

**Senate File 273 - Introduced**

SENATE FILE 273  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 1019)

**A BILL FOR**

1 An Act establishing an interstate medical licensure compact.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 148G.1 Interstate medical licensure  
2 compact.

3 1. *Purpose.*

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

20 b. State medical boards that participate in the compact  
21 retain the jurisdiction to impose an adverse action against  
22 a license to practice medicine in that state issued to a  
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 for its governance, or for  
27 directing and controlling its actions and conduct.

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

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

1     *d. "Expedited license"* means a full and unrestricted medical  
2 license granted by a member state to an eligible physician  
3 through the process set forth in the compact.

4     *e. "Interstate commission"* means the interstate commission  
5 created pursuant to this section.

6     *f. "License"* means authorization by a state for a physician  
7 to engage in the practice of medicine, which would be unlawful  
8 without the authorization.

9     *g. "Medical practice act"* means laws and regulations  
10 governing the practice of allopathic and osteopathic medicine  
11 within a member state.

12     *h. "Member board"* means a state agency in a member state  
13 that acts in the sovereign interests of the state by protecting  
14 the public through licensure, regulation, and education of  
15 physicians as directed by the state government.

16     *i. "Member state"* means a state that has enacted the  
17 compact.

18     *j. "Offense"* means a felony, gross misdemeanor, or crime of  
19 moral turpitude.

20     *k. "Physician"* means any person who satisfies all of the  
21 following:

22         (1) Is a graduate of a medical school accredited by the  
23 liaison committee on medical education, the commission on  
24 osteopathic college accreditation, or a medical school listed  
25 in the international medical education directory or its  
26 equivalent.

27         (2) Passed each component of the United States medical  
28 licensing examination or the comprehensive osteopathic medical  
29 licensing examination within three attempts, or any of its  
30 predecessor examinations accepted by a state medical board as  
31 an equivalent examination for licensure purposes.

32         (3) Successfully completed graduate medical education  
33 approved by the accreditation council for graduate medical  
34 education or the American osteopathic association.

35         (4) Holds specialty certification or a time-unlimited

1 specialty certificate recognized by the American board of  
2 medical specialties or the American osteopathic association's  
3 bureau of osteopathic specialists.

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

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

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

14 (8) Has never had a controlled substance license or permit  
15 suspended or revoked by a state or the United States drug  
16 enforcement administration.

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

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

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

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

34 o. *"State of principal license"* means a member state where  
35 a physician holds a license to practice medicine and which

1 has been designated as such by the physician for purposes of  
2 registration and participation in the compact.

3     3. *Eligibility.*

4     a. A physician must meet the eligibility requirements as  
5 defined in subsection 2, paragraph "k", to receive an expedited  
6 license under the terms and provisions of the compact.

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

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

13     a. A physician shall designate a member state as the state  
14 of principal license for purposes of registration for expedited  
15 licensure through the compact if the physician possesses a full  
16 and unrestricted license to practice medicine in that state,  
17 and the state is:

18         (1) The state of primary residence for the physician, or

19         (2) The state where at least twenty-five percent of the  
20 practice of medicine occurs, or

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

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

25     b. A physician may redesignate a member state as the state  
26 of principal license at any time, as long as the state meets  
27 the requirements in paragraph "a".

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

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

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

1     *b.* Upon receipt of an application for an expedited  
2 license, the member board within the state selected as  
3 the state of principal license shall evaluate whether the  
4 physician is eligible for expedited licensure and issue a  
5 letter of qualification, verifying or denying the physician's  
6 eligibility, to the interstate commission.

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

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

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

25     *c.* Upon verification in paragraph "*b*", physicians eligible  
26 for an expedited license shall complete the registration  
27 process established by the interstate commission to receive a  
28 license in a member state selected pursuant to paragraph "*a*",  
29 including the payment of any applicable fees.

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

1 and member state.

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

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

10 g. The interstate commission is authorized to develop rules  
11 regarding the application process, including payment of any  
12 applicable fees, and the issuance of an expedited license.

13 6. *Fees for expedited licensure.*

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

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

19 7. *Renewal and continued participation.*

20 a. A physician seeking to renew an expedited license granted  
21 in a member state shall complete a renewal process with the  
22 interstate commission if the physician satisfies the following:

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

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

28 (3) Has not had a license authorizing the practice of  
29 medicine subject to discipline by a licensing agency in any  
30 state, federal, or foreign jurisdiction, excluding any action  
31 related to nonpayment of fees related to a license.

32 (4) Has not had a controlled substance license or permit  
33 suspended or revoked by a state or the United States drug  
34 enforcement administration.

35 b. Physicians shall comply with all continuing professional

1 development or continuing medical education requirements for  
2 renewal of a license issued by a member state.

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

6 *d.* Upon receipt of any renewal fees collected in paragraph  
7 "*c*", a member board shall renew the physician's license.

8 *e.* Physician information collected by the interstate  
9 commission during the renewal process will be distributed to  
10 all member boards.

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

13 8. *Coordinated information system.*

14 *a.* The interstate commission shall establish a database of  
15 all physicians licensed, or who have applied for licensure,  
16 under subsection 5.

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

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

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

27 *e.* Member boards shall share complaint or disciplinary  
28 information about a physician upon request of another member  
29 board.

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

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

1     9. *Joint investigations.*

2     a. Licensure and disciplinary records of physicians are  
3 deemed investigative.

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

9     c. A subpoena issued by a member state shall be enforceable  
10 in other member states.

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

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

18    10. *Disciplinary actions.*

19    a. Any disciplinary action taken by any member board against  
20 a physician licensed through the compact shall be deemed  
21 unprofessional conduct which may be subject to discipline  
22 by other member boards, in addition to any violation of the  
23 medical practice Act or regulations in that state.

24    b. If a license granted to a physician by the member board  
25 in the state of principal license is revoked, surrendered,  
26 or relinquished in lieu of discipline, or suspended, then  
27 all licenses issued to the physician by member boards shall  
28 automatically be placed, without further action necessary by  
29 any member board, on the same status. If the member board  
30 in the state of principal license subsequently reinstates  
31 the physician's license, a license issued to the physician  
32 by any other member board shall remain encumbered until that  
33 respective member board takes action to reinstate the license  
34 in a manner consistent with the medical practice Act of that  
35 state.

1     c. If disciplinary action is taken against a physician by a  
2 member board not in the state of principal license, any other  
3 member board may deem the action conclusive as to matter of law  
4 and fact decided and either:

5       (1) Impose the same or lesser sanctions against the  
6 physician so long as such sanctions are consistent with the  
7 medical practice Act of that state, or

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

11     d. If a license granted to a physician by a member board is  
12 revoked, surrendered, or relinquished in lieu of discipline,  
13 or suspended, then any licenses issued to the physician by  
14 any other member boards shall be suspended, automatically and  
15 immediately without further action necessary by the other  
16 member boards, for ninety days upon entry of the order by the  
17 disciplining board, to permit the member boards to investigate  
18 the basis for the action under the medical practice Act of that  
19 state. A member board may terminate the automatic suspension  
20 of the license it issued prior to the completion of the  
21 ninety-day suspension period in a manner consistent with the  
22 medical practice Act of that state.

23     11. *Interstate medical licensure compact commission.*

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

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

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

35     d. The interstate commission shall consist of two voting

1 representatives appointed by each member state who shall serve  
2 as commissioners. In states where allopathic and osteopathic  
3 physicians are regulated by separate member boards, or if  
4 the licensing and disciplinary authority is split between  
5 multiple member boards within a member state, the member state  
6 shall appoint one representative from each member board. A  
7 commissioner shall be one of the following:

8 (1) An allopathic or osteopathic physician appointed to a  
9 member board.

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

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

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

19 f. The bylaws may provide for meetings of the interstate  
20 commission to be conducted by telecommunication or electronic  
21 communication.

22 g. Each commissioner participating at a meeting of the  
23 interstate commission is entitled to one vote. A majority of  
24 commissioners shall constitute a quorum for the transaction  
25 of business, unless a larger quorum is required by the bylaws  
26 of the interstate commission. A commissioner shall not  
27 delegate a vote to another commissioner. In the absence of its  
28 commissioner, a member state may delegate voting authority for  
29 a specified meeting to another person from that state who shall  
30 meet the requirements of paragraph "d".

31 h. The interstate commission shall provide public notice  
32 of all meetings and all meetings shall be open to the public.  
33 The interstate commission may close a meeting, in full or  
34 in portion, where it determines by a two-thirds vote of the  
35 commissioners present that an open meeting would be likely to

1 result in one or more of the following:

2 (1) Relate solely to the internal personnel practices and  
3 procedures of the interstate commission.

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

6 (3) Discuss trade secrets, commercial, or financial  
7 information that is privileged or confidential.

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

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

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

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

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

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

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

35 *l.* The interstate commission may establish other committees

1 for governance and administration of the compact.

2 12. *Powers and duties of the interstate commission.* The  
3 interstate commission shall have power to perform the following  
4 functions:

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

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

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

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

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

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

22 g. Establish and maintain one or more offices.

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

25 i. Purchase and maintain insurance and bonds.

26 j. Employ an executive director who shall have such  
27 powers to employ, select, or appoint employees, agents, or  
28 consultants, and to determine their qualifications, define  
29 their duties, and fix their compensation.

30 k. Establish personnel policies and programs relating  
31 to conflicts of interest, rates of compensation, and  
32 qualifications of personnel.

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

1 interest policies established by the interstate commission.

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

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

7 *o.* Establish a budget and make expenditures.

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

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

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

17 *s.* Maintain records in accordance with the bylaws.

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

19 *u.* Perform such functions as may be necessary or appropriate  
20 to achieve the purposes of the compact.

21 13. *Finance powers.*

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

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

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

1     *d.* The interstate commission shall be subject to a yearly  
2 financial audit conducted by a certified or licensed public  
3 accountant and the report of the audit shall be included in the  
4 annual report of the interstate commission.

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

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

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

18    *c.* Officers selected in paragraph "b" shall serve without  
19 remuneration from the interstate commission.

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

31    (1) The liability of the executive director and employees of  
32 the interstate commission or representatives of the interstate  
33 commission, acting within the scope of such person's employment  
34 or duties for acts, errors, or omissions occurring within such  
35 person's state, may not exceed the limits of liability set

1 forth under the constitution and laws of that state for state  
2 officials, employees, and agents. The interstate commission  
3 is considered to be an instrumentality of the states for  
4 the purposes of any such action. Nothing in this paragraph  
5 "d" shall be construed to protect such person from suit or  
6 liability for damage, loss, injury, or liability caused by the  
7 intentional or willful and wanton misconduct of such person.

8 (2) The interstate commission shall defend the executive  
9 director, its employees, and subject to the approval of  
10 the attorney general or other appropriate legal counsel of  
11 the member state represented by an interstate commission  
12 representative, shall defend such interstate commission  
13 representative in any civil action seeking to impose liability  
14 arising out of an actual or alleged act, error, or omission  
15 that occurred within the scope of interstate commission  
16 employment, duties, or responsibilities, or that the defendant  
17 had a reasonable basis for believing occurred within the  
18 scope of interstate commission employment, duties, or  
19 responsibilities, provided that the actual or alleged act,  
20 error, or omission did not result from intentional or willful  
21 and wanton misconduct on the part of such person.

22 (3) To the extent not covered by the state involved, member  
23 state, or the interstate commission, the representatives or  
24 employees of the interstate commission shall be held harmless  
25 in the amount of a settlement or judgment, including attorney  
26 fees and costs, obtained against such persons arising out of  
27 an actual or alleged act, error, or omission that occurred  
28 within the scope of interstate commission employment, duties,  
29 or responsibilities, or that such persons had a reasonable  
30 basis for believing occurred within the scope of interstate  
31 commission employment, duties, or responsibilities, provided  
32 that the actual or alleged act, error, or omission did not  
33 result from intentional or willful and wanton misconduct on the  
34 part of such persons.

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

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

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

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

26     16. *Oversight of interstate compact.*

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

34     b. All courts shall take judicial notice of the compact and  
35 the rules in any judicial or administrative proceeding in a

1 member state pertaining to the subject matter of the compact  
2 which may affect the powers, responsibilities, or actions of  
3 the interstate commission.

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

10     17. *Enforcement of interstate compact.*

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

14     *b.* The interstate commission may, by majority vote of  
15 the commissioners, initiate legal action in the United  
16 States district court for the District of Columbia, or, at  
17 the discretion of the interstate commission, in the federal  
18 district where the interstate commission has its principal  
19 offices, to enforce compliance with the provisions of the  
20 compact, and its promulgated rules and bylaws, against a  
21 member state in default. The relief sought may include  
22 both injunctive relief and damages. In the event judicial  
23 enforcement is necessary, the prevailing party shall be awarded  
24 all costs of such litigation including reasonable attorney  
25 fees.

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

30     18. *Default procedures.*

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

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

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

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

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

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

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

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

35     *g.* The interstate commission shall not bear any costs

1 relating to any state that has been found to be in default or  
2 which has been terminated from the compact, unless otherwise  
3 mutually agreed upon in writing between the interstate  
4 commission and the defaulting state.

5 *h.* The defaulting state may appeal the action of the  
6 interstate commission by petitioning the United States district  
7 court for the District of Columbia or the federal district  
8 where the interstate commission has its principal offices. The  
9 prevailing party shall be awarded all costs of such litigation  
10 including reasonable attorney fees.

11 19. *Dispute resolution.*

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

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

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

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

22 *b.* The compact shall become effective and binding upon  
23 legislative enactment of the compact into law by no less than  
24 seven states. Thereafter, it shall become effective and  
25 binding on a state upon enactment of the compact into law by  
26 that state.

27 *c.* The governors of nonmember states, or their designees,  
28 shall be invited to participate in the activities of the  
29 interstate commission on a nonvoting basis prior to adoption  
30 of the compact by all states.

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

1     21. *Withdrawal.*

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

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

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

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

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

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

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

32     22. *Dissolution.*

33    *a.* The compact shall dissolve effective upon the date of  
34 the withdrawal or default of the member state which reduces the  
35 membership in the compact to one member state.

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

6     23. *Severability and construction.*

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

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

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

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

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

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

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

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

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

31

#### EXPLANATION

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

34     This bill seeks to enact the interstate medical licensure  
35 compact, which would allow physicians to secure licensure

1 in states in which they do not hold a traditional license.  
2 Passage of the bill means Iowa would become a compact member  
3 state. The compact shall become effective and binding upon  
4 passage by at least seven states.

5 The bill recognizes the creation of an interstate medical  
6 licensure compact commission to administer the compact. Its  
7 commissioners would include two representatives from each  
8 member state. The commissioners must be an allopathic or  
9 osteopathic physician appointed to a state board, an executive  
10 member of a state board, or a member of the public on a state  
11 board. The interstate commission must hold at least one  
12 meeting per year and all meetings would be open to the public,  
13 subject to closure for specified topics. The interstate  
14 commission must create an executive committee and may establish  
15 other committees as necessary to govern and administer the  
16 compact. The interstate commission will have the power to  
17 adopt bylaws, create its own rules, enforce compliance with  
18 its bylaws and rules, establish and maintain offices, purchase  
19 and maintain insurance and bonds, employ an executive director  
20 who may employ and fix compensation and duties for employees,  
21 establish a budget and make expenditures, seek and obtain  
22 trademarks, copyrights, and patents, and lease, buy, and sell  
23 property, as well as other functions it deems necessary.

24 Physicians must designate a member state as their state of  
25 principal license for purposes of applying for an expedited  
26 license. An expedited license is a full and unrestricted  
27 license granted by a member state. A physician seeking an  
28 expedited license to practice medicine must apply to the board  
29 of medicine in the physician's state of principal license. The  
30 board of medicine must then verify or deny the physician's  
31 eligibility for an expedited license to the interstate  
32 commission. An expedited license granted to a physician shall  
33 be terminated if the physician fails to maintain a license in  
34 the physician's state of principal license.

35 The interstate commission shall have authority to establish

1 and maintain a database of all physicians who have applied for  
2 an expedited license. Medical boards of member states may  
3 participate in investigations of physicians in conjunction with  
4 other boards of other member states. A physician subjected  
5 to disciplinary action by any medical board of a member state  
6 may also be subject to discipline by another member state  
7 medical board. If a physician's license is suspended, revoked,  
8 surrendered, or relinquished due to discipline by one medical  
9 board of a member state, the physician's license shall be  
10 automatically placed on the same status by other medical boards  
11 of member states without additional disciplinary action.

12 The interstate commission's officers and employees shall be  
13 immune from liability for claims of damage that occurred within  
14 the scope of their duties. The interstate commission may  
15 propose amendments to the compact that would become effective  
16 upon passage by at least seven member states. The interstate  
17 commission may initiate legal action to enforce the compact's  
18 provisions and rules. If a member state defaults in its  
19 performance of the compact's responsibilities, the interstate  
20 commission shall notify the state as such and provide training  
21 and assistance to remedy the default. If a member state fails  
22 to cure its default, that state's rights and privileges under  
23 the compact shall be terminated upon a vote of the majority of  
24 commissioners.

25 The executive, legislative, and judicial branches of Iowa  
26 would maintain authority to enforce the compact. The compact's  
27 provisions would not override the state's existing authority  
28 to regulate the practice of medicine. The board of medicine  
29 would have jurisdiction to impose an adverse action against  
30 a medical license issued in Iowa pursuant to the compact's  
31 procedures. Member states may withdraw upon enactment of a  
32 statute repealing the compact. The compact would dissolve when  
33 membership declines to one state.