

HOUSE No. 2256

The Commonwealth of Massachusetts

PRESENTED BY:

Smitty Pignatelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing Massachusetts entry into the Interstate Medical Licensure Compact.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/18/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/18/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/19/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/20/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/20/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/26/2023</i>

HOUSE No. 2256

By Representative Pignatelli of Lenox, a petition (accompanied by bill, House, No. [BILL NUMBER]) of Smitty Pignatelli and others relative to membership in the Interstate Medical Licensure Compact. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing Massachusetts entry into the Interstate Medical Licensure Compact.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: The General Laws are hereby amended by inserting after chapter 112A the
2 following chapter:-

3 Chapter 112B

4 INTERSTATE MEDICAL LICENSURE COMPACT

5 Section 1. In order to strengthen access to healthcare, and in recognition of the advances
6 in the delivery of healthcare, the member state of the Interstate Medical Licensure Compact have
7 allied in common purpose to develop a comprehensive process that complements the existing
8 licensing and regulatory authority of state medical boards, provides a streamlined process that
9 allows physicians to become licensed in multiple states, thereby enhancing the portability of a
10 medical license and ensuring the safety of patients. The compact creates another pathway for
11 licensure and does not otherwise change a state’s existing Medical Practice Act. The compact
12 also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs

13 where the patient is located at the time of the physician-patient encounter, and therefore, requires
14 the physician to be under the jurisdiction of the state medical board where the patient is located.
15 State medical boards that participate in the compact retain the jurisdiction to impose an adverse
16 action against a license to practice medicine in that state issued to a physician through the
17 procedures in the compact.

18

19 Section 2. As used in this chapter, the following words shall have the following meaning:

20 “Bylaws,” those bylaws established by the Interstate Commission pursuant to section 11.

21 “Commissioner,” the voting representative appointed by each member board pursuant to
22 section 11.

23 “Conviction,” a finding by a court that an individual is guilty of a criminal offense
24 through adjudication, or entry of a plea of guilt or no contest to the charge by the offender.
25 Evidence of an entry of a conviction of a criminal offense by the court shall be considered final
26 for purposes of disciplinary action by a member board.

27 “Expedited License,” a full and unrestricted medical license granted by a member state to
28 an eligible physician through the process set forth in the compact.

29 “Interstate Commission,” the interstate commission created pursuant to section 11.

30 “License,” authorization by a member state for a physician to engage in the practice of
31 medicine, which would be unlawful without authorization.

32 “Medical Practice Act,” laws and regulations governing the practice of allopathic and
33 osteopathic medicine within a member state.

34 “Member Board,” a state agency in a member state that acts in the sovereign interests of
35 the state by protecting the public through licensure, regulation, and education of physicians as
36 directed by the state government.

37 “Member State,” a state that has enacted the compact.

38 “Practice of Medicine,” that clinical prevention, diagnosis, or treatment of human
39 disease, injury, or condition requiring a physician to obtain and maintain a license in compliance
40 with the Medical Practice Act of a member state.

41 “Physician,” any person who (i) is a graduate of a medical school accredited by the
42 Liaison Committee on Medical Education, the Commission on Osteopathic College
43 Accreditation, or a medical school listed in the International Medical Education Directory or its
44 equivalent; (ii) passed each component of the United State Medical Licensing Examination
45 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)
46 within three attempts, or any of its predecessor examinations accepted by a state medical board
47 as an equivalent examination for licensure purposes; (iii) successfully completed graduate
48 medical education approved by the Accreditation Council for Graduate Medical Education or the
49 American Osteopathic Association; (iv) holds specialty certification or a time-unlimited specialty
50 certificate recognized by the American Board of Medical Specialties or the American
51 Osteopathic Association’s Bureau of Osteopathic Specialists; (v) possesses a full and
52 unrestricted license to engage in the practice of medicine issued by a member board; (vi) has
53 never been convicted, received adjudication, deferred adjudication, community supervision, or

54 deferred disposition for any offense by a court of appropriate jurisdiction; (vii) has never held a
55 license authorizing the practice of medicine subjected to discipline by a licensing agency in any
56 state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related
57 to a license; (viii) has never had a controlled substance license or permit suspended or revoked
58 by a state or the United States Drug Enforcement Administration; and (ix) is not under active
59 investigation by a licensing agency or law enforcement authority in any state, federal, or foreign
60 jurisdiction.

61 “Offense,” a felony, gross misdemeanor, or crime of moral turpitude.

62 “Rule,” a written statement by the Interstate Commission promulgated pursuant to section
63 12 of the compact that is of general applicability, implements, interprets, or prescribes a policy or
64 provision of the compact, or an organizational, procedural, or practice requirement of the
65 Interstate Commission, and has the force and effect of statutory law in a member state, and
66 includes the amendment, repeal, or suspension of an existing rule.

67 “State,” any state, commonwealth, district, or territory of the United States.

68 “State of Principal License,” a member state where a physician holds a license to practice
69 medicine, and which has been designated as such by the physician for purposes of registration
70 and participation in the compact.

71 Section 3. (a) A physician must meet the eligibility requirements as defined in subsection
72 (k) of section 2 to receive an expedited license under the terms and provisions of the compact.

73 (b) A physician who does not meet the requirements of subsection (k) of section 2 may
74 obtain a license to practice medicine in a member state if the individual complies with all laws

75 and requirements, other than the compact, relating to the issuance of a license to practice
76 medicine in that state.

77 Section 4. (a) A physician shall designate a member state as the state of principal license
78 for purposes of registration for expedited licensure through the compact if the physician
79 possesses a full and unrestricted license to practice medicine in that state, and the state is:

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

81 (2) The state where at least 25 percent of the practice of medicine occurs, or

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

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

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

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

89 Section 5. (a) A physician seeking licensure through the compact shall file an application
90 for an expedited license with the member board of the state selected by the physician as the state
91 of principal license.

92 (b) Upon receipt of an application for an expedited license, the member board within the
93 state selected as the state of principal license shall evaluate whether the physician is eligible for

94 expedited licensure and issue a letter of qualification, verifying or denying the physician's
95 eligibility, to the Interstate Commission.

96 (1) Static qualifications, which include verification of medical education, graduate
97 medical education, results of any medical or licensing examination, and other qualifications as
98 determined by the Interstate Commission through rule, shall not be subject to additional primary
99 source verification where already primary source verified by the state of principal license.

100 (2) The member board within the state selected as the state of principal license shall,
101 while verifying eligibility, perform a criminal background check of an applicant, including the
102 use of the results of fingerprint or other biometric data checks compliant with the requirements
103 of the Federal Bureau of Investigation, except for federal employees who have suitability
104 determination in accordance with 5 C.F.R. §731.202.

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

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

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

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

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

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

123 Section 6. (a) A member state issuing an expedited license authorizing the practice of
124 medicine in that state may impose a fee for a license issued or renewed through the compact.

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

127 Section 7. (a) A physician seeking to renew an expedited license granted in a member
128 state shall complete a renewal process with the Interstate Commission if the physician:

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

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

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

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

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

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

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

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

145 (f) The Interstate Commission is authorized to develop rules to address the renewal of
146 licenses obtained through the compact.

147 Section 8. (a) The Interstate Commission shall establish a database of all physicians
148 licensed, or who have applied for licensure, under Section 5.

149 (b) Notwithstanding any other provision of law, member boards shall report to the
150 Interstate Commission any public action or complaints against a licensed physician who has
151 applied or received an expedited license through the compact.

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

154 (d) Member boards may report any non-public complaint, disciplinary, or investigatory
155 information not required by subsection (c) to the Interstate Commission.

156 (e) Member boards shall share complaints or disciplinary information about a physician
157 upon request of another member board.

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

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

163 Section 9. (a) Licensure and disciplinary records of physicians are deemed investigative.

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

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

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

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

173 Section 10. (a) Any disciplinary action taken by any member board against a physician
174 licensed through the compact shall be deemed unprofessional conduct which may be subject to
175 discipline by other member boards, in addition to any violation of the Medical Practice Act or
176 regulations in that state.

177 (b) If a license granted to a physician by the member board in the state of principal
178 license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all
179 licenses issued to the physician by member boards shall automatically be placed, without further
180 action necessary by any member board, on the same status. If the member board in the state of
181 principal license subsequently reinstates the physician's license, a license issued to the physician
182 by any other member board shall remain encumbered until that respective member board takes
183 action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

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

187 (1) Impose the same or lesser sanction(s) against the physician so long as such sanctions
188 are consistent with the Medical Practice Act of that state; or

189 (2) Pursue separate disciplinary action against the physician under its respective Medical
190 Practice Act, regardless of the action taken in other member states.

191 (d) If a license granted to a physician by a member board is revoked, surrendered or
192 relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any
193 other member board or boards shall be suspended, automatically and immediately without
194 further action necessary by the other member boards, for 90 days upon entry of the order by the

195 disciplining board, to permit the member boards to investigate the basis for the action under the
196 Medical Practice Act of that state. A member board may terminate the automatic suspension of
197 the license it issued prior to the completion of the 90 day suspension period in a manner
198 consistent with the Medical Practice Act of that state.

199 Section 11. (a) The member states hereby create the “Interstate Medical Licensure
200 Compact Commission”.

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

203 (c) The Interstate Commission shall be a body corporate and joint agency of the member
204 states and shall have all the responsibilities, powers, and duties set forth in the compact, and such
205 additional powers as may be conferred upon it by subsequent concurrent action of the respective
206 legislatures of the member states in accordance with the terms of the compact.

207 (d) The Interstate Commission shall consist of two voting representatives appointed by
208 each member state who shall serve as commissioners. In states where allopathic and osteopathic
209 physicians are regulated by separate member boards, or if the licensing and disciplinary authority
210 is split between separate member boards, or if the licensing and disciplinary authority is split
211 between multiple member boards within a member state, the member state shall appoint one
212 representative from each member board. A commissioner shall be a:

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

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

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

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

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

222 (g) Each commissioner participating at a meeting of the Interstate Commission is entitled
223 to one vote. A majority of commissioners shall constitute a quorum for the transaction of
224 business unless a larger quorum is required by the bylaws of the Interstate Commission. A
225 Commission shall not delegate a vote to another commissioner. In the absence of its
226 commissioner, a member state may delegate voting authority for a specified meeting to another
227 person from that state who shall meet the requirements of subsection (d).

228 (h) The Interstate Commission shall provide public notice of all meetings and all
229 meetings shall be open to the public. The Interstate Commission may close a meeting, in full or
230 in portion, where it determines by a two-thirds vote of the commissioners present that an open
231 meeting would be likely to:

232 (1) Relate solely to the internal personnel practice and procedures of the Interstate
233 Commission;

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

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

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

238 (5) Discuss information of a personal nature where disclosure would constitute a clearly
239 unwarranted invasion of personal privacy;

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

241 (7) Specifically relate to the participation in a civil action or other legal proceedings.

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

245 (j) The Interstate Commission shall make its information and official records, to the
246 extent not otherwise designated in the compact or by its rules, available to the public for
247 inspection.

248 (k) The Interstate Commission shall establish an executive committee, which shall
249 include officers, members, and others as determined by the bylaws. The executive committee
250 shall have the power to act on behalf of the Interstate Commission, with the exception of
251 rulemaking, during periods when the Interstate Commission is not in session. When acting on
252 behalf of the Interstate Commission, the executive committee shall oversee the administration of
253 the compact including enforcement and compliance with the provisions of the compact, its
254 bylaws and rules, and other such duties as necessary.

255 (l) The Interstate Commission shall establish other committees for the governance and
256 administration of the compact.

257 Section 12. The Interstate Commission shall have the following powers and duties:

- 258 (i) Oversee and maintain the administration of the compact;
- 259 (ii) Promulgate rules which shall be binding to the extent and in the manner provided for
260 in the compact;
- 261 (iii) Issue, upon the request of a member state or member board, advisory opinions
262 concerning the meaning or interpretation of the compact, its bylaws, rules, and actions;
- 263 (iv) Enforce compliance with compact provisions, the rules promulgated by the Interstate
264 Commission, and the bylaws, using all necessary and proper means, including but not limited to
265 the use of judicial process;
- 266 (v) Establish and appoint committees including, but not limited to, an executive
267 committee as required by section 11, which shall have the power to act on behalf of the Interstate
268 Commission in carrying out its powers and duties;
- 269 (vi) Pay, or provide for the payment of the expenses related to the establishment,
270 organization, and ongoing activities of the Interstate Commission;
- 271 (vii) Establish and maintain one or more offices;
- 272 (viii) Borrow, accept, hire, or contract for services of personnel;
- 273 (ix) Purchase and maintain insurance and bonds;
- 274 (x) Employ an executive director who shall have such powers to employ, select or
275 appoint employees, agents, or consultants, and to determine their qualifications, define their
276 duties, and fix their compensation;

- 277 (xi) Establish personnel policies and programs relating to conflicts of interest, rates of
278 compensation, and qualifications of personnel;
- 279 (xii) Accept donations and grants of money, equipment, supplies, materials, and services
280 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest
281 policies established by the Interstate Commission;
- 282 (xiii) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
283 improve or use, any property, real, personal, or mixed;
- 284 (xiv) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
285 any property, real, personal, or mixed;
- 286 (xv) Establish a budget and make expenditures;
- 287 (xvi) Adopt a seal and bylaws governing the management and operation of the Interstate
288 Commission;
- 289 (xvii) Report annually to the legislatures and governors of the member states concerning
290 the activities of the Interstate Commission during the preceding year. Such reports shall also
291 include reports of financial audits and any recommendations that may have been adopted by the
292 Interstate Commission;
- 293 (xviii) Coordinate education, training, and public awareness regarding the compact, its
294 implementation, and its operation;
- 295 (xix) Maintain records in accordance with the bylaws;
- 296 (xx) Seek and obtain trademarks, copyrights, and patents; and

297 (xxi) Perform such functions as may be necessary or appropriate to achieve the purpose
298 of the compact.

299 Section 13. (a) The Interstate Commission may levy on and collect an annual assessment
300 from each member state to cover the cost of the operations and activities of the Interstate
301 Commission and its staff. The total assessment must be sufficient to cover the annual budget
302 approved each year for which revenue is not provided by other sources. The aggregate annual
303 assessment amount shall be allocated upon a formula to be determined by the Interstate
304 Commission, which shall promulgate a rule binding upon all member states.

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

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

309 (d) The Interstate Commission shall be subject to a yearly financial audit conducted by a
310 certified or licensed accountant and the report of the audit shall be included in the annual report
311 of the Interstate Commission.

312 Section 14. (a) The Interstate Commission shall, by a majority of Commissioners present
313 and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out
314 the purposes of the compact within 12 months of the first Interstate Commission meeting.

315 (b) The Interstate Commission shall elect or appoint annually from among its
316 Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such
317 authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's

318 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate
319 Commission.

320 (c) Officers selected in subsection (b) shall serve without remuneration for the Interstate
321 Commission.

322 (d) The officers and employees of the Interstate Commission shall be immune from suit
323 and liability, either personally or in their official capacity, for a claim for damage to or loss of
324 property or personal injury or other civil liability caused or arising out of, or relating to, an actual
325 or alleged act, error, or omission that occurred, or that such person had a reasonable basis for
326 believing occurred, within the scope of Interstate Commission employment, duties, or
327 responsibilities; provided that such person shall not be protected from suit or liability for
328 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of
329 such person.

330 (e) The liability of the executive director and employees of the Interstate Commission or
331 representatives of the Interstate Commission, acting within the scope of such person's
332 employment or duties for acts, errors, or omissions occurring within such person's state, may not
333 exceed the limits of liability set forth under the constitution and laws of that state for state
334 officials, employees, and agents. The Interstate Commission is considered to be an
335 instrumentality of the states for the purpose of any such action. Nothing in this subsection shall
336 be construed to protect such person from suit or liability for damage, loss, injury, or liability
337 caused by the intentional or willful and wanton misconduct of such person.

338 (f) The Interstate Commission shall defend the executive director, its employees, and
339 subject to the approval of the attorney general or other appropriate legal counsel of the member

340 state represented by an Interstate Commission representative, shall defend such Interstate
341 Commission representative in any civil action seeking to impose liability arising out of an actual
342 or alleged act, error or omission that occurred within the scope of Interstate Commission
343 employment, duties or responsibilities, or that the defendant had a reasonable basis for believing
344 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
345 provided that the actual or alleged act, error, or omission did not result from intentional or willful
346 and wanton misconduct on the part of such person.

347 (g) To the extent not covered by the state involved, member state, or the Interstate
348 Commission, the representatives or employees of the Interstate Commission shall be held
349 harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained
350 against such persons arising out of an actual or alleged act, error, or omission that occurred
351 within the scope of the Interstate Commission employment, duties, or responsibilities, or that
352 such persons had a reasonable basis for believing occurred within the scope of Interstate
353 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
354 error, or omission did not result from intentional or willful and wanton misconduct on the part of
355 such person.

356 Section 15. (a) The Interstate Commission shall promulgate reasonable rules in order to
357 effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in
358 the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond
359 the scope of the purposes of the compact, or the powers granted hereunder, then such an action
360 by the Interstate Commission shall be invalid and have no force or effect.

361 (b) Rules deemed appropriate for the operations of the Interstate Commission shall be
362 made pursuant to a rulemaking process that substantially conforms to the “Model State
363 Administrative Procedure Act” of 2010 and subsequent amendments thereto.

364 (c) Not later than 30 days after a rule is promulgated, any person may file a petition for
365 judicial review of the rule in the United States District Court for the District of Columbia or the
366 federal district where the Interstate Commission has its principal offices, provided that the filing
367 of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the
368 court finds that the petitioner has a substantial likelihood of success. The court shall give
369 deference to the actions of the Interstate Commission consistent with applicable law and shall not
370 find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to
371 the Interstate Commission.

372 Section 16. (a) The executive, legislative, and judicial branches of state government in
373 each member state shall enforce the compact and shall take all actions necessary and appropriate
374 to effectuate the compact’s purposes and intent. The provisions of the compact and the rules
375 promulgated hereunder shall have standing as statutory law but shall not override existing state
376 authority to regulate the practice of medicine.

377 (b) All courts shall take judicial notice of the compact and the rules in any judicial or
378 administrative proceeding in a member state pertaining to the subject matter of the compact
379 which may affect the powers, responsibilities or actions of the Interstate Commission.

380 (c) The Interstate Commission shall be entitled to receive all services of process in any
381 such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure

382 to provide service of process to the Interstate Commission shall render a judgment or order void
383 as to the Interstate Commission, the compact, or promulgated rules.

384 Section 17. (a) The Interstate Commission, in the reasonable exercise of its discretion,
385 shall enforce the provisions and rules of the compact.

386 (b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal
387 action in the United States Court for the District of Columbia, or, at the discretion of the
388 Interstate Commission, in the federal district where the Interstate Commission has its principal
389 offices, to enforce compliance with the provisions of the compact, and its promulgated rules and
390 bylaws, against a member state in default. The relief sought may including both injunctive relief
391 and damages. In the event judicial enforcement is necessary, the prevailing party shall be
392 awarded all costs of such litigation including reasonable attorney's fees.

393 (c) The remedies herein shall not be the exclusive remedies of the Interstate Commission.
394 The Interstate Commission may avail itself of any other remedies available under state law or
395 regulation of a profession.

396 Section 18. (a) The grounds for default include, but are not limited to, failure of a
397 member state to perform such obligations or responsibilities imposed upon it by the compact, or
398 the rules and bylaws of the Interstate Commission promulgated under the compact.

399 (b) If the Interstate Commission determines that a member state has defaulted in the
400 performance of its obligations or responsibilities under the compact, or the bylaws or
401 promulgated rules, the Interstate Commission shall:

402 (1) Provide written notice to the defaulting state and other member states, of the nature of
403 the default, the means of curing the default, and any action taken by the Interstate Commission.
404 The Interstate Commission shall specify the conditions by which the defaulting state must cure
405 its default; and

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

407 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated
408 from the compact upon an affirmative vote of a majority of the Commissioners and all rights,
409 privileges, and benefits conferred by the compact shall terminate on the effective date of
410 termination. A cure of the default does not relieve the offending state of obligations or liabilities
411 incurred during the period of the default.

412 (d) Termination of membership in the compact shall be imposed only after all other
413 means of securing compliance have been exhausted. Notice of intent to terminate shall be given
414 by the Interstate Commission to the governor, the majority and minority leaders of the defaulting
415 state's legislature, and each of the member states.

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

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

422 (g) The Interstate Commission shall not bear any costs relating to any state that has been
423 found to be in default or which has been terminated from the compact, unless otherwise mutually
424 agreed upon in writing between the Interstate Commission and the defaulting state.

425 (h) The defaulting state may appeal the action of the Interstate Commission by
426 petitioning the United States District Court for the District of Columbia or the federal district
427 where the Interstate Commission has its principal offices. The prevailing party shall be awarded
428 all costs of such litigation including reasonable attorney's fees.

429 Section 19. (a) The Interstate Commission shall attempt, upon the request of a member
430 state, to resolve disputes which are subject to the compact and which may arise among member
431 states or member boards.

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

434 Section 20. (a) Any state is eligible to become a member of the compact.

435 (b) The compact shall become effective and binding upon legislative enactment of the
436 compact into law by no less than 7 states. Thereafter, it shall become effective and binding on a
437 state upon enactment of the compact into law by that state.

438 (c) The governors of non-member states, or their designees, shall be invited to participate
439 in the activities of the Interstate Commission on a non-voting basis prior to the adoption of the
440 compact by all states.

441 (d) The Interstate Commission may propose amendments to the compact for enactment
442 by the member states. No amendment shall become effective and binding upon the Interstate

443 Commission and the member states unless and until it is enacted into law by unanimous consent
444 of the member states.

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

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

452 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
453 Commission in writing upon the introduction of legislation repealing the compact in the
454 withdrawing state.

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

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

460 (f) Reinstatement following withdrawal of a member state shall occur upon the
461 withdrawing date reenacting the compact or upon such later date as determined by the Interstate
462 Commission.

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

466 Section 22. (a) The compact shall dissolve effective upon the date of the withdrawal or
467 default of the member state which reduces the membership of the compact to 1 member state.

468 (b) Upon the dissolution of the compact, the compact becomes null and void and shall be
469 of no further force or effect, and the business and affairs of the Interstate Commission shall be
470 concluded, and surplus funds shall be distributed in accordance with the bylaws.

471 Section 23. (a) The provisions of the compact shall be severable, and if any phrase,
472 clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact
473 shall be enforceable.

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

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

477 Section 24. (a) Nothing herein prevents the enforcement of any other law of a member
478 state that is not inconsistent with the compact.

479) All laws in a member state in conflict with the compact are superseded to the extent of
480 the conflict.

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

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

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

488 Section 25. (a) The executive director of the board of registration in medicine, or the
489 board executive director's designee, shall be the administrator of the compact for the
490 commonwealth.

491 (b) The board of registration in medicine shall adopt regulations in the same manner as
492 all other with states legally joining in the compact and may adopt additional regulations as
493 necessary to implement the provisions of this chapter.

494 (c) The board of registration in medicine may take disciplinary action against the practice
495 privilege of a physician practicing in the commonwealth under a license issued by participating
496 state. The board's disciplinary action may be based on disciplinary action against the physician's
497 license taken by the physician's home state.

498 (d) In reporting information to the coordinated licensure information system under
499 section 8 of this chapter related to the compact, the board of registration in medicine may
500 disclose personally identifiable information about the physician, including social security
501 number.

502 (e) Nothing in this chapter, nor the entrance of the commonwealth into the Interstate
503 Medical Licensure compact shall be construed to supersede existing labor laws.

504 (f) The commonwealth, its officers and employees, and the board of registration in
505 medicine and its agents who act in accordance with the provisions of this chapter shall not be
506 liable on account of any act or omission in good faith while engaged in the performance of their
507 duties under this chapter. Good faith shall not include willful misconduct, gross negligence, or
508 recklessness.

509 Section 26. As part of the licensure and background check process for a multistate license
510 and to determine the suitability of an applicant for multistate licensure, the board of registration
511 in medicine, prior to issuing any multistate license, shall conduct a fingerprint-based check of the
512 state and national criminal history databases, as authorized by 28 CFR 20.33 and Public Law 92-
513 544.

514 Fingerprints shall be submitted to the identification section of the department of state
515 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for
516 a national criminal history check, according to the policies and procedures established by the
517 state identification section and by the department of criminal justice information services.
518 Fingerprint submissions may be retained by the Federal Bureau of Investigation, the state
519 identification section and the department of criminal justice information services for requests
520 submitted by the board of registration in medicine as authorized under this section to ensure the
521 continued suitability of these individuals for licensure. The department of criminal justice
522 information services may disseminate the results of the state and national criminal background
523 checks to the executive director of the board of registration in medicine and authorized staff of
524 the board.

525 All applicants shall pay a fee to be established by the secretary of administration and
526 finance, in consultation with the secretary of public safety, to offset the costs of operating and
527 administering a fingerprint-based criminal background check system. The secretary of
528 administration and finance, in consultation with the secretary of public safety, may increase the
529 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check
530 service fee. Any fees collected from fingerprinting activity under this chapter shall be deposited
531 into the Fingerprint-Based Background Check Trust Fund, established in section 2HHHH of
532 chapter 29.

533 The board of registration in medicine may receive all criminal offender record
534 information and the results of checks of state and national criminal history databases under said
535 Public Law 92-544. When the board of registration in medicine obtains the results of checks of
536 state and national criminal history databases, it shall treat the information according to sections
537 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender
538 record information.

539 Notwithstanding subsections 9 and 9 1/2 of section 4 of chapter 151B, if the board of
540 registration in medicine receives criminal record information from the state or national
541 fingerprint-based criminal background checks that include no disposition or is otherwise
542 incomplete, the agency head may request that an applicant for licensure provide additional
543 information regarding the results of the criminal background checks to assist the agency head in
544 determining the applicant's suitability for licensure.