

1 SB125
2 163123-7
3 By Senators Reed, Waggoner, Dial, Marsh, Melson, Stutts and
4 Bussman
5 RFD: Health and Human Services
6 First Read: 03-MAR-15

1 SB125

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4 ENROLLED, An Act,

5 Relating to medical licensure, to provide and adopt
6 the Interstate Medical Licensure Compact to develop a
7 comprehensive licensing process complementing existing
8 licensing and regulatory authority of state medical boards in
9 member states; to provide a streamlined process for physicians
10 to become licensed in multiple states; to provide eligibility
11 requirements for physicians; to require the designation of a
12 state of principal license; to provide for the application,
13 issuance, and fees for expedited and continued licensure of
14 physicians under the compact; to provide for a coordinated
15 information system, joint investigations, and disciplinary
16 actions; to establish the Interstate Medical Licensure Compact
17 Commission, and to provide for membership, powers, duties, and
18 terms of office; to provide for the funding of and rulemaking
19 functions of the interstate commission; to provide for
20 oversight of the compact, enforcement of the compact, default
21 procedures, dispute resolution, and the withdrawal of member
22 states; and to provide for dissolution of the compact.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Purpose.

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

21 Section 2. Definitions.

22 In this compact, the following terms have the
23 following meanings:

24 (a) BYLAWS. Those bylaws established by the
25 interstate commission pursuant to Section 11 for its

1 governance, or for directing and controlling its actions and
2 conduct.

3 (b) COMMISSIONER. The voting representative
4 appointed by each member board pursuant to Section 11.

5 (c) CONVICTION. A finding by a court that an
6 individual is guilty of a criminal offense through
7 adjudication, or entry of a plea of guilty or no contest to
8 the charge by the offender. Evidence of an entry of a
9 conviction of a criminal offense by the court shall be
10 considered final for purposes of disciplinary action by a
11 member board.

12 (d) EXPEDITED LICENSE. A full and unrestricted
13 medical license granted by a member state to an eligible
14 physician through the process set forth in the compact.

15 (e) INTERSTATE COMMISSION. The interstate commission
16 created pursuant to Section 11.

17 (f) LICENSE. Authorization by a state for a
18 physician to engage in the practice of medicine, which would
19 be unlawful without the authorization.

20 (g) MEDICAL PRACTICE ACT. Laws and regulations
21 governing the practice of allopathic and osteopathic medicine
22 within a member state.

23 (h) MEMBER BOARD. A state agency in a member state
24 that acts in the sovereign interests of the state by

1 protecting the public through licensure, regulation, and
2 education of physicians as directed by the state government.

3 (i) MEMBER STATE. A state that has enacted the
4 compact.

5 (j) PRACTICE OF MEDICINE. The clinical prevention,
6 diagnosis, or treatment of human disease, injury, or condition
7 requiring a physician to obtain and maintain a license in
8 compliance with the medical practice act of a member state.

9 (k) PHYSICIAN. Any person who:

10 (1) Is a graduate of a medical school accredited by
11 the Liaison Committee on Medical Education, the Commission on
12 Osteopathic College Accreditation, or a medical school listed
13 in the International Medical Education Directory or its
14 equivalent;

15 (2) Passed each component of the United States
16 Medical Licensing Examination (USMLE) or the Comprehensive
17 Osteopathic Medical Licensing Examination (COMLEX-USA) within
18 three attempts, or any of its predecessor examinations
19 accepted by a state medical board as an equivalent examination
20 for licensure purposes;

21 (3) Successfully completed graduate medical
22 education approved by the Accreditation Council for Graduate
23 Medical Education or the American Osteopathic Association;

24 (4) Holds specialty certification or a
25 time-unlimited specialty certificate recognized by the

1 American Board of Medical Specialties or the American
2 Osteopathic Association's Bureau of Osteopathic Specialists;

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

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

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

14 (8) Has never had a controlled substance license or
15 permit suspended or revoked by a state or the United States
16 Drug Enforcement Administration; and

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

20 (l) OFFENSE. A felony, gross misdemeanor, or crime
21 of moral turpitude.

22 (m) RULE. A written statement by the interstate
23 commission promulgated pursuant to Section 12 of the compact
24 that is of general applicability, implements, interprets, or
25 prescribes a policy or provision of the compact, or an

1 organizational, procedural, or practice requirement of the
2 interstate commission, and has the force and effect of
3 statutory law in a member state, and includes the amendment,
4 repeal, or suspension of an existing rule.

5 (n) STATE. Any state, commonwealth, district, or
6 territory of the United States.

7 (o) STATE OF PRINCIPAL LICENSE. A member state where
8 a physician holds a license to practice medicine and which has
9 been designated as such by the physician for purposes of
10 registration and participation in the compact.

11 Section 3. Eligibility.

12 (a) A physician must meet the eligibility
13 requirements as defined in subdivision (k) of Section 2 to
14 receive an expedited license under the terms and provisions of
15 the compact.

16 (b) A physician who does not meet the requirements
17 of subdivision (k) of Section 2 may obtain a license to
18 practice medicine in a member state if the individual complies
19 with all laws and requirements, other than the compact,
20 relating to the issuance of a license to practice medicine in
21 that state.

22 Section 4. Designation of state of principal
23 license.

24 (a) A physician shall designate a member state as
25 the state of principal license for purposes of registration

1 for expedited licensure through the compact if the physician
2 possesses a full and unrestricted license to practice medicine
3 in that state, and the state is:

4 (1) The state of primary residence for the
5 physician; or

6 (2) The state where at least 25 percent of the
7 practice of medicine occurs; or

8 (3) The location of the physician's employer; or

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

12 (b) A physician may redesignate a member state as
13 state of principal license at any time, as long as the state
14 meets the requirements in subsection (a).

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

18 Section 5. Application and issuance of expedited
19 licensure.

20 (a) A physician seeking licensure through the
21 compact shall file an application for an expedited license
22 with the member board of the state selected by the physician
23 as the state of principal license.

24 (b) Upon receipt of an application for an expedited
25 license, the member board within the state selected as the

1 state of principal license shall evaluate whether the
2 physician is eligible for expedited licensure and issue a
3 letter of qualification, verifying or denying the physician's
4 eligibility, to the interstate commission.

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

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

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

23 (c) Upon verification in subsection (b), physicians
24 eligible for an expedited license shall complete the
25 registration process established by the interstate commission

1 to receive a license in a member state selected pursuant to
2 subsection (a), including the payment of any applicable fees.

3 (d) After receiving verification of eligibility
4 under subsection (b) and any fees under subsection (c), a
5 member board shall issue an expedited license to the
6 physician. This license shall authorize the physician to
7 practice medicine in the issuing state consistent with the
8 medical practice act and all applicable laws and regulations
9 of the issuing member board and member state.

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

14 (f) An expedited license obtained through the compact
15 shall be terminated if a physician fails to maintain a license
16 in the state of principal licensure for a nondisciplinary
17 reason, without redesignation of a new state of principal
18 licensure.

19 (g) The interstate commission is authorized to
20 develop rules regarding the application process, including
21 payment of any applicable fees, and the issuance of an
22 expedited license.

23 Section 6. Fees for expedited licensure.

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

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

6 Section 7. Renewal and continued participation.

7 (a) A physician seeking to renew an expedited
8 license granted in a member state shall complete a renewal
9 process with the interstate commission if the physician:

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

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

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

20 (4) Has not had a controlled substance license or
21 permit suspended or revoked by a state or the United States
22 Drug Enforcement Administration.

23 (b) Physicians shall comply with all continuing
24 professional development or continuing medical education

1 requirements for renewal of a license issued by a member
2 state.

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

6 (d) Upon receipt of any renewal fees collected in
7 subsection (c), a member board shall renew the physician's
8 license.

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

12 (f) The interstate commission is authorized to
13 develop rules to address renewal of licenses obtained through
14 the compact.

15 Section 8. Coordinated information system.

16 (a) The interstate commission shall establish a
17 database of all physicians licensed, or who have applied for
18 licensure, under Section 5.

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

1 (c) Member boards shall report disciplinary or
2 investigatory information determined as necessary and proper
3 by rule of the interstate commission.

4 (d) Member boards may report any nonpublic
5 complaint, disciplinary, or investigatory information not
6 required by subsection (c) to the interstate commission.

7 (e) Member boards shall share complaint or
8 disciplinary information about a physician upon request of
9 another member board.

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

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

17 Section 9. Joint investigations.

18 (a) Licensure and disciplinary records of physicians
19 are deemed investigative.

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

1 (c) A subpoena issued by a member state shall be
2 enforceable in other member states.

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

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

10 Section 10. Disciplinary actions.

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

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

1 until that respective member board takes action to reinstate
2 the license in a manner consistent with the medical practice
3 act of that state.

4 (c) If disciplinary action is taken against a
5 physician by a member board not in the state of principal
6 license, any other member board may deem the action conclusive
7 as to matter of law and fact decided, and:

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

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

14 (d) If a license granted to a physician by a member
15 board is revoked, surrendered, or relinquished in lieu of
16 discipline, or suspended, then any license or licenses issued
17 to the physician by any other member board or boards shall be
18 suspended, automatically and immediately without further
19 action necessary by the other member board or boards, for 90
20 days upon entry of the order by the disciplining board, to
21 permit the member board or boards to investigate the basis for
22 the action under the medical practice act of that state. A
23 member board may terminate the automatic suspension of the
24 license it issued prior to the completion of the 90-day

1 suspension period in a manner consistent with the medical
2 practice act of that state.

3 Section 11. Interstate medical licensure compact
4 commission.

5 (a) The member states hereby create the Interstate
6 Medical Licensure Compact Commission.

7 (b) The purpose of the interstate commission is the
8 administration of the Interstate Medical Licensure Compact,
9 which is a discretionary state function.

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

17 (d) The interstate commission shall consist of two
18 voting representatives appointed by each member state who
19 shall serve as commissioners. In states where allopathic and
20 osteopathic physicians are regulated by separate member
21 boards, or if the licensing and disciplinary authority is
22 split between multiple member boards within a member state,
23 the member state shall appoint one representative from each
24 member board. A commissioner shall be:

1 (1) An allopathic or osteopathic physician appointed
2 to a member board;

3 (2) An executive director, executive secretary, or
4 similar executive of a member board; or

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

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

13 (f) The bylaws may provide for meetings of the
14 interstate commission to be conducted by telecommunication or
15 electronic communication.

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

1 (h) The interstate commission shall provide public
2 notice of all meetings and all meetings shall be open to the
3 public. The interstate commission may close a meeting, in full
4 or in portion, where it determines by a two-thirds vote of the
5 commissioners present that an open meeting would be likely to:

6 (1) Relate solely to the internal personnel
7 practices and procedures of the interstate commission;

8 (2) Discuss matters specifically exempted from
9 disclosure by federal statute;

10 (3) Discuss trade secrets, commercial, or financial
11 information that is privileged or confidential;

12 (4) Involve accusing a person of a crime, or
13 formally censuring a person;

14 (5) Discuss information of a personal nature where
15 disclosure would constitute a clearly unwarranted invasion of
16 personal privacy;

17 (6) Discuss investigative records compiled for law
18 enforcement purposes; or

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

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

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

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

16 (l) The interstate commission may establish other
17 committees for governance and administration of the compact.

18 Section 12. Powers and duties of the interstate
19 commission.

20 The interstate commission shall have the duty and
21 power to do all of the following:

22 (a) Oversee and maintain the administration of the
23 compact.

24 (b) Promulgate rules which shall be binding to the
25 extent and in the manner provided for in the compact.

1 (c) Issue, upon the request of a member state or
2 member board, advisory opinions concerning the meaning or
3 interpretation of the compact, its bylaws, rules, and actions.

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

8 (e) Establish and appoint committees including, but
9 not limited to, an executive committee as required by Section
10 11, which shall have the power to act on behalf of the
11 interstate commission in carrying out its powers and duties.

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

15 (g) Establish and maintain one or more offices.

16 (h) Borrow, accept, hire, or contract for services
17 of personnel.

18 (i) Purchase and maintain insurance and bonds.

19 (j) Employ an executive director who shall have such
20 powers to employ, select, or appoint employees, agents, or
21 consultants, and determine their qualifications, define their
22 duties, and fix their compensation.

23 (k) Establish personnel policies and programs
24 relating to conflicts of interest, rates of compensation, and
25 qualifications of personnel.

1 (l) Accept donations and grants of money, equipment,
2 supplies, materials, and services, and receive, utilize, and
3 dispose of it in a manner consistent with the conflict of
4 interest policies established by the interstate commission.

5 (m) Lease, purchase, accept contributions or
6 donations of, or otherwise own, hold, improve, or use, any
7 property, real, personal, or mixed.

8 (n) Sell, convey, mortgage, pledge, lease, exchange,
9 abandon, or otherwise dispose of any property, real, personal,
10 or mixed.

11 (o) Establish a budget and make expenditures.

12 (p) Adopt a seal and bylaws governing the management
13 and operation of the interstate commission.

14 (q) Report annually to the legislatures and
15 governors of the member states concerning the activities of
16 the interstate commission during the preceding year. Such
17 reports shall also include reports of financial audits and any
18 recommendations that may have been adopted by the interstate
19 commission.

20 (r) Coordinate education, training, and public
21 awareness regarding the compact, its implementation, and its
22 operation.

23 (s) Maintain records in accordance with the bylaws.

24 (t) Seek and obtain trademarks, copyrights, and
25 patents.

1 (u) Perform such functions as may be necessary or
2 appropriate to achieve the purposes of the compact.

3 Section 13. Finance powers.

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

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

16 (c) The interstate commission shall not pledge the
17 credit of any of the member states, except by, and with the
18 authority of, the member state.

19 (d) The interstate commission shall be subject to a
20 yearly financial audit conducted by a certified or licensed
21 public accountant and the report of the audit shall be
22 included in the annual report of the interstate commission.

23 Section 14. Organization and operation of the
24 interstate commission.

1 (a) The interstate commission, by a majority of
2 commissioners present and voting, shall adopt bylaws to govern
3 its conduct as may be necessary or appropriate to carry out
4 the purposes of the compact within 12 months of the first
5 interstate commission meeting.

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

13 (c) Officers selected in subsection (b) shall serve
14 without remuneration from the interstate commission.

15 (d) The officers and employees of the interstate
16 commission shall be immune from suit and liability, either
17 personally or in their official capacity, for a claim for
18 damage to or loss of property or personal injury or other
19 civil liability caused or arising out of, or relating to, an
20 actual or alleged act, error, or omission that occurred, or
21 that such person had a reasonable basis for believing
22 occurred, within the scope of interstate commission
23 employment, duties, or responsibilities; provided that this
24 subsection expressly incorporates Section 36-1-12 of the Code

1 of Alabama 1975, and neither expands nor limits the
2 protections under that statute.

3 (1) The liability of the executive director and
4 employees of the interstate commission or representatives of
5 the interstate commission, acting within the scope of such
6 person's employment or duties for acts, errors, or omissions
7 occurring within such person's state, may not exceed the
8 limits of liability set forth under the constitution and laws
9 of that state for state officials, employees, and agents. The
10 interstate commission is considered to be an instrumentality
11 of the states for the purposes of any such action. This
12 subdivision expressly incorporates Section 36-1-12 of the Code
13 of Alabama 1975, and neither expands nor limits the
14 protections under that statute.

15 (2) The interstate commission shall defend the
16 executive director, its employees, and subject to the approval
17 of the attorney general or other appropriate legal counsel of
18 the member state represented by an interstate commission
19 representative, shall defend such interstate commission
20 representative in any civil action seeking to impose liability
21 arising out of an actual or alleged act, error, or omission
22 that occurred within the scope of interstate commission
23 employment, duties, or responsibilities, or that the defendant
24 had a reasonable basis for believing occurred within the scope
25 of interstate commission employment, duties, or

1 responsibilities, provided that this subdivision expressly
2 incorporates Section 36-1-12 of the Code of Alabama 1975, and
3 neither expands nor limits the protections under that statute.

4 (3) To the extent not covered by the state involved,
5 member state, or the interstate commission, the
6 representatives or employees of the interstate commission
7 shall be held harmless in the amount of a settlement or
8 judgment, including attorney's fees and costs, obtained
9 against such persons arising out of an actual or alleged act,
10 error, or omission that occurred within the scope of
11 interstate commission employment, duties, or responsibilities,
12 or that such persons had a reasonable basis for believing
13 occurred within the scope of interstate commission employment,
14 duties, or responsibilities, provided that this subdivision
15 expressly incorporates Section 36-1-12 of the Code of Alabama
16 1975, and neither expands nor limits the protections under
17 that statute.

18 Section 15. Rulemaking functions of the interstate
19 commission.

20 (a) The interstate commission shall promulgate
21 reasonable rules in order to effectively and efficiently
22 achieve the purposes of the compact. Notwithstanding the
23 foregoing, in the event the interstate commission exercises
24 its rulemaking authority in a manner that is beyond the scope
25 of the purposes of the compact, or the powers granted

1 hereunder, then such an action by the interstate commission
2 shall be invalid and have no force or effect.

3 (b) Rules deemed appropriate for the operations of
4 the interstate commission shall be made pursuant to a
5 rulemaking process that substantially conforms to the Model
6 State Administrative Procedure Act of 2010, and subsequent
7 amendments thereto.

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

21 Section 16. Oversight of interstate compact.

22 (a) The executive, legislative, and judicial
23 branches of state government in each member state shall
24 enforce the compact and shall take all actions necessary and
25 appropriate to effectuate the purposes and intent of the

1 compact. The provisions of the compact and the rules
2 promulgated hereunder shall have standing as statutory law but
3 shall not override existing state authority to regulate the
4 practice of medicine.

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

10 (c) The interstate commission shall be entitled to
11 receive all service of process in any such proceeding, and
12 shall have standing to intervene in the proceeding for all
13 purposes. Failure to provide service of process to the
14 interstate commission shall render a judgment or order void as
15 to the interstate commission, the compact, or promulgated
16 rules.

17 Section 17. Enforcement of interstate compact.

18 (a) The interstate commission, in the reasonable
19 exercise of its discretion, shall enforce the provisions and
20 rules of the compact.

21 (b) The interstate commission, by majority vote of
22 the commissioners, may initiate legal action in the United
23 States District Court for the District of Columbia, or, at the
24 discretion of the interstate commission, in the federal
25 district where the interstate commission has its principal

1 offices, to enforce compliance with the provisions of the
2 compact, and its promulgated rules and bylaws, against a
3 member state in default. The relief sought may include both
4 injunctive relief and damages. In the event judicial
5 enforcement is necessary, the prevailing party, which is
6 expressly limited to the interstate commission or a member
7 state, shall be awarded all costs of such litigation including
8 reasonable attorney's fees, but this provision does not apply
9 to third parties or private citizens.

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

14 Section 18. Default procedures.

15 (a) The grounds for default include, but are not
16 limited to, failure of a member state to perform such
17 obligations or responsibilities imposed upon it by the
18 compact, or the rules and bylaws of the interstate commission
19 promulgated under the compact.

20 (b) If the interstate commission determines that a
21 member state has defaulted in the performance of its
22 obligations or responsibilities under the compact, or the
23 bylaws or promulgated rules, the interstate commission shall:

24 (1) Provide written notice to the defaulting state
25 and other member states, of the nature of the default, the

1 means of curing the default, and any action taken by the
2 interstate commission. The interstate commission shall specify
3 the conditions by which the defaulting state must cure its
4 default; and

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

7 (c) If the defaulting state fails to cure the
8 default, the defaulting state shall be terminated from the
9 compact upon an affirmative vote of a majority of the
10 commissioners and all rights, privileges, and benefits
11 conferred by the compact shall terminate on the effective date
12 of termination. A cure of the default does not relieve the
13 offending state of obligations or liabilities incurred during
14 the period of the default.

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

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

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

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

11 (h) The defaulting state may appeal the action of
12 the interstate commission by petitioning the United States
13 District Court for the District of Columbia or the federal
14 district where the interstate commission has its principal
15 offices. The prevailing party shall be awarded all costs of
16 such litigation including reasonable attorney's fees.

17 Section 19. Dispute resolution.

18 (a) The interstate commission, upon the request of a
19 member state, shall attempt to resolve disputes which are
20 subject to the compact and which may arise among member states
21 or member boards.

22 (b) The interstate commission shall promulgate rules
23 providing for both mediation and binding dispute resolution as
24 appropriate.

1 Section 20. Member states, effective date, and
2 amendment.

3 (a) Any state is eligible to become a member state
4 of the compact.

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

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

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

20 Section 21. Withdrawal.

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

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

7 (c) The withdrawing state shall immediately notify
8 the chairperson of the interstate commission in writing upon
9 the introduction of legislation repealing the compact in the
10 withdrawing state.

11 (d) The interstate commission shall notify the other
12 member states of the withdrawing state's intent to withdraw
13 within 60 days of its receipt of notice provided under
14 subsection (c).

15 (e) The withdrawing state is responsible for all
16 dues, obligations, and liabilities incurred through the
17 effective date of withdrawal, including obligations, the
18 performance of which extend beyond the effective date of
19 withdrawal.

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

24 (g) The interstate commission is authorized to
25 develop rules to address the impact of the withdrawal of a

1 member state on licenses granted in other member states to
2 physicians who designated the withdrawing member state as the
3 state of principal license.

4 Section 22. Dissolution.

5 (a) The compact shall dissolve effective upon the
6 date of the withdrawal or default of the member state which
7 reduces the membership in the compact to one member state.

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

13 Section 23. Severability and construction.

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

18 (b) The provisions of the compact shall be liberally
19 construed to effectuate its purposes.

20 (c) Nothing in the compact shall be construed to
21 prohibit the applicability of other interstate compacts to
22 which the states are members.

23 Section 24. Binding effect of compact and other
24 laws.

1 (a) Nothing herein prevents the enforcement of any
2 other law of a member state that is not inconsistent with the
3 compact.

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

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

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

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

17 Section 25. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB125

Senate 16-APR-15

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 12-MAY-15

By: Senator Reed