33 expedited license by a member board to the interstate commission.

34 6. *Fees for expedited licensure.*

35 a. A member state issuing an expedited license authorizing

1 the practice of podiatric medicine in that state may impose a fee  
2 for a license issued or renewed through the compact.

3 b. The interstate commission is authorized to develop rules  
4 regarding fees for expedited licenses.

5 7. *Renewal and continued participation.*

6 a. A podiatric physician seeking to renew an expedited  
7 license granted in a member state shall complete a renewal  
8 process with the interstate commission if the podiatric physician  
9 meets all of the following requirements:

10 (1) Maintains a full and unrestricted license in a state of  
11 principal license.

12 (2) Has not been convicted, received adjudication, deferred  
13 adjudication, community supervision, or deferred disposition for  
14 any offense by a court of appropriate jurisdiction.

15 (3) Has not had a license authorizing the practice of  
16 podiatric medicine subject to discipline by a licensing agency  
17 in any state, federal, or foreign jurisdiction, or voluntarily  
18 surrendered such license in lieu of discipline, excluding any  
19 action related to nonpayment of fees related to a license.

20 (4) Has not had a controlled substance license or permit  
21 suspended or revoked by a state or the United States drug  
22 enforcement administration or voluntarily surrendered such  
23 license or permit after notification of investigation.

24 b. Podiatric physicians shall comply with all continuing  
25 professional development or continuing medical education  
26 requirements for renewal of a license issued by a member state.

27 c. The interstate commission shall collect any renewal fees  
28 charged for the renewal of a license and distribute the fees to  
29 the applicable member board.

30 d. Upon receipt of any renewal fees collected pursuant  
31 to paragraph "c", a member board shall renew the podiatric  
32 physician's license.

33 e. Podiatric physician information collected by the  
34 interstate commission during the renewal process shall be  
35 distributed to all member boards.

1 f. The interstate commission is authorized to develop rules  
2 to address renewal of licenses obtained through the compact.

3 8. *Coordinated information system.*

4 a. The interstate commission shall establish a database of  
5 all podiatric physicians licensed, or who have applied for  
6 licensure, pursuant to subsection 5.

7 b. Notwithstanding any other provision of law to the  
8 contrary, member boards shall report to the interstate commission  
9 any public action or public complaints against a licensed  
10 podiatric physician who has applied or received an expedited  
11 license through the compact.

12 c. Member boards shall report disciplinary or investigatory  
13 information determined necessary and proper by rule of the  
14 interstate commission.

15 d. Member boards may report any nonpublic complaint,  
16 disciplinary, or investigatory information not required by  
17 paragraph "c" to the interstate commission.

18 e. Member boards shall share complaint or disciplinary  
19 information about a podiatric physician upon request of another  
20 member board.

21 f. All information provided to the interstate commission or  
22 distributed by member boards shall be confidential, filed under  
23 seal, and used only for investigatory or disciplinary matters.

24 g. The interstate commission is authorized to develop rules  
25 for mandated or discretionary sharing of information by member  
26 boards.

27 9. *Joint investigations.*

28 a. Licensure and disciplinary records of podiatric physicians  
29 are deemed investigative.

30 b. In addition to the authority granted to a member board by  
31 its respective podiatric medical practice act or other applicable  
32 state law, a member board may participate with other member  
33 boards in joint investigations of podiatric physicians licensed  
34 by the member boards.

35 c. A subpoena issued by a member state as part of a joint

1 investigation shall be enforceable in other member states.

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

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

9 10. *Disciplinary actions.*

10 a. Any conduct for which any disciplinary action is taken by  
11 any member board against a podiatric physician licensed through  
12 the compact shall be deemed unprofessional conduct which may be  
13 subject to discipline by other member boards, in addition to any  
14 violation of the podiatric medical practice act or regulations in  
15 that state.

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

28 c. If disciplinary action is taken against a podiatric  
29 physician by a member board not in a state of principal license,  
30 any other member board may deem the action conclusive as to  
31 matters of law and fact decided and do any of the following:

32 (1) Impose the same or lesser sanction against the podiatric  
33 physician so long as such sanctions are consistent with the  
34 podiatric medical practice act of that state.

35 (2) Pursue separate disciplinary action against the podiatric

1 physician under its respective podiatric medical practice act,  
2 regardless of the action taken in other member states.

3 d. If a license granted to a podiatric physician by a  
4 member board is revoked, surrendered or relinquished in lieu  
5 of discipline, or suspended, then any license issued to a  
6 podiatric physician by any other member board shall be suspended,  
7 automatically and immediately without further action necessary by  
8 the other member board for ninety days upon entry of the order by  
9 the disciplining board, to permit the member board to investigate  
10 the basis for the action under the podiatric medical practice act  
11 of that state.

12 e. A member board may terminate the automatic suspension  
13 under paragraph "b" or "d" of a license it issued, in a manner  
14 consistent with the podiatric medical practice act of that state.

15 11. *Interstate podiatric medical licensure compact*  
16 *commission.*

17 a. The member states hereby create the interstate podiatric  
18 medical licensure compact commission.

19 b. The purpose of the interstate commission is the  
20 administration of the interstate podiatric medical licensure  
21 compact, which is a discretionary state function.

22 c. The interstate commission shall be a body corporate and  
23 joint agency of the member states and shall have all the  
24 responsibilities, powers, and duties set forth in the compact,  
25 and such additional powers as may be conferred upon it by a  
26 subsequent concurrent action of the respective legislatures of  
27 the member states in accordance with the terms of the compact.

28 d. The interstate commission shall consist of one voting  
29 representative appointed by each member state who shall serve as  
30 a commissioner. A commissioner shall be any of the following:

31 (1) A podiatric physician appointed to a member board.

32 (2) An executive director, executive secretary, or similar  
33 executive of a member board.

34 (3) A member of the public appointed to a member board.

35 e. The interstate commission shall meet at least once each

1 calendar year. A portion of this meeting shall be a business  
2 meeting to address such matters as may properly come before the  
3 commission, including the election of officers. The chairperson  
4 may call additional meetings and shall call for a meeting upon  
5 the request of a majority of the member states.

6 *f.* The bylaws may provide for meetings of the interstate  
7 commission to be conducted, in whole or in part, via  
8 teleconference, video conference, or other electronic means by  
9 which all participants can hear each other simultaneously and  
10 participate effectively. Attendance by such electronic means  
11 shall constitute presence in person at the meeting.

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

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

27 (1) Relate solely to the internal personnel practice and  
28 procedures of the interstate commission.

29 (2) Discuss matters specifically exempted from disclosure by  
30 federal statute.

31 (3) Discuss a trade secret, commercial, or financial  
32 information that is privileged or confidential.

33 (4) Involve accusing a person of a crime, or formally  
34 censuring a person.

35 (5) Discuss information of a personal nature where disclosure

1 would constitute a clearly unwarranted invasion of personal  
2 privacy.

3 (6) Discuss investigative records compiled for law  
4 enforcement purposes.

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

7 i. The interstate commission shall keep minutes which shall  
8 fully describe all matters discussed in a meeting and shall  
9 provide a full and accurate summary of actions taken, including  
10 record of any roll call votes.

11 j. The interstate commission shall make its information and  
12 official records, to the extent not otherwise designated in the  
13 compact or by its rules, available to the public for inspection.

14 k. The interstate commission shall establish an executive  
15 committee, which shall include officers, members, and others as  
16 determined by the bylaws. The executive committee shall have  
17 the power to act on behalf of the interstate commission with  
18 the exception of rulemaking, during periods when the interstate  
19 commission is not in session. When acting on behalf of the  
20 interstate commission, the executive committee shall oversee  
21 the administration of the compact, including enforcement and  
22 compliance with the provisions of the compact, its bylaws and  
23 rules, and other such duties as necessary.

24 l. The interstate commission shall establish other committees  
25 for governance and administration of the compact.

26 12. *Powers and duties of the interstate commission.* The  
27 interstate commission shall have all of the following powers and  
28 duties:

29 a. Oversee and maintain the administration of the compact.

30 b. Promulgate rules which shall be binding to the extent and  
31 in the manner provided for in the compact.

32 c. Issue, upon the request of a member state or member board,  
33 advisory opinions concerning the meeting or interpretation of the  
34 compact, its bylaws, rules, and actions.

35 d. Enforce compliance with compact provisions, the rules

1 promulgated by the interstate commission, and the bylaws, using  
2 all necessary and proper means, including but not limited to the  
3 use of judicial process.

4 e. Establish and appoint committees including but not limited  
5 to an executive committee as required by subsection 11, which  
6 shall have the power to act on behalf of the interstate  
7 commission in carrying out its powers and duties.

8 f. Pay, or provide for the payment of the expenses related  
9 to the establishment, organization, and ongoing activities of the  
10 interstate commission.

11 g. Establish and maintain one or more offices.

12 h. Borrow, accept, hire, or contract for services of  
13 personnel.

14 i. Purchase and maintain insurance and bonds.

15 j. Employ an executive director who shall have the power to  
16 employ, select or appoint employees, agents, consultants, and  
17 to determine their qualifications, define their duties, and fix  
18 their compensation.

19 k. Establish personnel policies and programs relating to  
20 conflicts of interest, rates of compensation, and qualification  
21 of personnel.

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

26 m. Lease, purchase, accept contributions or donations of, or  
27 otherwise to own, hold, improve, or use, any property, real,  
28 personal, or mixed.

29 n. Sell, convey, mortgage, pledge, lease, exchange, abandon,  
30 or otherwise dispose of any property, real, personal, or mixed.

31 o. Establish a budget and make expenditures.

32 p. Adopt a seal and bylaws governing the management and  
33 operation of the interstate commission.

34 q. Report annually to the legislatures and governors of  
35 the member states concerning the activities of the interstate

1 commission during the preceding year. Such reports shall also  
2 include reports of financial audits, and financial statements,  
3 and any recommendations that may have been adopted by the  
4 interstate commission.

5 r. Coordinate education, training, and public awareness  
6 regarding the compact, its implementation, and its operation.

7 s. Maintain records in accordance with the bylaws.

8 t. Seek and obtain trademarks, copyrights, and patents.

9 u. Perform such functions as may be necessary or appropriate  
10 to achieve the purpose of the compact.

11 13. *Finance powers.*

12 a. The interstate commission may levy on and collect an  
13 annual assessment from each member state to cover the cost of  
14 the operations and activities of the interstate commission and  
15 its staff. The total assessment must be sufficient to cover  
16 the annual budget approved each year for which revenue is not  
17 provided by other sources. The aggregate annual assessment  
18 amount shall be allocated upon a formula to be determined by the  
19 interstate commission, which shall promulgate a rule binding upon  
20 all member states.

21 b. The interstate commission shall not incur obligations of  
22 any kind prior to securing the funds adequate to meet the same.

23 c. The interstate commission shall not pledge the credit or  
24 any of the member states, except by, and with the authority of,  
25 the member state.

26 d. The interstate commission shall maintain financial records  
27 in accordance with the bylaws, including profit and loss  
28 statements and balance sheet reports which shall be included in  
29 the annual report of the interstate commission.

30 14. *Organization and operation of the interstate commission.*

31 a. The interstate commission shall, by a majority of  
32 commissioners present and voting, adopt bylaws to govern its  
33 conduct as may be necessary or appropriate to carry out the  
34 purposes of the compact within twelve months of the first  
35 interstate commission meeting.

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

7     *c.* Officers selected pursuant to paragraph "b" shall serve  
8 without remuneration from the interstate commission.

9     *d.* The officers and employees of the interstate commission  
10 shall be immune from suit and liability, either personally or in  
11 their official capacity, for a claim for damage to or loss of  
12 property or personal injury or other civil liability caused or  
13 arising out of, or relating to, an actual or alleged act, error,  
14 or omission that occurred, or that such person had a reasonable  
15 basis for believing occurred, within the scope of the interstate  
16 commission employment, duties, or responsibilities; provided that  
17 such person shall not be protected from suit or liability for  
18 damage, loss, injury, or liability caused by the intentional or  
19 willful and wanton misconduct of such person.

20     *e.* The liability of the executive director and employees of  
21 the interstate commission or representatives of the interstate  
22 commission, acting within the scope of such person's employment  
23 or duties for acts, errors, or omissions occurring within such  
24 person's state, may not exceed the limits of liability set  
25 forth under the constitution and laws of that state for state  
26 officials, employees, and agents. The interstate commission is  
27 considered to be an instrumentality of the states for the purpose  
28 of such action. Nothing in this paragraph shall be construed  
29 to protect such person from suit or liability for damage, loss,  
30 injury, or liability caused by the intentional or willful and  
31 wanton misconduct of such person.

32     *f.* The interstate commission shall defend the executive  
33 director, its employees, and subject to the approval of the  
34 attorney general or other appropriate legal counsel of the member  
35 state represented by the interstate commission representative,

1 shall defend such interstate commission representative in any  
2 civil action seeking to impose liability arising out of an  
3 actual or alleged act, error, or omission that occurred within  
4 the scope of interstate commission employment, duties, or  
5 responsibilities, or that the defendant had a reasonable basis  
6 for believing occurred within the scope of the interstate  
7 commission employment, duties, or responsibilities, provided that  
8 the actual or alleged act, error, or omission did not result from  
9 intentional or willful and wanton misconduct on the part of such  
10 person.

11 g. To the extent not covered by the state involved, member  
12 state, or the interstate commission, the representatives or  
13 employees of the interstate commission shall be held harmless  
14 in the amount of a settlement or judgment, including attorney  
15 fees and costs, obtained against such persons arising out of  
16 an actual or alleged act, error, or omission that occurred  
17 within the scope of the interstate commission employment, duties,  
18 or responsibilities, or that such persons had a reasonable  
19 basis for believing occurred within the scope of interstate  
20 commission employment, duties, or responsibilities, provided that  
21 the actual or alleged act, error, or omission did not result from  
22 intentional or willful and wanton misconduct on the part of such  
23 person.

24 15. *Rulemaking functions of the interstate commission.*

25 a. The interstate commission shall promulgate rules in order  
26 to effectively and efficiently achieve the purpose of the  
27 compact. Notwithstanding the foregoing, in the event the  
28 interstate commission exercises its rulemaking authority in a  
29 manner that is beyond the scope of the purposes of the compact,  
30 or the powers granted hereunder, then such an action by the  
31 interstate commission shall be invalid and have no force or  
32 effect.

33 b. Rules deemed appropriate for the operations of the  
34 interstate commission shall be made pursuant to the rulemaking  
35 process that substantially conforms to the model state

1 administrative procedure Act of 2010, and subsequent amendments  
2 thereto.

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

15 16. *Oversight of interstate compact.*

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

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

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

34 17. *Enforcement of interstate compact.*

35 a. The interstate commission, in the reasonable exercise of

1 its discretion, shall enforce the provisions and rules of the  
2 compact.

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

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

18     18. *Default procedures.*

19     a. The grounds for default include but are not limited  
20 to failure of a member board to perform such obligations or  
21 responsibilities imposed upon it by the compact, or the rules  
22 and bylaws of the interstate commission promulgated under the  
23 compact.

24     b. If the interstate commission determines that a member  
25 state has defaulted in the performance of its obligations or  
26 responsibilities under the compact, or the bylaws or promulgated  
27 rules, the interstate commission shall do all of the following:

28         (1) Provide written notice to the defaulting state and other  
29 member states, of the nature of the default, the means of curing  
30 the default, and any action taken by the interstate commission.  
31 The interstate commission shall specify the conditions by which  
32 the defaulting state must cure its default.

33         (2) Provide remedial training and specific technical  
34 assistance regarding the default.

35     c. If the defaulting state fails to cure the default, the

1 defaulting state shall be terminated from the compact upon an  
2 affirmative vote of the majority of the commissioners present and  
3 voting, and all rights, privileges, and benefits conferred by the  
4 compact shall terminate on the effective date of termination.

5 A cure of the default does not relieve the offending state of  
6 obligations or liabilities incurred during the period of default.

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

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

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

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

27 h. The defaulting state may appeal the action of the  
28 interstate commission by petitioning the United States district  
29 court for the District of Columbia or the federal district  
30 court where the interstate commission has its principal office.  
31 The prevailing party shall be awarded all costs of litigation  
32 including reasonable attorney fees.

33 19. *Dispute resolution.*

34 a. The interstate commission shall attempt, upon the request  
35 of a member state, to resolve disputes which are subject to the

1 compact and which arise among member states or member boards.

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

4     20. *Member states, effective date, and amendment.*

5     *a.* Any state is eligible to become a member of the compact.

6     *b.* The compact shall become effective and binding upon  
7 legislative enactment of the compact into law by no less than  
8 four states. Thereafter, it shall become effective and binding  
9 on a state upon enactment of the compact into law by that state.

10    *c.* The governors of nonmember states, or their designees,  
11 shall be welcome to participate in the activities of the  
12 interstate commission on a nonvoting basis prior to adoption of  
13 the compact by all states.

14    *d.* The interstate commission may propose amendments to the  
15 compact for enactment by the member states. No amendment shall  
16 become effective and binding upon the interstate commission and  
17 other member states unless and until it is enacted into law by  
18 unanimous consent of the member states.

19     21. *Withdrawal.*

20    *a.* Once effective, the compact shall continue in force and  
21 remain binding upon each and every member state; provided that  
22 a member state may withdraw from the compact by specifically  
23 repealing the statute which enacted the compact into law.

24    *b.* Withdrawal from the compact shall be by the enactment of a  
25 statute repealing the same, but shall not take effect until one  
26 year after the effective date of such statute and until written  
27 notice of the withdrawal has been given by the withdrawing state  
28 to the governor of each member state.

29    *c.* The withdrawing state shall immediately notify the  
30 chairperson of the interstate commission in writing upon the  
31 introduction of legislation repealing the compact in the  
32 withdrawing state.

33    *d.* The interstate commission shall notify the other member  
34 states of the withdrawing state's intent to withdraw within sixty  
35 days of its receipt of notice provided pursuant to paragraph "c".

1 e. The withdrawing state is responsible for all dues,  
2 obligations, and liabilities incurred throughout the effective  
3 date of withdrawal, including obligations, the performance of  
4 which extend beyond the effective date of withdrawal.

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

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

13 22. *Dissolution.*

14 a. The compact shall be dissolved effective upon the date of  
15 the withdrawal or default of the member state which reduces the  
16 membership of the compact to one member state.

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

22 23. *Severability and construction.*

23 a. The provisions of the compact shall be severable, and  
24 if any phrase, clause, sentence, or provision is deemed  
25 unenforceable, the remaining provisions of the compact shall be  
26 enforceable.

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

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

32 24. *Binding effect of compact and other laws.*

33 a. Nothing herein prevents the enforcement of any other law  
34 of a member state that is not inconsistent with the compact.

35 b. All laws in a member state in conflict with the compact

1 are superseded to the extent of the conflict.

2 c. All lawful actions of the interstate commission, including  
3 all rules and bylaws promulgated by the commission, are binding  
4 upon all member states.

5 d. All agreements between the interstate commission and the  
6 member states are binding in accordance with their terms.

7 e. In the event of any provision of the compact that exceeds  
8 the constitutional limits imposed on the legislature of any  
9 member state, such provision shall be ineffective to the extent  
10 of the conflict with the constitutional provision in question in  
11 that member state.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill establishes the interstate podiatric medical  
16 licensure compact.

17 The compact establishes a system whereby a podiatrist licensed  
18 to practice in one participating state may receive an expedited  
19 license to practice in another participating state. The  
20 compact imposes certain minimum requirements on the licensure of  
21 podiatrists in participating states.

22 The compact creates a commission to administer the operation  
23 of the compact. The commission is an instrumentality of the  
24 participating states. The compact includes provisions relating  
25 to the establishment and membership of the commission; powers  
26 of the commission; meetings and voting requirements of the  
27 commission; commission bylaws and rules; commission committees;  
28 commission finances; the establishment of a data system;  
29 compacting state compliance; venue for judicial proceedings;  
30 defense and indemnification; effective dates and amendments to  
31 the compact; withdrawal, default, and expulsion; severability and  
32 construction; and the binding effect of the compact and other  
33 laws.

34 The compact becomes effective upon the adoption of the compact  
35 by the fourth participating state.