

SENATE, No. 3821

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 30, 2019

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Enters New Jersey into Interstate Medical Licensure Compact.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT entering New Jersey into the Interstate Medical Licensure
2 Compact and supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The State of New Jersey enacts and enters into the Interstate
8 Medical Licensure Compact with all other jurisdictions that legally
9 join the compact in the form substantially as follows:

10

11 Section 1. Purpose.

12

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

31

32 Section 2. Definitions.

33

34 As used in this compact:

35 a. "Bylaws" means the bylaws established by the Interstate
36 Commission pursuant to section 11 of this compact for its
37 governance, or for directing and controlling its actions and conduct.

38 b. "Commissioner" means the voting representative appointed
39 by each member board pursuant to section 11 of this compact.

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

46 d. "Expedited license" means a full and unrestricted medical
47 license granted by a member state to an eligible physician through
48 the process set forth in the compact.

- 1 e. “Interstate Commission” means the Interstate Medical
2 Licensure Compact Commission created pursuant to section 11 of
3 this compact.
- 4 f. “License” means authorization by a state for a physician to
5 engage in the practice of medicine, which would be unlawful
6 without the authorization.
- 7 g. “Medical practice act” means laws and regulations
8 governing the practice of allopathic and osteopathic medicine
9 within a member state.
- 10 h. “Member board” means a state agency in a member state
11 that acts in the sovereign interests of the state by protecting the
12 public through licensure, regulation, and education of physicians as
13 directed by the state government.
- 14 i. “Member state” means a state that has enacted the compact.
- 15 j. “Practice of medicine” means the clinical prevention,
16 diagnosis, or treatment of human disease, injury, or condition
17 requiring a physician to obtain and maintain a license in compliance
18 with the medical practice act of a member state.
- 19 k. “Physician” means any person who:
- 20 (1) Is a graduate of a medical school accredited by the Liaison
21 Committee on Medical Education, the Commission on Osteopathic
22 College Accreditation, or a medical school listed in the
23 International Medical Education Directory or its equivalent;
- 24 (2) Passed each component of the United States medical
25 Licensing Examination (USMLE) or the Comprehensive
26 Osteopathic Medical Licensing Examination (COMLEX-USA)
27 within three attempts, or any of its predecessor examinations
28 accepted by a state medical board as an equivalent examination for
29 licensure purposes;
- 30 (3) Successfully completed graduate medical education
31 approved by the Accreditation Council for Graduate Medical
32 Education or the American Osteopathic Association;
- 33 (4) Holds specialty certification or a time-unlimited specialty
34 certificate recognized by the American Board of Medical
35 Specialties or the American Osteopathic Association’s Bureau of
36 Osteopathic Specialists;
- 37 (5) Possesses a full and unrestricted license to engage in the
38 practice of medicine issued by a member board;
- 39 (6) Has never been convicted, received adjudication, deferred
40 adjudication, community supervision, or deferred disposition for
41 any offense by a court of appropriate jurisdiction;
- 42 (7) Has never held a license authorizing the practice of medicine
43 subjected to discipline by a licensing agency in any state, federal, or
44 foreign jurisdiction, excluding any action related to non-payment of
45 fees related to a license;
- 46 (8) Has never had a controlled substance license or permit
47 suspended or revoked by a state or the United States Drug
48 Enforcement Administration; and

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

4 l. "Offense" means a felony, gross misdemeanor, or crime of
5 moral turpitude.

6 m. "Rule" means a written statement by the Interstate
7 Commission promulgated pursuant to section 12 of this compact
8 that is of general applicability, implements, interprets, or prescribes
9 a policy or provision of the compact, or an organizational,
10 procedural, or practice requirement of the Interstate Commission,
11 and has the force and effect of statutory law in a member state, and
12 includes the amendment, repeal, or suspension of an existing rule.

13 n. "State" means any state, commonwealth, district, or territory
14 of the United States.

15 o. "State of principal license" means a member state where a
16 physician holds a license to practice medicine and which has been
17 designated as such by the physician for purposes of registration and
18 participation in the compact.

19

20 Section 3. Eligibility.

21

22 a. A physician shall meet the eligibility requirements specified
23 in subsection k. of section 2 of this compact to receive an expedited
24 license under the terms and provisions of the compact.

25 b. A physician who does not meet the eligibility requirements
26 set forth in subsection k. of section 2 of this compact may obtain a
27 license to practice medicine in a member state if the individual
28 complies with all laws and requirements, other than the compact,
29 related to the issuance of a license to practice medicine in that state.

30

31 Section 4. Designation of State of Principal License.

32

33 a. A physician shall designate a member state as the state of
34 principal license for purposes of registration for expedited licensure
35 through the compact if the physician possesses a full and
36 unrestricted license to practice medicine in that state, and the state
37 is:

38 (1) the state of primary residence for the physician;

39 (2) the state where at least 25 percent of the physician's practice
40 of medicine occurs;

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

42 (4) if no state qualifies under paragraphs (1) through (3) of this
43 subsection, the state designated as the physician's state of residence
44 for federal income tax purposes.

45 b. A physician may redesignate a member state as the
46 physician's state of principal license at any time, provided the state
47 meets the requirements for designation set forth in subsection a. of
48 this section.

1 c. The Interstate Commission is authorized to develop rules to
2 facilitate redesignation of another member state as the physician's
3 state of principal license.

4
5 Section 5. Application and Issuance of Expedited Licensure.

6
7 a. A physician seeking licensure through the compact shall file
8 an application for an expedited license with the member board of
9 the state selected by the physician as the physician's state of
10 principal license.

11 b. Upon receipt of an application for an expedited license, the
12 member board within the state selected as the physician's state of
13 principal license shall evaluate whether the physician is eligible for
14 expedited licensure and issue a letter of qualification to the
15 Interstate Commission verifying or denying the physician's
16 eligibility.

17 (1) Static qualifications, which include verification of medical
18 education, graduate medical education, results of any medical or
19 licensing examination, and other qualifications as determined by the
20 Interstate Commission through rule, shall not be subject to
21 additional primary source verification where already primary source
22 verified by the physician's state of principal license.

23 (2) The member board within the state selected as the
24 physician's state of principal license shall, in the course of verifying
25 eligibility, perform a criminal background check of an applicant,
26 including the use of the results of fingerprint or other biometric data
27 checks compliant with the requirements of the Federal Bureau of
28 Investigation, with the exception of federal employees who have
29 suitability determination in accordance with 5 CFR 731.202.

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

33 c. Upon verification of a physician's eligibility for expedited
34 licensure pursuant to subsection b. of this section, the physician
35 shall complete the registration process established by the Interstate
36 Commission to receive a license in a member state selected
37 pursuant to subsection a. of this section, including the payment of
38 any applicable fees.

39 d. Upon receiving verification of a physician's eligibility for
40 expedited licensure pursuant to subsection b. of this section and
41 payment of any applicable fees pursuant to subsection c. of this
42 section, a member board shall issue an expedited license to the
43 physician. The license shall authorize the physician to practice
44 medicine in the issuing state consistent with the medical practice at
45 and all applicable laws and regulations of the issuing member board
46 and member state.

47 e. An expedited license shall be valid for a period consistent
48 with the licensure period in the member state and in the same

1 manner as required for other physicians holding a full and
2 unrestricted license within the member state.

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

7 g. The Interstate Commission is authorized to develop rules
8 regarding the application process, including payment of any
9 applicable fees and the issuance of an expedited license.

10

11 Section 6. Fees for Expedited Licensure.

12

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

16 b. The Interstate Commission is authorized to develop rules
17 regarding fees for expedited licenses.

18

19 Section 7. Renewal and Continued Participation.

20

21 a. A physician seeking to renew an expedited license granted in
22 a member state shall complete a renewal process with the Interstate
23 Commission if the physician:

24 (1) Maintains a full and unrestricted license in a state of
25 principal license;

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

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

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

36 b. Physicians shall comply with all continuing professional
37 development or continuing medical education requirements for
38 renewal of a license issued by a member state.

39 c. The Interstate Commission shall collect any renewal fees
40 charged for the renewal of a license and distribute the fees to the
41 applicable member board.

42 d. Upon receipt of any renewal fees collected pursuant to
43 subsection c. of this section, a member board shall renew the
44 physician's license.

45 e. Physician information collected by the Interstate
46 Commission during the renewal process will be distributed to all
47 member boards.

48 f. The Interstate Commission is authorized to develop rules to
49 address renewal of licenses obtained through the compact.

1 Section 8. Coordinated Information System.

2

3 a. The Interstate Commission shall establish a database of all
4 physicians licensed, or who have applied for licensure, pursuant to
5 section 5 of this compact.

6 b. Notwithstanding any other provision of law, member boards
7 shall report to the Interstate Commission any public action or
8 complaints against a licensed physician who has applied for or
9 received an expedited license through the compact.

10 c. Member boards shall report disciplinary or investigatory
11 information determined as necessary and proper by rule of the
12 Interstate Commission.

13 d. Member boards may report any non-public complaint,
14 disciplinary, or investigatory information not required pursuant to
15 subsection c. of this section.

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

19 f. All information provided to the Interstate Commission or
20 distributed by member boards shall be confidential, filed under seal,
21 and used only for investigatory or disciplinary matters.

22 g. The Interstate Commission is authorized to develop rules for
23 mandated or discretionary sharing of information by member
24 boards.

25

26 Section 9. Joint Investigations.

27

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

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

34 c. A subpoena issued by a member state shall be enforceable in
35 other member states.

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

39 e. Any member state may investigate actual or alleged
40 violations of the statutes authorizing the practice of medicine in any
41 other member state in which a physician holds a license to practice
42 medicine.

43

44 Section 10. Disciplinary Actions.

45

46 a. Any disciplinary action taken by any member board against
47 a physician licensed through the compact shall be deemed
48 unprofessional conduct which may be subject to discipline by other

1 member boards, in addition to any violation of the medical practice
2 act or regulations in that state.

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

14 c. If disciplinary action is taken against a physician by a
15 member board not in the state of principal license, any other
16 member board may deem the action conclusive as to matter of law
17 and fact decided, and:

18 (1) impose the same or a lesser sanction against the physician,
19 provided that the sanction is consistent with the medical practice act
20 of that state; or

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

24 d. If a license granted to a physician by a member board is
25 revoked, surrendered, or relinquished in lieu of discipline, or
26 suspended, then any license issued to the physician by any other
27 member board shall be suspended, automatically and immediately
28 without further action necessary by the other member board, for 90
29 days upon entry of the order by the disciplining board, to permit the
30 member board to investigate the basis for the action under the
31 medical practice act of that state. A member board may terminate
32 the automatic suspension of the license it issued prior to the
33 completion of the 90 day suspension period in a manner consistent
34 with the medical practice act of that state.

35

36 Section 11. Interstate Medical Licensure Compact Commission.

37

38 a. The member states hereby create the "Interstate Medical
39 Licensure Compact Commission."

40 b. The purpose of the Interstate Commission is the
41 administration of the Interstate Medical Licensure Compact, which
42 is a discretionary state function.

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

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

9 (1) an allopathic or osteopathic physician appointed to a
10 member board;

11 (2) an executive director, executive secretary, or similar
12 executive of a member board; or

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

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

20 f. The bylaws may provide for meetings of the Interstate
21 Commission to be conducted by telecommunication or electronic
22 communication.

23 g. Each commissioner participating at a meeting of the
24 Interstate Commission is entitled to one vote. A majority of
25 commissioners shall constitute a quorum for the transaction of
26 business, unless a larger quorum is required by the bylaws of the
27 Interstate Commission. A commissioner shall not delegate a vote to
28 another commissioner. In the absence of its commissioner, a
29 member state may delegate voting authority for a specified meeting
30 to another person from that state who meets the requirements to
31 serve as a commissioner pursuant to subsection d. of this section.

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

37 (1) Relate solely to the internal personnel practices and
38 procedures of the Interstate Commission;

39 (2) Discuss matters specifically exempted from disclosure by
40 federal statute;

41 (3) Discuss trade secrets or commercial or financial information
42 that is privileged or confidential;

43 (4) Involve accusing a person of a crime, or formally censuring
44 a person;

45 (5) Discuss information of a personal nature where disclosure
46 would constitute a clearly unwarranted invasion of personal
47 privacy;

48 (6) Discuss investigative records compiled for law enforcement
49 purposes; or

- 1 (7) Specifically relate to the participation in a civil action or
2 other legal proceeding.
- 3 i. The Interstate Commission shall keep minutes, which shall
4 fully describe all matters discussed in a meeting and shall provide a
5 full and accurate summary of actions taken, including a record of
6 any roll call votes.
- 7 j. The Interstate Commission shall make its information and
8 official records, to the extent not otherwise designated in the
9 compact or by its rules, available to the public for inspection.
- 10 k. The Interstate Commission shall establish an executive
11 committee, which shall include officers, members, and others as
12 determined by the bylaws. The executive committee shall have the
13 power to act on behalf of the Interstate Commission, with the
14 exception of rulemaking, during periods when the Interstate
15 Commission is not in session. When acting on behalf of the
16 Interstate Commission, the executive committee shall oversee the
17 administration of the compact, including enforcement and
18 compliance with the provisions of the compact, its bylaws and
19 rules, and other such duties as may be necessary.
- 20 l. The Interstate Commission may establish other committees
21 for governance and administration of the compact.

22

23 Section 12. Powers and Duties of the Interstate Commission.

24

25 The Interstate Commission shall have the duty and power to:

- 26 a. Oversee and maintain the administration of the compact;
- 27 b. Promulgate rules, which shall be binding to the extent and in
28 the manner provided for in the compact;
- 29 c. Issue, upon the request of a member state or member board,
30 advisory opinions concerning the meaning or interpretation of the
31 compact and its bylaws, rules, and actions;
- 32 d. Enforce compliance with compact provisions, the rules
33 promulgated by the Interstate Commission, and the bylaws, using
34 all necessary and proper means, including, but not limited to, the
35 use of judicial process;
- 36 e. Establish and appoint committees, including, but not limited
37 to, an executive committee as required pursuant to section 11 of this
38 compact, which shall have the power to act on behalf of the
39 Interstate Commission in carrying out its powers and duties;
- 40 f. Pay, or provide for the payment of, the expenses related to
41 the establishment, organization, and ongoing activities of the
42 Interstate Commission;
- 43 g. Establish and maintain one or more offices;
- 44 h. Borrow, accept, hire, or contract for services of personnel;
- 45 i. Purchase and maintain insurance and bonds;
- 46 j. Employ an executive director, who shall have the power to
47 employ, select, or appoint employees, agents, or consultants, and to
48 determine their qualifications, define their duties, and fix their
49 compensation;

- 1 k. Establish personnel policies and programs relating to
2 conflicts of interest, rates of compensation, and qualifications of
3 personnel;
- 4 l. Accept donations and grants of money, equipment, supplies,
5 materials, and services, and to receive, utilize, and dispose of the
6 same in a manner consistent with the conflict of interest policies
7 established by the Interstate Commission;
- 8 m. Lease, purchase, accept contributions or donations of, or
9 otherwise own, hold, improve, or use any real or personal property;
- 10 n. Sell, convey, mortgage, pledge, lease, exchange, abandon,
11 or otherwise dispose of any real or personal property;
- 12 o. Establish a budget and make expenditures;
- 13 p. Adopt a seal and bylaws governing the management and
14 operation of the Interstate Commission;
- 15 q. Report annually to the legislatures and governors of the
16 member states concerning the activities of the Interstate
17 Commission during the preceding year. Such reports shall also
18 include reports of financial audits and any recommendations that
19 may have been adopted by the Interstate Commission;
- 20 r. Coordinate education, training, and public awareness
21 regarding the compact, its implementation, and its operation;
- 22 s. Maintain records in accordance with the bylaws;
- 23 t. Seek and obtain trademarks, copyrights, and patents; and
- 24 u. Perform such functions as may be necessary or appropriate
25 to achieve the purposes of the compact.

26

27 Section 13. Finance Powers.

28

- 29 a. The Interstate Commission may levy on and collect an
30 annual assessment from each member state to cover the cost of the
31 operations and activities of the Interstate Commission and its staff.
32 The total assessment shall be sufficient to cover the annual budget
33 approved each year for which revenue is not provided by other
34 sources. The aggregate annual assessment amount shall be
35 allocated upon a formula to be determined by the Interstate
36 Commission, which shall promulgate a rule binding upon all
37 member states.
- 38 b. The Interstate Commission shall not incur obligations of any
39 kind prior to securing the funds adequate to meet the same.
- 40 c. The Interstate Commission shall not pledge the credit of any
41 of the member states, except by, and with the authority of, the
42 member state.
- 43 d. The Interstate Commission shall be subject to a yearly
44 financial audit conducted by a certified or licensed public
45 accountant and the report of the audit shall be included in the
46 Interstate Commission's annual report.

1 Section 14. Organization and Operation of the Interstate
2 Commission.

3

4 a. The Interstate Commission shall, within 12 months of the
5 first Interstate Compact meeting and by a majority of
6 commissioners present and voting, adopt bylaws to govern its
7 conduct as may be necessary or appropriate to carry out the
8 purposes of the compact.

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

15 c. Officers selected pursuant to subsection b. of this section
16 shall serve without remuneration from the Interstate Commission.

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

27 (1) The liability of the executive director and employees of the
28 Interstate Commission or representatives of the Interstate
29 Commission, acting within the scope of such person's employment
30 or duties for acts, errors, or omissions occurring within such
31 person's state, may not exceed the limits of liability set forth under
32 the constitution and laws of that state for state officials, employees,
33 and agents. The Interstate Commission is considered to be an
34 instrumentality of the states for the purposes of any such action.
35 Nothing in this subsection shall be construed to protect such person
36 from suit or liability for damage, loss, injury, or liability caused by
37 the intentional or willful and wanton misconduct of such person.

38 (2) The Interstate Commission shall defend the executive
39 director and its employees and, subject to the approval of the
40 attorney general or other appropriate legal counsel of the member
41 state represented by an Interstate Commission representative, shall
42 defend such Interstate Commission representative in any civil
43 action seeking to impose liability arising out of an actual or alleged
44 act, error, or omission that occurred within the scope of Interstate
45 Commission employment, duties, or responsibilities, or that the
46 defendant had a reasonable basis for believing occurred within the
47 scope of Interstate Commission employment, duties, or
48 responsibilities, provided that the actual or alleged act, error, or

1 omission did not result from intentional or willful and wanton
2 misconduct on the part of such person.

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

15

16 Section 15. Rulemaking Functions of the Interstate Commission.

17

18 a. The Interstate Commission shall promulgate reasonable rules
19 in order to effectively and efficiently achieve the purposes of the
20 Compact. Notwithstanding the foregoing, in the event the Interstate
21 Commission exercises its rulemaking authority in a manner that is
22 beyond the scope of the purposes of the compact, or the powers
23 granted hereunder, then such an action by the Interstate
24 Commission shall be invalid and have no force or effect.

25 b. Rules deemed appropriate for the operations of the Interstate
26 Commission shall be made pursuant to a rulemaking process that
27 substantially conforms to the "Model State Administrative
28 Procedure Act" of 2010, and subsequent amendments thereto.

29 c. No later than 30 days after a rule is promulgated, any person
30 may file a petition for judicial review of the rule in the United
31 States District Court for the District of Columbia or the federal
32 district where the Interstate Commission has its principal offices,
33 provided that the filing of such a petition shall not stay or otherwise
34 prevent the rule from becoming effective unless the court finds that
35 the petitioner has a substantial likelihood of success. The court
36 shall give deference to the actions of the Interstate Commission
37 consistent with applicable law and shall not find the rule to be
38 unlawful if the rule represents a reasonable exercise of the authority
39 granted to the Interstate Commission.

40

41 Section 16. Oversight of the Interstate Compact.

42

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

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

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

11
12 Section 17. Enforcement of Interstate Compact.

13
14 a. The Interstate Commission, in the reasonable exercise of its
15 discretion, shall enforce the provisions and rules of the compact.

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

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

30
31 Section 18. Default Procedures.

32
33 a. The grounds for default include, but are not limited to,
34 failure of a member state to perform such obligations or
35 responsibilities imposed on it by the compact or the rules and
36 bylaws of the Interstate Commission promulgated under the
37 compact.

38 b. If the Interstate Commission determines that a member state
39 has defaulted in the performance of its obligations or
40 responsibilities under the compact, or the bylaws or promulgated
41 rules, the Interstate Commission shall:

42 (1) Provide written notice to the defaulting state and other
43 member states of the nature of the default, the means of curing the
44 default, and any action taken by the Interstate Commission. The
45 Interstate Commission shall specify the conditions by which the
46 defaulting state shall cure its default; and

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

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

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

14 e. The Interstate Commission shall establish rules and
15 procedures to address licenses and physicians that are materially
16 affected by the termination of a member state or the withdrawal of a
17 member state.

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

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

28 h. The defaulting state may appeal the action of the Interstate
29 Commission by petitioning the United States District Court for the
30 District of Columbia or the federal district where the Interstate
31 Commission has its principal offices. The prevailing party shall be
32 awarded all costs of such litigation, including reasonable attorney's
33 fees.

34

35 Section 19. Dispute Resolution.

36

37 a. The Interstate Commission shall attempt, upon the request of
38 a member state, to resolve disputes which are subject to the
39 compact and which may arise among member states or member
40 boards.

41 b. The Interstate Commission shall promulgate rules providing
42 for both mediation and binding dispute resolution, as appropriate.

43

44 Section 20. Member States, Effective Date, and Amendment.

45

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

48 b. The compact shall become effective and binding upon
49 legislative enactment of the compact into law by no less than seven

1 states. Thereafter, it shall become effective and binding on a state
2 upon enactment of the compact into law by that state.

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

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

12

13 Section 21. Withdrawal.

14

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

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

24 c. The withdrawing state shall immediately notify the
25 chairperson of the Interstate Commission in writing upon the
26 introduction of legislation repealing the compact in the withdrawing
27 state.

28 d. The Interstate Commission shall notify the other member
29 states of the withdrawing state's intent to withdraw within 60 days
30 after receiving notice provided pursuant to subsection c. of this
31 section.

32 e. The withdrawing state shall be responsible for all dues,
33 obligations, and liabilities incurred through the effective date of
34 withdrawal, including any obligations for which the performance of
35 the obligation extends beyond the effective date of withdrawal.

36 f. Reinstatement following withdrawal of a member state shall
37 occur upon the withdrawing state reenacting the compact or upon
38 such later date as determined by the Interstate Commission.

39 g. The Interstate Commission shall be authorized to develop
40 rules to address the effect of withdrawal of a member state on
41 licenses granted in other member states to physicians who
42 designated the withdrawing member state as the state of principal
43 licensure.

44

45 Section 22. Dissolution.

46

47 a. The compact shall dissolve effective upon the date of the
48 withdrawal or default of the member state which reduces the
49 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 the
3 business and affairs of the Interstate Commission shall be
4 concluded and surplus funds shall be distributed in accordance with
5 the bylaws.

6
7 Section 23. Severability and Construction.

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

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

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

17
18 Section 24. Binding Effect of Compact and Other Laws.

19
20 a. Nothing herein prevents the enforcement of any other law of
21 a member state that is not inconsistent with the compact.

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

24 c. All lawful actions of the Interstate Commission, including
25 all rules and bylaws promulgated by the Commission, are binding
26 upon the member states.

27 d. All agreements between the Interstate Commission and the
28 member states are binding in accordance with their terms.

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

33
34 2. This act shall take effect immediately.

35
36
37 STATEMENT

38
39 This bill enters New Jersey into the Interstate Medical Licensure
40 Compact (Compact), which is an interstate agreement that provides
41 a streamlined process for physicians who are in good standing in
42 their own states to quickly and easily become licensed in other
43 member states without the need to complete the full standard
44 licensing process in the other state. A license issued under the
45 Compact for a member state constitutes a full and unrestricted
46 license to practice medicine in that member state. The Compact
47 does not change the medical practice laws in any member state, and
48 the requirements to obtain expedited licensure reflect the prevailing
49 standard for physician licensure nationwide. Physicians providing

1 health care services are subject to the medical practice laws of the
2 state in which the patient is located. The Compact will be
3 administered by the “Interstate Medical Licensure Compact
4 Commission” (Interstate Commission), which is comprised of
5 delegates from each member state.

6

7

Expedited Licensure

8

9 To qualify for licensure in another state through the Compact, a
10 physician will be required to be a graduate of an accredited medical
11 school, have passed the licensing examination within three
12 attempts, have successfully completed graduate medical education,
13 hold a specialty certification, possess a full and unrestricted license
14 to practice medicine in the physician’s principal state of licensure,
15 have no criminal convictions, have never been subject to license-
16 related disciplinary action, have never had a controlled substance
17 license or permit suspended or revoked, and not be under active
18 investigation by a licensing or law enforcement agency. A
19 physician who does not meet the requirements for expedited
20 licensure may still apply for licensure in another state under that
21 state’s standard licensure process.

22 A physician applying for expedited licensure will be required to
23 designate a state of principal license, which will be the physician’s
24 state of primary residence, the state where at least 25 percent of the
25 physician’s practice of medicine occurs, the location of the
26 physician’s employer, or the state designated as the physician’s
27 state of residence for federal income tax purposes. Physicians may
28 change their states of principal license, provided the physician’s ties
29 to the new state meet the requirements for designation.

30 An application for expedited licensure is to be filed with the
31 physician’s state of principal license. The licensing board in that
32 state will evaluate the physician’s eligibility based on a review of
33 the physician’s educational background, the results of the
34 physician’s licensing examinations, and a criminal background
35 check. Once the state of principal license verifies the physician’s
36 eligibility, it will submit a letter to the Interstate Commission, and
37 the physician will receive member state licenses in each state
38 requested by the physician and for which the physician pays the
39 applicable licensure fee. License and renewal fees are
40 independently established by each member state.

41 The member state license will be valid for a period consistent
42 with that state’s laws, and the physician will be required to comply
43 with all practice laws in the member state. There is no limit to the
44 number of member state licenses a physician may obtain under the
45 Compact; however, after the initial application process, an
46 additional fee applies to subsequent applications for expedited
47 licensure. A member state license will be renewed if the physician
48 continues to meet the eligibility requirements for licensure under
49 the Compact. Physicians are subject to continuing professional

1 education requirements for each state in which the physician
2 maintains a license.

3 The Interstate Commission will be required to establish a
4 database of all physicians who apply for or who are issued a license
5 under the Compact. The licensing boards in each member state
6 are required to report to the database complaints, public actions, and
7 disciplinary actions taken against a physician listed in the database,
8 and may additionally report non-public complaints, disciplinary
9 actions, and investigations. Information reported to the database is
10 to be kept confidential.

11 Member boards are authorized to engage in joint investigations
12 of a physician, share investigative and related materials with other
13 member states, and issue subpoenas, which other member states are
14 required to comply with. Member states may investigate alleged
15 violations of the medical practice laws of any other member state.
16 A disciplinary action taken by a member board against a physician
17 constitutes grounds for other member states to institute disciplinary
18 action against the physician.

19 If a license granted to a physician by the member board in the
20 state of principal license is suspended, revoked, surrendered, or
21 relinquished in lieu of discipline, all licenses issued to the physician
22 by member boards will automatically be placed on the same status.
23 If the member board in the state of principal license subsequently
24 reinstates the physician's license, a license issued to the physician
25 by any other member board will remain encumbered until that
26 respective member board takes action to reinstate the license. If a
27 state other than the state of principal license takes disciplinary
28 action against a physician, all other member states may use the
29 same grounds to impose the same or a lesser sanction against the
30 physician or take independent action against the physician under
31 that state's own laws. If a physician's license is revoked,
32 surrendered, or relinquished in a member state, all other member
33 state licenses will be suspended for 90 days.

34

35 Interstate Medical Licensure Compact Commission

36

37 The Interstate Commission will consist of two voting
38 representatives appointed by each member state, called
39 "commissioners." Each commissioner is required to be a member
40 of that state's medical licensure board. The Interstate Commission
41 will meet at least once each calendar year and at other times when
42 called by the chair or upon request of a majority of member states.
43 Meetings are generally open to the public, but closed meetings may
44 be conducted to discuss internal personnel matters, matters
45 involving privileged or confidential information, criminal
46 accusations and formal censures, private personal information,
47 criminal investigations, or civil proceedings. Interstate
48 Commission records will be available to the public for inspection,
49 unless otherwise held confidential. The Compact provides for

1 limited liability and indemnification for the executive director,
2 officers, and employees of the Interstate Commission in connection
3 with their official duties.

4 The Interstate Commission has the power to promulgate rules,
5 establish bylaws, issue advisory opinions, enforce compliance,
6 initiate litigation, establish and appoint committees, employ an
7 executive director, report to the member states, and take other
8 actions necessary to administer and achieve the purposes of the
9 Compact. The Interstate Commission will establish an executive
10 committee, which will have the power to act on behalf of the
11 Interstate Commission during periods when the Interstate
12 Commission is not in session, including overseeing the
13 administration and enforcement of the Compact. The Interstate
14 Commission will additionally be tasked with resolving disputes
15 among member states upon request.

16 The Interstate Commission may collect an annual assessment
17 from each member state to cover the cost of the operations and
18 activities of the Interstate Commission and its staff, which is to be
19 sufficient to cover the annual budget approved each year for which
20 revenue is not provided by other sources. The Interstate
21 Commission may not incur obligations until it has secured funds to
22 cover the obligation. The Interstate Commission will be subject to
23 a yearly financial audit, which will be included in its annual report.

24

25 Membership in the Compact

26

27 States can join the Compact by enacting a statute adopting the
28 Compact language. The Compact took effect upon adoption by
29 seven states, and, according to the Interstate Medical Licensure
30 Compact website, currently 25 states, the District of Columbia, and
31 Guam have adopted enabling legislation, including Alabama,
32 Arizona, Colorado, Idaho, Illinois, Iowa, Kansas, Maine, Maryland,
33 Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada,
34 New Hampshire, Pennsylvania, South Dakota, Tennessee, Utah,
35 Vermont, Washington, West Virginia, Wisconsin, and Wyoming.
36 States may withdraw from the Compact by repealing the enabling
37 statute, and the Compact will dissolve when the number of member
38 states is reduced to one.

39 Amendments may be made to the Compact if each member state
40 enacts legislation adopting the amendment.

41 The provisions of the Compact will not override existing state
42 authority to regulate the practice of medicine; however, the
43 Compact provides that other laws in member states that are in
44 conflict with the Compact are superseded to the extent of the
45 conflict, and all lawful actions of the Interstate Commission are
46 binding on the member states. When the Compact exceeds
47 constitutional limits within a member state, the relevant provision
48 of the Compact is ineffective to the extent of the conflict.

1 The executive, legislative, and judicial branches of state
2 government in each member state are to enforce the Compact and
3 take all actions necessary and appropriate to effectuate the purposes
4 and intent of the Compact. Courts are to take judicial notice of the
5 Compact in any judicial proceeding that may affect the powers,
6 responsibilities, or actions of the Interstate Commission. The
7 Interstate Commission is entitled to receive service of process and
8 intervene in any such proceeding, and the failure to provide service
9 of process will render a judgment or order void as to the Interstate
10 Commission.

11 Member states may be found in default of the Compact based on
12 the failure to perform obligations or responsibilities imposed by the
13 Compact. The Interstate Commission is to provide written notice to
14 a defaulting state and the other member states of the nature of the
15 default, the means of curing the default, and any specific action or
16 conditions necessary to cure the default. The Interstate
17 Commission is to additionally provide remedial training and
18 specific technical assistance regarding the default. Failure to cure a
19 default will result in the member state being terminated from the
20 Compact.