

**CHAPTER 1175****PODIATRIC MEDICAL LICENSURE COMPACT***H.F. 2498*

**AN ACT** enacting the interstate podiatric medical licensure compact.

*Be It Enacted by the General Assembly of the State of Iowa:*

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

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

2. *Definitions.* In this compact:

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

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

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

d. "Criminal background check" means that the member board is authorized to obtain a federal bureau of investigations biometric based federal criminal records check information report from the authorized state agency for the exclusive purpose of determining eligibility for certification of qualification that would allow for an expedited license.

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

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

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

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

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

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

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

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

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

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

(2) Passed parts I, II, and III of the national board of podiatric medical examiners' or American podiatric medical licensing examination, or their recognized replacement examinations.

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

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

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

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

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

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

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

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

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

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

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

### 3. Eligibility.

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

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

#### 4. Designation of state of principal license.

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

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

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

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

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

*b.* A podiatric physician may redesignate a member state as state of principal license at any time, so long as the state meets the requirements of paragraph "a".

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

5. *Application and issuance of expedited licensure.*

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

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

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

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

(a) Communication between a member board and the interstate commission and communication between member boards regarding the verification of eligibility in subsection 3 through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member board under Pub. L. No. 92-544, including federal criminal records check information.

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

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

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

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

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

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

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

6. *Fees for expedited licensure.*

a. A member state issuing an expedited license authorizing the practice of podiatric medicine in that state may impose a fee for a license issued or renewed through the compact.

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

7. *Renewal and continued participation.*

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

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

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

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

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

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

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

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

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

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

8. *Coordinated information system.*

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

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

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

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

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

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

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

9. *Joint investigations.*

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

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

c. A subpoena issued by a member state as part of a joint investigation shall be enforceable in other member states.

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

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

10. *Disciplinary actions.*

a. Any conduct for which any disciplinary action is taken by any member board against

a podiatric physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the podiatric medical practice act or regulations in that state.

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

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

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

(2) Pursue separate disciplinary action against the podiatric physician under its respective podiatric medical practice act, regardless of the action taken in other member states.

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

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

11. *Interstate podiatric medical licensure compact commission.*

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

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

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

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

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

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

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

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

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

g. Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of paragraph “d”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

d. Enforce compliance with compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

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

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

g. Establish and maintain one or more offices.

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

i. Purchase and maintain insurance and bonds.

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

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

l. Accept donations and grants of money, equipment, supplies, materials, and services to receive, utilize, and dispose of it in a manner consistent with the conflict of interest

policies established by the interstate commission.

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

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

o. Establish a budget and make expenditures.

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

q. Report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits, and financial statements, and any recommendations that may have been adopted by the interstate commission.

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

s. Maintain records in accordance with the bylaws.

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

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

### 13. *Finance powers.*

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

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

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

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

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

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

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

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

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

e. The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be

an instrumentality of the states for the purpose of such action. Nothing in this paragraph shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

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

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

15. *Rulemaking functions of the interstate commission.*

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

b. Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to the rulemaking process that substantially conforms to the model state administrative procedure Act of 2010, and subsequent amendments thereto.

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

16. *Oversight of interstate compact.*

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

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

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

17. *Enforcement of interstate compact.*

a. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

b. The interstate commission may, by majority vote of the commissioners present and

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

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

18. *Default procedures.*

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

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

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

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

c. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of the majority of the commissioners present and voting, and all rights, privileges, and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

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

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

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

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

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

19. *Dispute resolution.*

a. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which arise among member states or member boards.

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

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

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

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

c. The governors of nonmember states, or their designees, shall be welcome to

participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

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

21. *Withdrawal.*

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

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

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

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

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

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

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

22. *Dissolution.*

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

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

23. *Severability and construction.*

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

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

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

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

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

b. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

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

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

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

Approved June 2, 2026