

By: Representatives Mims, Dixon

To: Public Health and Human Services

HOUSE BILL NO. 41

1 AN ACT TO CREATE NEW SECTION 73-25-101, MISSISSIPPI CODE OF
 2 1972, TO ENACT INTO LAW THE INTERSTATE MEDICAL LICENSURE COMPACT
 3 AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH
 4 OTHER STATES THAT JOIN IN THE COMPACT; TO CREATE NEW SECTION
 5 73-25-102, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
 6 SECTION; TO AMEND SECTION 73-43-11, MISSISSIPPI CODE OF 1972, TO
 7 AUTHORIZE THE STATE BOARD OF MEDICAL LICENSURE TO IMPLEMENT THE
 8 PROVISIONS OF THE INTERSTATE MEDICAL LICENSURE COMPACT; AND FOR
 9 RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** The following shall be codified as Section
 12 73-25-101, Mississippi Code of 1972:

13 73-25-101. The Interstate Medical Licensure Compact is
 14 enacted into law and entered into by this state with any and all
 15 states legally joining in the Compact in accordance with its
 16 terms, in the form substantially as follows:

INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1

Purpose

20 In order to strengthen access to health care, and in
 21 recognition of the advances in the delivery of health care, the



22 member states of the Interstate Medical Licensure Compact have
23 allied in common purpose to develop a comprehensive process that
24 complements the existing licensing and regulatory authority of
25 state medical boards, provides a streamlined process that allows
26 physicians to become licensed in multiple states, thereby
27 enhancing the portability of a medical license and ensuring the
28 safety of patients. The Compact creates another pathway for
29 licensure and does not otherwise change a state's existing Medical
30 Practice Act. The Compact also adopts the prevailing standard for
31 licensure and affirms that the practice of medicine occurs where
32 the patient is located at the time of the physician-patient
33 encounter, and therefore, requires the physician to be under the
34 jurisdiction of the state medical board where the patient is
35 located. State medical boards that participate in the Compact
36 retain the jurisdiction to impose an adverse action against a
37 license to practice medicine in that state issued to a physician
38 through the procedures in the Compact.

39 **SECTION 2**

40 **Definitions**

41 In this Compact:

42 (a) "Bylaws" means those bylaws established by the
43 Interstate Commission pursuant to Section 11 for its governance,
44 or for directing and controlling its actions and conduct.

45 (b) "Commissioner" means the voting representative
46 appointed by each member board pursuant to Section 11.



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

53 (d) "Expedited license" means a full and unrestricted
54 medical license granted by a member state to an eligible physician
55 through the process set forth in the Compact.

56 (e) "Interstate Commission" means the interstate
57 commission created pursuant to Section 11.

58 (f) "License" means authorization by a state for a
59 physician to engage in the practice of medicine, which would be
60 unlawful without the authorization.

61 (g) "Medical Practice Act" means laws and regulations
62 governing the practice of allopathic and osteopathic medicine
63 within a member state.

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

68 (i) "Member state" means a state that has enacted the
69 Compact.

70 (j) "Practice of medicine" means the clinical
71 prevention, diagnosis, or treatment of human disease, injury, or



72 condition requiring a physician to obtain and maintain a license
73 in compliance with the Medical Practice Act of a member state.

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

75 (1) Is a graduate of a medical school accredited
76 by the Liaison Committee on Medical Education, the Commission on
77 Osteopathic College Accreditation, or a medical school listed in
78 the International Medical Education Directory or its equivalent;

79 (2) Passed each component of the United States
80 Medical Licensing Examination (USMLE) or the Comprehensive
81 Osteopathic Medical Licensing Examination (COMLEX-USA) within
82 three (3) attempts, or any of its predecessor examinations
83 accepted by a state medical board as an equivalent examination for
84 licensure purposes;

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

88 (4) Holds specialty certification or a
89 time-unlimited specialty certificate recognized by the American
90 Board of Medical Specialties or the American Osteopathic
91 Association's Bureau of Osteopathic Specialists;

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

94 (6) Has never been convicted, received
95 adjudication, deferred adjudication, community supervision, or



96 deferred disposition for any offense by a court of appropriate
97 jurisdiction;

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

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

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

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

110 (m) "Rule" means a written statement by the Interstate
111 Commission promulgated pursuant to Section 12 of the Compact that
112 is of general applicability, implements, interprets, or prescribes
113 a policy or provision of the Compact, or an organizational,
114 procedural, or practice requirement of the Interstate Commission,
115 and has the force and effect of statutory law in a member state,
116 and includes the amendment, repeal, or suspension of an existing
117 rule.

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



120 (o) "State of principal license" means a member state
121 where a physician holds a license to practice medicine and which
122 has been designated as such by the physician for purposes of
123 registration and participation in the Compact.

124 **SECTION 3**

125 **Eligibility**

126 (a) A physician must meet the eligibility requirements as
127 defined in Section 2(k) to receive an expedited license under the
128 terms and provisions of the Compact.

129 (b) A physician who does not meet the requirements of
130 Section 2(k) may obtain a license to practice medicine in a member
131 state if the individual complies with all laws and requirements,
132 other than the Compact, relating to the issuance of a license to
133 practice medicine in that state.

134 **SECTION 4**

135 **Designation of State of Principal License**

136 (a) A physician shall designate a member state as the state
137 of principal license for purposes of registration for expedited
138 licensure through the Compact if the physician possesses a full
139 and unrestricted license to practice medicine in that state, and
140 the state is:

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

143 (2) The state where at least twenty-five percent (25%)
144 of the practice of medicine occurs, or



145 (3) The location of the physician's employer, or
146 (4) If no state qualifies under subsection (1),
147 subsection (2), or subsection (3), the state designated as state
148 of residence for purpose of federal income tax.

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

152 (c) The Interstate Commission is authorized to develop rules
153 to facilitate redesignation of another member state as the state
154 of principal license.

155 **SECTION 5**

156 **Application and Issuance of Expedited Licensure**

157 (a) A physician seeking licensure through the Compact shall
158 file an application for an expedited license with the member board
159 of the state selected by the physician as the state of principal
160 license.

161 (b) Upon receipt of an application for an expedited license,
162 the member board within the state selected as the state of
163 principal license shall evaluate whether the physician is eligible
164 for expedited licensure and issue a letter of qualification,
165 verifying or denying the physician's eligibility, to the
166 Interstate Commission.

167 (i) Static qualifications, which include verification
168 of medical education, graduate medical education, results of any
169 medical or licensing examination, and other qualifications as



170 determined by the Interstate Commission through rule, shall not be
171 subject to additional primary source verification where already
172 primary source verified by the state of principal license.

173 (ii) The member board within the state selected as the
174 state of principal license shall, in the course of verifying
175 eligibility, perform a criminal background check of an applicant,
176 including the use of the results of fingerprint or other biometric
177 data checks compliant with the requirements of the Federal Bureau
178 of Investigation, with the exception of federal employees who have
179 suitability determination in accordance with United States Code of
180 Federal Regulation Section 731.202.

181 (iii) Appeal on the determination of eligibility shall
182 be made to the member state where the application was filed and
183 shall be subject to the law of that state.

184 (c) Upon verification in subsection (b), physicians eligible
185 for an expedited license shall complete the registration process
186 established by the Interstate Commission to receive a license in a
187 member state selected pursuant to subsection (a), including the
188 payment of any applicable fees.

189 (d) After receiving verification of eligibility under
190 subsection (b) and any fees under subsection (c), a member board
191 shall issue an expedited license to the physician. This license
192 shall authorize the physician to practice medicine in the issuing
193 state consistent with the Medical Practice Act and all applicable
194 laws and regulations of the issuing member board and member state.



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

199 (f) An expedited license obtained through the Compact shall
200 be terminated if a physician fails to maintain a license in the
201 state of principal licensure for a nondisciplinary reason, without
202 redesignation of a new state of principal licensure.

203 (g) The Interstate Commission is authorized to develop rules
204 regarding the application process, including payment of any
205 applicable fees, and the issuance of an expedited license.

206 SECTION 6

207 Fees for Expedited Licensure

208 (a) A member state issuing an expedited license authorizing
209 the practice of medicine in that state may impose a fee for a
210 license issued or renewed through the Compact.

211 (b) The Interstate Commission is authorized to develop rules
212 regarding fees for expedited licenses.

213 SECTION 7

214 Renewal and Continued Participation

215 (a) A physician seeking to renew an expedited license
216 granted in a member state shall complete a renewal process with
217 the Interstate Commission if the physician:

218 (1) Maintains a full and unrestricted license in a
219 state of principal license;



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

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

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

231 (b) Physicians shall comply with all continuing professional
232 development or continuing medical education requirements for
233 renewal of a license issued by a member state.

234 (c) The Interstate Commission shall collect any renewal fees
235 charged for the renewal of a license and distribute the fees to
236 the applicable member board.

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

239 (e) Physician information collected by the Interstate
240 Commission during the renewal process will be distributed to all
241 member boards.

242 (f) The Interstate Commission is authorized to develop rules
243 to address renewal of licenses obtained through the Compact.

244

SECTION 8



245 **Coordinated Information System**

246 (a) The Interstate Commission shall establish a database of
247 all physicians licensed, or who have applied for licensure, under
248 Section 5.

249 (b) Notwithstanding any other provision of law, member
250 boards shall report to the Interstate Commission any public action
251 or complaints against a licensed physician who has applied or
252 received an expedited license through the Compact.

253 (c) Member boards shall report disciplinary or investigatory
254 information determined as necessary and proper by rule of the
255 Interstate Commission.

256 (d) Member boards may report any nonpublic complaint,
257 disciplinary, or investigatory information not required by
258 subsection (c) to the Interstate Commission.

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

262 (f) All information provided to the Interstate Commission or
263 distributed by member boards shall be confidential, filed under
264 seal, and used only for investigatory or disciplinary matters.

265 (g) The Interstate Commission is authorized to develop rules
266 for mandated or discretionary sharing of information by member
267 boards.

268 **SECTION 9**

269 **Joint Investigations**



270 (a) Licensure and disciplinary records of physicians are
271 deemed investigative.

272 (b) In addition to the authority granted to a member board
273 by its respective Medical Practice Act or other applicable state
274 law, a member board may participate with other member boards in
275 joint investigations of physicians licensed by the member boards.

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

278 (d) Member boards may share any investigative, litigation,
279 or compliance materials in furtherance of any joint or individual
280 investigation initiated under the Compact.

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

285 SECTION 10

286 Disciplinary Actions

287 (a) Any disciplinary action taken by any member board
288 against a physician licensed through the Compact shall be deemed
289 unprofessional conduct which may be subject to discipline by other
290 member boards, in addition to any violation of the Medical
291 Practice Act or regulations in that state.

292 (b) If a license granted to a physician by the member board
293 in the state of principal license is revoked, surrendered or
294 relinquished in lieu of discipline, or suspended, then all



295 licenses issued to the physician by member boards shall
296 automatically be placed, without further action necessary by any
297 member board, on the same status. If the member board in the
298 state of principal license subsequently reinstates the physician's
299 license, a license issued to the physician by any other member
300 board shall remain encumbered until that respective member board
301 takes action to reinstate the license in a manner consistent with
302 the Medical Practice Act of that state.

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

307 (i) Impose the same or lesser sanction(s) against the
308 physician so long as such sanctions are consistent with the
309 Medical Practice Act of that state; or

310 (ii) Pursue separate disciplinary action against the
311 physician under its respective Medical Practice Act, regardless of
312 the action taken in other member states.

313 (d) If a license granted to a physician by a member board is
314 revoked, surrendered or relinquished in lieu of discipline, or
315 suspended, then any license(s) issued to the physician by any
316 other member board(s) shall be suspended, automatically and
317 immediately without further action necessary by the other member
318 board(s), for ninety (90) days upon entry of the order by the
319 disciplining board, to permit the member board(s) to investigate



320 the basis for the action under the Medical Practice Act of that
321 state. A member board may terminate the automatic suspension of
322 the license it issued prior to the completion of the ninety (90)
323 day suspension period in a manner consistent with the Medical
324 Practice Act of that state.

325 **SECTION 11**

326 **Interstate Medical Licensure Compact Commission**

327 (a) The member states create the "Interstate Medical
328 Licensure Compact Commission."

329 (b) The purpose of the Interstate Commission is the
330 administration of the Interstate Medical Licensure Compact, which
331 is a discretionary state function.

332 (c) The Interstate Commission shall be a body corporate and
333 joint agency of the member states and shall have all the
334 responsibilities, powers, and duties set forth in the Compact, and
335 such additional powers as may be conferred upon it by a subsequent
336 concurrent action of the respective legislatures of the member
337 states in accordance with the terms of the Compact.

338 (d) The Interstate Commission shall consist of two voting
339 representatives appointed by each member state who shall serve as
340 Commissioners. In states where allopathic and osteopathic
341 physicians are regulated by separate member boards, or if the
342 licensing and disciplinary authority is split between multiple
343 member boards within a member state, the member state shall



344 appoint one (1) representative from each member board. A

345 Commissioner shall be a(n):

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

348 (2) Executive director, executive secretary, or similar
349 executive of a member board; or

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

351 (e) The Interstate Commission shall meet at least once each
352 calendar year. A portion of this meeting shall be a business
353 meeting to address such matters as may properly come before the
354 Commission, including the election of officers. The chairperson
355 may call additional meetings and shall call for a meeting upon the
356 request of a majority of the member states.

357 (f) The bylaws may provide for meetings of the Interstate
358 Commission to be conducted by telecommunication or electronic
359 communication.

360 (g) Each Commissioner participating at a meeting of the
361 Interstate Commission is entitled to one vote. A majority of
362 Commissioners shall constitute a quorum for the transaction of
363 business, unless a larger quorum is required by the bylaws of the
364 Interstate Commission. A Commissioner shall not delegate a vote
365 to another Commissioner. In the absence of its Commissioner, a
366 member state may delegate voting authority for a specified meeting
367 to another person from that state who shall meet the requirements
368 of subsection (d).



369 (h) The Interstate Commission shall provide public notice of
370 all meetings and all meetings shall be open to the public. The
371 Interstate Commission may close a meeting, in full or in portion,
372 where it determines by a two-thirds (2/3) vote of the
373 Commissioners present that an open meeting would be likely to:

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

376 (2) Discuss matters specifically exempted from
377 disclosure by federal statute;

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

380 (4) Involve accusing a person of a crime, or formally
381 censuring a person;

382 (5) Discuss information of a personal nature where
383 disclosure would constitute a clearly unwarranted invasion of
384 personal privacy;

385 (6) Discuss investigative records compiled for law
386 enforcement purposes; or

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

389 (i) The Interstate Commission shall keep minutes which shall
390 fully describe all matters discussed in a meeting and shall
391 provide a full and accurate summary of actions taken, including
392 record of any roll call votes.



393 (j) The Interstate Commission shall make its information and
394 official records, to the extent not otherwise designated in the
395 Compact or by its rules, available to the public for inspection.

396 (k) The Interstate Commission shall establish an executive
397 committee, which shall include officers, members, and others as
398 determined by the bylaws. The executive committee shall have the
399 power to act on behalf of the Interstate Commission, with the
400 exception of rulemaking, during periods when the Interstate
401 Commission is not in session. When acting on behalf of the
402 Interstate Commission, the executive committee shall oversee the
403 administration of the Compact including enforcement and compliance
404 with the provisions of the Compact, its bylaws and rules, and
405 other such duties as necessary.

406 (l) The Interstate Commission may establish other committees
407 for governance and administration of the Compact.

408 **SECTION 12**

409 **Powers and Duties of the Interstate Commission**

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

411 (a) Oversee and maintain the administration of the Compact;

412 (b) Promulgate rules which shall be binding to the extent

413 and in the manner provided for in the Compact;

414 (c) Issue, upon the request of a member state or member
415 board, advisory opinions concerning the meaning or interpretation
416 of the Compact, its bylaws, rules, and actions;



417 (d) Enforce compliance with Compact provisions, the rules
418 promulgated by the Interstate Commission, and the bylaws, using
419 all necessary and proper means, including but not limited to the
420 use of judicial process;

421 (e) Establish and appoint committees, including but not
422 limited to an executive committee as required by Section 11, which
423 shall have the power to act on behalf of the Interstate Commission
424 in carrying out its powers and duties;

425 (f) Pay, or provide for the payment of the expenses related
426 to the establishment, organization, and ongoing activities of the
427 Interstate Commission;

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

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

431 (i) Purchase and maintain insurance and bonds;

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

436 (k) Establish personnel policies and programs relating to
437 conflicts of interest, rates of compensation, and qualifications
438 of personnel;

439 (l) Accept donations and grants of money, equipment,
440 supplies, materials and services, and to receive, utilize, and



441 dispose of it in a manner consistent with the conflict of interest
442 policies established by the Interstate Commission;

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

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

449 (o) Establish a budget and make expenditures;

450 (p) Adopt a seal and bylaws governing the management and
451 operation of the Interstate Commission;

452 (q) Report annually to the legislatures and governors of the
453 member states concerning the activities of the Interstate
454 Commission during the preceding year. Such reports shall also
455 include reports of financial audits and any recommendations that
456 may have been adopted by the Interstate Commission;

457 (r) Coordinate education, training, and public awareness
458 regarding the Compact, its implementation, and its operation;

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

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

461 (u) Perform such functions as may be necessary or
462 appropriate to achieve the purposes of the Compact.

463 **SECTION 13**

464 **Finance Powers**



465 (a) The Interstate Commission may levy on and collect an
466 annual assessment from each member state to cover the cost of the
467 operations and activities of the Interstate Commission and its
468 staff. The total assessment must be sufficient to cover the
469 annual budget approved each year for which revenue is not provided
470 by other sources. The aggregate annual assessment amount shall be
471 allocated upon a formula to be determined by the Interstate
472 Commission, which shall promulgate a rule binding upon all member
473 states.

474 (b) The Interstate Commission shall not incur obligations of
475 any kind prior to securing the funds adequate to meet the same.

476 (c) The Interstate Commission shall not pledge the credit of
477 any of the member states, except by, and with the authority of,
478 the member state.

479 (d) The Interstate Commission shall be subject to a yearly
480 financial audit conducted by a certified or licensed public
481 accountant and the report of the audit shall be included in the
482 annual report of the Interstate Commission.

483 **SECTION 14**

484 **Organization and Operation of the Interstate Commission**

485 (a) The Interstate Commission shall, by a majority of
486 Commissioners present and voting, adopt bylaws to govern its
487 conduct as may be necessary or appropriate to carry out the
488 purposes of the Compact within twelve (12) months of the first
489 Interstate Commission meeting.



490 (b) The Interstate Commission shall elect or appoint
491 annually from among its Commissioners a chairperson, a
492 vice-chairperson, and a treasurer, each of whom shall have such
493 authority and duties as may be specified in the bylaws. The
494 chairperson, or in the chairperson's absence or disability, the
495 vice-chairperson, shall preside at all meetings of the Interstate
496 Commission.

497 (c) Officers selected in subsection (b) shall serve without
498 remuneration from the Interstate Commission.

499 (d) The officers and employees of the Interstate Commission
500 shall be immune from suit and liability, either personally or in
501 their official capacity, for a claim for damage to or loss of
502 property or personal injury or other civil liability caused or
503 arising out of, or relating to, an actual or alleged act, error,
504 or omission that occurred, or that such person had a reasonable
505 basis for believing occurred, within the scope of Interstate
506 Commission employment, duties, or responsibilities; provided that
507 such person shall not be protected from suit or liability for
508 damage, loss, injury, or liability caused by the intentional or
509 willful and wanton misconduct of such person.

510 (1) The liability of the executive director and
511 employees of the Interstate Commission or representatives of the
512 Interstate Commission, acting within the scope of such person's
513 employment or duties for acts, errors, or omissions occurring
514 within such person's state, may not exceed the limits of liability



515 set forth under the constitution and laws of that state for state
516 officials, employees, and agents. The Interstate Commission is
517 considered to be an instrumentality of the states for the purposes
518 of any such action. Nothing in this subsection shall be construed
519 to protect such person from suit or liability for damage, loss,
520 injury, or liability caused by the intentional or willful and
521 wanton misconduct of such person.

522 (2) The Interstate Commission shall defend the
523 executive director, its employees, and subject to the approval of
524 the attorney general or other appropriate legal counsel of the
525 member state represented by an Interstate Commission
526 representative, shall defend such Interstate Commission
527 representative in any civil action seeking to impose liability
528 arising out of an actual or alleged act, error or omission that
529 occurred within the scope of Interstate Commission employment,
530 duties or responsibilities, or that the defendant had a reasonable
531 basis for believing occurred within the scope of Interstate
532 Commission employment, duties, or responsibilities, provided that
533 the actual or alleged act, error, or omission did not result from
534 intentional or willful and wanton misconduct on the part of such
535 person.

536 (3) To the extent not covered by the state involved,
537 member state, or the Interstate Commission, the representatives or
538 employees of the Interstate Commission shall be held harmless in
539 the amount of a settlement or judgment, including attorney's fees



540 and costs, obtained against such persons arising out of an actual
541 or alleged act, error, or omission that occurred within the scope
542 of Interstate Commission employment, duties, or responsibilities,
543 or that such persons had a reasonable basis for believing occurred
544 within the scope of Interstate Commission employment, duties, or
545 responsibilities, provided that the actual or alleged act, error,
546 or omission did not result from intentional or willful and wanton
547 misconduct on the part of such persons.

548 **SECTION 15**

549 **Rulemaking Functions of the Interstate Commission**

550 (a) The Interstate Commission shall promulgate reasonable
551 rules in order to effectively and efficiently achieve the purposes
552 of the Compact. Notwithstanding the foregoing, in the event the
553 Interstate Commission exercises its rulemaking authority in a
554 manner that is beyond the scope of the purposes of the Compact, or
555 the powers granted hereunder, then such an action by the
556 Interstate Commission shall be invalid and have no force or
557 effect.

558 (b) Rules deemed appropriate for the operations of the
559 Interstate Commission shall be made pursuant to a rulemaking
560 process that substantially conforms to the "Model State
561 Administrative Procedure Act" of 2010, and subsequent amendments
562 thereto.

563 (c) Not later than thirty (30) days after a rule is
564 promulgated, any person may file a petition for judicial review of



565 the rule in the United States District Court for the District of
566 Columbia or the federal district where the Interstate Commission
567 has its principal offices, provided that the filing of such a
568 petition shall not stay or otherwise prevent the rule from
569 becoming effective unless the court finds that the petitioner has
570 a substantial likelihood of success. The court shall give
571 deference to the actions of the Interstate Commission consistent
572 with applicable law and shall not find the rule to be unlawful if
573 the rule represents a reasonable exercise of the authority granted
574 to the Interstate Commission.

575 **SECTION 16**

576 **Oversight of Interstate Compact**

577 (a) The executive, legislative, and judicial branches of
578 state government in each member state shall enforce the Compact
579 and shall take all actions necessary and appropriate to effectuate
580 the Compact's purposes and intent. The provisions of the Compact
581 and the rules promulgated hereunder shall have standing as
582 statutory law but shall not override existing state authority to
583 regulate the practice of medicine.

584 (b) All courts shall take judicial notice of the Compact and
585 the rules in any judicial or administrative proceeding in a member
586 state pertaining to the subject matter of the Compact which may
587 affect the powers, responsibilities or actions of the Interstate
588 Commission.



589 (c) The Interstate Commission shall be entitled to receive
590 all service of process in any such proceeding, and shall have
591 standing to intervene in the proceeding for all purposes. Failure
592 to provide service of process to the Interstate Commission shall
593 render a judgment or order void as to the Interstate Commission,
594 the Compact, or promulgated rules.

595 **SECTION 17**

596 **Enforcement of Interstate Compact**

597 (a) The Interstate Commission, in the reasonable exercise of
598 its discretion, shall enforce the provisions and rules of the
599 Compact.

600 (b) The Interstate Commission may, by majority vote of the
601 Commissioners, initiate legal action in the United States District
602 Court for the District of Columbia, or, at the discretion of the
603 Interstate Commission, in the federal district where the
604 Interstate Commission has its principal offices, to enforce
605 compliance with the provisions of the Compact, and its promulgated
606 rules and bylaws, against a member state in default. The relief
607 sought may include both injunctive relief and damages. In the
608 event judicial enforcement is necessary, the prevailing party
609 shall be awarded all costs of such litigation including reasonable
610 attorney's fees.

611 (c) The remedies herein shall not be the exclusive remedies
612 of the Interstate Commission. The Interstate Commission may avail



613 itself of any other remedies available under state law or the
614 regulation of a profession.

615 **SECTION 18**

616 **Default Procedures**

617 (a) The grounds for default include, but are not limited to,
618 failure of a member state to perform such obligations or
619 responsibilities imposed upon it by the Compact, or the rules and
620 bylaws of the Interstate Commission promulgated under the Compact.

621 (b) If the Interstate Commission determines that a member
622 state has defaulted in the performance of its obligations or
623 responsibilities under the Compact, or the bylaws or promulgated
624 rules, the Interstate Commission shall:

625 (1) Provide written notice to the defaulting state and
626 other member states, of the nature of the default, the means of
627 curing the default, and any action taken by the Interstate
628 Commission. The Interstate Commission shall specify the
629 conditions by which the defaulting state must cure its default;
630 and

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

633 (c) If the defaulting state fails to cure the default, the
634 defaulting state shall be terminated from the Compact upon an
635 affirmative vote of a majority of the Commissioners and all
636 rights, privileges, and benefits conferred by the Compact shall
637 terminate on the effective date of termination. A cure of the



638 default does not relieve the offending state of obligations or
639 liabilities incurred during the period of the default.

640 (d) Termination of membership in the Compact shall be
641 imposed only after all other means of securing compliance have
642 been exhausted. Notice of intent to terminate shall be given by
643 the Interstate Commission to the Governor, the majority and
644 minority leaders of the defaulting state's legislature, and each
645 of the member states.

646 (e) The Interstate Commission shall establish rules and
647 procedures to address licenses and physicians that are materially
648 impacted by the termination of a member state, or the withdrawal
649 of a member state.

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

655 (g) The Interstate Commission shall not bear any costs
656 relating to any state that has been found to be in default or
657 which has been terminated from the Compact, unless otherwise
658 mutually agreed upon in writing between the Interstate Commission
659 and the defaulting state.

660 (h) The defaulting state may appeal the action of the
661 Interstate Commission by petitioning the United States District
662 Court for the District of Columbia or the federal district where



663 the Interstate Commission has its principal offices. The
664 prevailing party shall be awarded all costs of such litigation
665 including reasonable attorney's fees.

666 **SECTION 19**

667 **Dispute Resolution**

668 (a) The Interstate Commission shall attempt, upon the
669 request of a member state, to resolve disputes which are subject
670 to the Compact and which may arise among member states or member
671 boards.

672 (b) The Interstate Commission shall promulgate rules
673 providing for both mediation and binding dispute resolution as
674 appropriate.

675 **SECTION 20**

676 **Member States, Effective Date and Amendment**

677 (a) Any state is eligible to become a member state of the
678 Compact.

679 (b) The Compact shall become effective and binding upon
680 legislative enactment of the Compact into law by no less than
681 seven (7) states. Thereafter, it shall become effective and
682 binding on a state upon enactment of the Compact into law by that
683 state.

684 (c) The governors of nonmember states, or their designees,
685 shall be invited to participate in the activities of the
686 Interstate Commission on a nonvoting basis prior to adoption of
687 the Compact by all states.



688 (d) The Interstate Commission may propose amendments to the
689 Compact for enactment by the member states. No amendment shall
690 become effective and binding upon the Interstate Commission and
691 the member states unless and until it is enacted into law by
692 unanimous consent of the member states.

693 **SECTION 21**

694 **Withdrawal**

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

699 (b) Withdrawal from the Compact shall be by the enactment of
700 a statute repealing the same, but shall not take effect until one
701 (1) year after the effective date of such statute and until
702 written notice of the withdrawal has been given by the withdrawing
703 state to the Governor of each other member state.

704 (c) The withdrawing state shall immediately notify the
705 chairperson of the Interstate Commission in writing upon the
706 introduction of legislation repealing the Compact in the
707 withdrawing state.

708 (d) The Interstate Commission shall notify the other member
709 states of the withdrawing state's intent to withdraw within sixty
710 (60) days of its receipt of notice provided under subsection (c).

711 (e) The withdrawing state is responsible for all dues,
712 obligations and liabilities incurred through the effective date of



713 withdrawal, including obligations, the performance of which extend
714 beyond the effective date of withdrawal.

715 (f) Reinstatement following withdrawal of a member state
716 shall occur upon the withdrawing state reenacting the Compact or
717 upon such later date as determined by the Interstate Commission.

718 (g) The Interstate Commission is authorized to develop rules
719 to address the impact of the withdrawal of a member state on
720 licenses granted in other member states to physicians who
721 designated the withdrawing member state as the state of principal
722 license.

723 **SECTION 22**

724 **Dissolution**

725 (a) The Compact shall dissolve effective upon the date of
726 the withdrawal or default of the member state which reduces the
727 membership in the Compact to one (1) member state.

728 (b) Upon the dissolution of the Compact, the Compact becomes
729 null and void and shall be of no further force or effect, and the
730 business and affairs of the Interstate Commission shall be
731 concluded and surplus funds shall be distributed in accordance
732 with the bylaws.

733 **SECTION 23**

734 **Severability and Construction**

735 (a) The provisions of the Compact shall be severable, and if
736 any phrase, clause, sentence, or provision is deemed



737 unenforceable, the remaining provisions of the Compact shall be
738 enforceable.

739 (b) The provisions of the Compact shall be liberally
740 construed to effectuate its purposes.

741 (c) Nothing in the Compact shall be construed to prohibit
742 the applicability of other interstate compacts to which the states
743 are members.

744 **SECTION 24**

745 **Binding Effect of Compact and Other Laws**

746 (a) Nothing herein prevents the enforcement of any other law
747 of a member state that is not inconsistent with the Compact.

748 (b) All laws in a member state in conflict with the Compact
749 are superseded to the extent of the conflict.

750 (c) All lawful actions of the Interstate Commission,
751 including all rules and bylaws promulgated by the Commission, are
752 binding upon the member states.

753 (d) All agreements between the Interstate Commission and the
754 member states are binding in accordance with their terms.

755 (e) In the event any provision of the Compact exceeds the
756 constitutional limits imposed on the legislature of any member
757 state, such provision shall be ineffective to the extent of the
758 conflict with the constitutional provision in question in that
759 member state.

760 **SECTION 2.** The following shall be codified as Section
761 73-25-102, Mississippi Code of 1972:



762 73-25-102. The term "member board," as referred to in the
763 Interstate Medical Licensure Compact, shall mean the Mississippi
764 State Board of Medical Licensure established under Section 73-43-1
765 et seq., acting through its executive director.

766 **SECTION 3.** Section 73-43-11, Mississippi Code of 1972, is
767 amended as follows:

768 73-43-11. The State Board of Medical Licensure shall have
769 the following powers and responsibilities:

770 (a) Setting policies and professional standards
771 regarding the medical practice of physicians, osteopaths,
772 podiatrists and physician assistants practicing with physician
773 supervision;

774 (b) Considering applications for licensure;

775 (c) Conducting examinations for licensure;

776 (d) Investigating alleged violations of the medical
777 practice act;

778 (e) Conducting hearings on disciplinary matters
779 involving violations of state and federal law, probation,
780 suspension and revocation of licenses;

781 (f) Considering petitions for termination of
782 probationary and suspension periods, and restoration of revoked
783 licenses;

784 (g) To promulgate and publish reasonable rules and
785 regulations necessary to enable it to discharge its functions and
786 to enforce the provisions of law regulating the practice of



787 medicine; however, the board shall not adopt any rule or
788 regulation or impose any requirement regarding the licensing of
789 physicians or osteopaths that conflicts with the prohibitions in
790 Section 73-49-3;

791 (h) To enter into contracts with any other state or
792 federal agency, or with any private person, organization or group
793 capable of contracting, if it finds such action to be in the
794 public interest and in the furtherance of its
795 responsibilities; * * *

796 (i) Perform the duties prescribed by Sections 73-26-1
797 through 73-26-5 * * *; and

798 (j) Perform the duties prescribed by the Interstate
799 Medical Licensure Compact, Section 73-25-101.

800 **SECTION 4.** This act shall take effect and be in force from
801 and after its passage.

