

SENATE BILL NO. 27

BY SENATOR PEACOCK

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AN ACT

To amend and reenact R.S. 37:1272(2) and to enact Part I - C of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.1, relative to the practice of medicine; to provide for certain qualifications of applicants who wish to practice medicine; to provide for authority to enter into the Interstate Medical Licensure Compact; to provide for enactment of the model language required to participate in the compact; to provide for definitions; to provide for eligibility, application, and renewal process; to provide for a coordinated information system; to provide for investigations and disciplinary actions; to provide for membership, powers, and duties of the Interstate Medical Licensure Compact Commission; to provide for oversight and enforcement of the compact; to provide for withdrawal and dissolution of the compact; to provide for severability; to provide for an effective date; and provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1272(2) is hereby amended and reenacted and Part I - C of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1310.1, is hereby enacted to read as follows:

§1272. Qualifications of applicants

Any person who wishes to practice medicine shall:

\* \* \*

(2) Be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States pursuant to the federal Immigration and Nationality Act and the commissioner's regulations thereunder;

\* \* \*

1           **PART I - C. INTERSTATE MEDICAL LICENSURE COMPACT**

2           **§1310.1. Interstate Medical Licensure Compact; adoption**

3           **The Interstate Medical Licensure Compact is hereby recognized and**  
4           **enacted into law and entered into by this state with all states legally joining**  
5           **therein in the form substantially as follows:**

6                           **SECTION 1. PURPOSE**

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

23                           **SECTION 2. DEFINITIONS**

24           **In this compact:**

25           **(a) "Bylaws" means those bylaws established by the Interstate**  
26           **Commission pursuant to Section 11.**

27           **(b) "Commissioner" means the voting representative appointed by each**  
28           **member board pursuant to Section 11.**

29           **(c) "Conviction" means a finding by a court that an individual is guilty**  
30           **of a criminal offense through adjudication, or entry of a plea of guilt or no**

1 contest to the charge by the offender. Evidence of an entry of a conviction of a  
2 criminal offense by the court shall be considered final for purposes of  
3 disciplinary action by a member board.

4 (d) "Expedited license" means a full and unrestricted medical license  
5 granted by a member state to an eligible physician through the process set forth  
6 in the compact.

7 (e) "Interstate commission" means the interstate commission created  
8 pursuant to Section 11.

9 (f) "License" means authorization by a member state for a physician to  
10 engage in the practice of medicine, which would be unlawful without  
11 authorization.

12 (g) "Medical practice act" means laws and regulations governing the  
13 practice of allopathic and osteopathic medicine within a member state.

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

17 (i) "Member state" means a state that has enacted the compact.

18 (j) "Practice of medicine" means that clinical prevention, diagnosis, or  
19 treatment of human disease, injury, or condition requiring a physician to obtain  
20 and maintain a license in compliance with the medical practice act of a member  
21 state.

22 (k) "Physician" means any person who:

23 (1) Is a graduate of a medical school accredited by the Liaison  
24 Committee on Medical Education, the Commission on Osteopathic College  
25 Accreditation, or a medical school listed in the International Medical Education  
26 Directory or its equivalent;

27 (2) Passed each component of the United States Medical Licensing  
28 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing  
29 Examination (COMLEX-USA) within three attempts, or any of its predecessor  
30 examinations accepted by a state medical board as an equivalent examination

1 for licensure purposes;

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

5 (4) Holds specialty certification or a time-unlimited specialty certificate  
6 recognized by the American Board of Medical Specialties or the American  
7 Osteopathic Association's Bureau of Osteopathic Specialists;

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

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

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

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

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

21 (l) "Offense" means a felony, gross misdemeanor, or crime of moral  
22 turpitude.

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

29 (n) "State" means any state, commonwealth, district, or territory of the  
30 United States.

1           (o) "State of principal license" means a member state where a physician  
2           holds a license to practice medicine and which has been designated as such by  
3           the physician for purposes of registration and participation in the compact.

#### 4                                   SECTION 3. ELIGIBILITY

5           (a) A physician must meet the eligibility requirements as defined in  
6           Section 2(k) to receive an expedited license under the terms and provisions of  
7           the compact.

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

#### 12                                   SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

17                           (1) The state of principal residence for the physician, or

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

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

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

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

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

#### 27                                   SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

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

11           **(2) The member board within the state selected as the state of principal**  
12           **license shall, in the course of verifying eligibility, perform a criminal**  
13           **background check of an applicant, including the use of the results of fingerprint**  
14           **or other biometric data checks compliant with the requirements of the Federal**  
15           **Bureau of Investigation, with the exception of federal employees who have**  
16           **suitability determination in accordance with 5 CFR §731.202.**

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

20           **(c) Upon verification in subsection (b), physicians eligible for an**  
21           **expedited license shall complete the registration process established by the**  
22           **interstate commission to receive a license in a member state selected pursuant**  
23           **to subsection (a), including the payment of any applicable fees.**

24           **(d) After receiving verification of eligibility under subsection (b) and any**  
25           **fees under subsection (c), a member board shall issue an expedited license to the**  
26           **physician. This license shall authorize the physician to practice medicine in the**  
27           **issuing state consistent with the medical practice act and all applicable laws and**  
28           **regulations of the issuing member board and member state.**

29           **(e) An expedited license shall be valid for a period consistent with the**  
30           **licensure period in the member state and in the same manner as required for**

1 other physicians holding a full and unrestricted license within the member state.

2 (f) An expedited license obtained through the compact shall be  
3 terminated if a physician fails to maintain a license in the state of principal  
4 licensure for a non-disciplinary reason, without redesignation of a new state of  
5 principal licensure.

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

9 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

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

15 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

19 (1) Maintains a full and unrestricted license in a state of principal  
20 license;

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

24 (3) Has not had a license authorizing the practice of medicine subject to  
25 discipline by a licensing agency in any state, federal, or foreign jurisdiction,  
26 excluding any action related to non-payment of fees related to a license; and

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

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

1 a member state.

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

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

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

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

#### 10 SECTION 8. COORDINATED INFORMATION SYSTEM

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

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

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

19 (d) Member boards may report any non-public complaint, disciplinary,  
20 or investigatory information not required by subsection (c) to the interstate  
21 commission.

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

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

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

#### 29 SECTION 9. JOINT INVESTIGATIONS

30 (a) Licensure and disciplinary records of physicians are deemed

1 investigative.

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

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

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

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

#### 14 SECTION 10. DISCIPLINARY ACTIONS

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

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

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

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

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

6           (d) If a license granted to a physician by a member board is revoked,  
 7           surrendered or relinquished in lieu of discipline, or suspended, then any  
 8           license(s) issued to the physician by any other member board(s) shall be  
 9           suspended, automatically and immediately without further action necessary by  
 10          the other member board(s), for ninety days upon entry of the order by the  
 11          disciplining board, to permit the member board(s) to investigate the basis for  
 12          the action under the medical practice act of that state. A member board may  
 13          terminate the automatic suspension of the license it issued prior to the  
 14          completion of the ninety day suspension period in a manner consistent with the  
 15          medical practice act of that state.

#### 16           SECTION 11. INTERSTATE MEDICAL LICENSURE

##### 17                   COMPACT COMMISSION

18          (a) The member states hereby create the "Interstate Medical Licensure  
 19          Compact Commission".

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

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

27          (d) The interstate commission shall consist of two voting representatives  
 28          appointed by each member state who shall serve as commissioners. In states  
 29          where allopathic and osteopathic physicians are regulated by separate member  
 30          boards, or if the licensing and disciplinary authority is split between separate

1 member boards, or if the licensing and disciplinary authority is split between  
2 multiple member boards within a member state, the member state shall appoint  
3 one representative from each member board. A commissioner shall be a(n):

4 (1) Allopathic or osteopathic physician appointed to a member board;

5 (2) Executive director, executive secretary, or similar executive of a  
6 member board; or

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

8 (e) The interstate commission shall meet at least once each calendar year.

9 A portion of this meeting shall be a business meeting to address such matters as  
10 may properly come before the commission, including the election of officers.

11 The chairperson may call additional meetings and shall call for a meeting upon  
12 the request of a majority of the member states.

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

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

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

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

28 (2) Discuss matters specifically exempted from disclosure by federal  
29 statute;

30 (3) Discuss trade secrets, commercial, or financial information that is

1 **privileged or confidential;**

2 **(4) Involve accusing a person of a crime, or formally censuring a person;**

3 **(5) Discuss information of a personal nature where disclosure would**  
 4 **constitute a clearly unwarranted invasion of personal privacy;**

5 **(6) Discuss investigative records compiled for law enforcement purposes;**

6 **or**

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

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

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

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

23 **(l) The interstate commission shall establish other committees for**  
 24 **governance and administration of the compact.**

25 **SECTION 12. POWERS AND DUTIES OF THE**

26 **INTERSTATE COMMISSION**

27 **(a) Oversee and maintain the administration of the compact;**

28 **(b) Promulgate rules which shall be binding to the extent and in the**  
 29 **manner provided for in the compact;**

30 **(c) Issue, upon the request of a member state or member board, advisory**

1 opinions concerning the meaning or interpretation of the compact, its bylaws,  
2 rules, and actions;

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

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

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

11 (g) Establish and maintain one or more offices;

12 (h) Borrow, accept, hire, or contract for services of personnel;

13 (i) Purchase and maintain insurance and bonds;

14 (j) Employ an executive director who shall have such powers to employ,  
15 select or appoint employees, agents, or consultants, and to determine their  
16 qualifications, define their duties, and fix their compensation;

17 (k) Establish personnel policies and programs relating to conflicts of  
18 interest, rates of compensation, and qualifications of personnel;

19 (l) Accept donations and grants of money, equipment, supplies,  
20 materials, and services and to receive, utilize, and dispose of it in a manner  
21 consistent with the conflict of interest policies established by the interstate  
22 commission;

23 (m) Lease, purchase, accept contributions or donations of, or otherwise  
24 to own, hold, improve or use, any property, real, personal, or mixed;

25 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
26 otherwise dispose of any property, real, personal, or mixed;

27 (o) Establish a budget and make expenditures;

28 (p) Adopt a seal and bylaws governing the management and operation  
29 of the interstate commission;

30 (q) Report annually to the legislatures and governors of the member

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

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

7 (s) Maintain records in accordance with the bylaws;

8 (t) Seek and obtain trademarks, copyrights, and patents; and

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

### 11 SECTION 13. FINANCE POWERS

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

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

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

23 (d) The interstate commission shall be subject to a yearly financial audit  
 24 conducted by a certified or licensed accountant and the report of the audit shall  
 25 be included in the annual report of the interstate commission.

### 26 SECTION 14. ORGANIZATION AND OPERATION OF 27 THE INTERSTATE COMMISSION

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

1 the first interstate commission meeting.

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

7 (c) Officers selected in subsection (b) shall serve without remuneration  
8 for the interstate commission.

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

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

28 (f) The interstate commission shall defend the executive director, its  
29 employees, and subject to the approval of the attorney general or other  
30 appropriate legal counsel of the member state represented by an interstate

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

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

19 SECTION 15. RULEMAKING FUNCTIONS OF  
20 THE INTERSTATE COMMISSION

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

27 (b) Rules deemed appropriate for the operations of the interstate  
28 commission shall be made pursuant to a rulemaking process that substantially  
29 conforms to the "Model State Administrative Procedure Act" of 2010, and  
30 subsequent amendments thereto.

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

#### 10            SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

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

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

#### 26            SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

29            (b) The interstate commission may, by majority vote of the  
30            commissioners, initiate legal action in the United States Court for the District

1 of Columbia, or, at the discretion of the interstate commission, in the federal  
2 district where the interstate commission has its principal offices, to enforce  
3 compliance with the provisions of the compact, and its promulgated rules and  
4 bylaws, against a member state in default. The relief sought may include both  
5 injunctive relief and damages. In the event judicial enforcement is necessary,  
6 the prevailing party shall be awarded all costs of such litigation including  
7 reasonable attorney's fees.

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

#### 11 SECTION 18. DEFAULT PROCEDURES

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

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

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

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

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

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

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

9           (f) The member state which has been terminated is responsible for all  
10          due, obligations, and liabilities incurred through the effective date of  
11          termination including obligations, the performance of which extends beyond the  
12          effective date of termination.

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

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

#### 22                                    SECTION 19. DISPUTE RESOLUTION

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

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

#### 28                                    SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

30          (b) The compact shall become effective and binding upon legislative

1 enactment of the compact into law by no less than seven states. Thereafter, it  
2 shall become effective and binding on a state upon enactment of the compact  
3 into law by that state.

4 (c) The governors of non-member states, or their designees, shall be  
5 invited to participate in the activities of the interstate commission on a  
6 non-voting basis prior to adoption of the compact by all states.

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

#### 11 SECTION 21. WITHDRAWAL

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

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

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

23 (d) The interstate commission shall notify the other member states of the  
24 withdrawing state's intent to withdraw within sixty days of its receipt of notice  
25 provided under subsection (c).

26 (e) The withdrawing state is responsible for all dues, obligations and  
27 liabilities incurred through the effective date of withdrawal, including  
28 obligations, the performance of which extend beyond the effective date of  
29 withdrawal.

30 (f) Reinstatement following withdrawal of a member state shall occur

1 upon the withdrawing date reenacting the compact or upon such later date as  
2 determined by the interstate commission.

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

#### 7 SECTION 22. DISSOLUTION

8 (a) The compact shall dissolve effective upon the date of the withdrawal  
9 or default of the member state which reduces the membership of the compact  
10 to one member state.

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

#### 15 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

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

#### 24 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

7                    Section 2. This Act shall become effective on July 1, 2021.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_