

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 258**

Introduced by Nordquist, 7; Campbell, 25; Gloor, 35.

Read first time January 14, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to health care; to amend sections 38-2028 and
- 2 38-2034, Reissue Revised Statutes of Nebraska; to adopt the
- 3 Interstate Medical Licensure Compact; to harmonize provisions; and
- 4 to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 25 of this act shall be known and may be  
2 cited as the Interstate Medical Licensure Compact.

3           Sec. 2. The purposes of the Interstate Medical Licensure Compact  
4 are, through means of joint and cooperative action among the member  
5 states of the compact: (1) To develop a comprehensive process that  
6 complements the existing licensing and regulatory authority of state  
7 medical boards and that provides a streamlined process that allows  
8 physicians to become licensed in multiple states, thereby enhancing the  
9 portability of a medical license and ensuring the safety of patients, (2)  
10 to create another pathway for licensure that does not otherwise change a  
11 state's existing medicine and surgery practice act, (3) to adopt the  
12 prevailing standard for licensure, affirm that the practice of medicine  
13 occurs where the patient is located at the time of the physician-patient  
14 encounter, and require the physician to be under the jurisdiction of the  
15 state medical board where the patient is located, (4) to ensure that  
16 state medical boards that participate in the compact retain the  
17 jurisdiction to impose an adverse action against a license to practice  
18 medicine in that state issued to a physician through the procedures in  
19 the compact, and (5) to create the Interstate Medical Licensure Compact  
20 Commission.

21           Sec. 3. For purposes of the Interstate Medical Licensure Compact:

22           (a) Bylaws means those bylaws established by the interstate  
23 commission pursuant to section 12 of this act for its governance or for  
24 directing and controlling its actions and conduct;

25           (b) Commissioner means the voting representative appointed by each  
26 member board pursuant to section 12 of this act;

27           (c) Conviction means a finding by a court that an individual is  
28 guilty of a criminal offense through adjudication or entry of a plea of  
29 guilt or no contest to the charge by the offender. Evidence of an entry  
30 of a conviction of a criminal offense by the court shall be considered  
31 final for purposes of disciplinary action by a member board;

1       (d) Expedited license means a full and unrestricted medical license  
2 granted by a member state to an eligible physician through the process  
3 set forth in the compact;

4       (e) Interstate commission means the interstate commission created  
5 pursuant to section 12 of this act;

6       (f) License means authorization by a state for a physician to engage  
7 in the practice of medicine, which would be unlawful without the  
8 authorization;

9       (g) Medicine and surgery practice act means laws and regulations  
10 governing the practice of medicine within a member state;

11       (h) Member board means a state agency in a member state that acts in  
12 the sovereign interests of the state by protecting the public through  
13 licensure, regulation, and education of physicians as directed by the  
14 state government;

15       (i) Member state means a state that has enacted the compact;

16       (j) Practice of medicine means the clinical prevention, diagnosis,  
17 or treatment of human disease, injury, or condition requiring a physician  
18 to obtain and maintain a license in compliance with the medicine and  
19 surgery practice act of a member state;

20       (k) Physician means any person who:

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

25       (2) Passed each component of the United States Medical Licensing  
26 Examination or the Comprehensive Osteopathic Medical Licensing  
27 Examination 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 approved by  
31 the Accreditation Council for Graduate Medical Education or the American

1 Osteopathic Association;

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

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

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

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

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

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

19 (1) Offense means a felony, gross misdemeanor, or crime of moral  
20 turpitude;

21 (m) Rule means a written statement by the interstate commission  
22 promulgated pursuant to section 13 of this act that is of general  
23 applicability, implements, interprets, or prescribes a policy or  
24 provision of the compact, or an organizational, procedural, or practice  
25 requirement of the interstate commission, and has the force and effect of  
26 statutory law in a member state, and includes the amendment, repeal, or  
27 suspension of an existing rule;

28 (n) State means any state, commonwealth, district, or territory of  
29 the United States; and

30 (o) State of principal license means a member state where a  
31 physician holds a license to practice medicine and which has been

1 designated as such by the physician for purposes of registration and  
2 participation in the compact.

3       Sec. 4. (a) A physician must meet the eligibility requirements as  
4 defined in subdivision (k) of section 3 of this act to receive an  
5 expedited license under the terms and provisions of the Interstate  
6 Medical Licensure Compact.

7       (b) A physician who does not meet the requirements of subdivision  
8 (k) of section 3 of this act may obtain a license to practice medicine in  
9 a member state if the individual complies with all laws and requirements,  
10 other than the compact, relating to the issuance of a license to practice  
11 medicine in that state.

12       Sec. 5. (a) A physician shall designate a member state as the state  
13 of principal license for purposes of registration for expedited licensure  
14 through the Interstate Medical Licensure Compact if the physician  
15 possesses a full and unrestricted license to practice medicine in that  
16 state, and the state is:

17       (1) The state of primary residence for the physician;

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

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

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

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

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

30       Sec. 6. (a) A physician seeking licensure through the Interstate  
31 Medical Licensure Compact shall file an application for an expedited

1 license with the member board of the state selected by the physician as  
2 the state of principal license.

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

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

14 (ii) The member board within the state selected as the state of  
15 principal license shall, in the course of verifying eligibility, perform  
16 a criminal background check of an applicant, including the use of the  
17 results of fingerprint or other biometric data checks compliant with the  
18 requirements of the Federal Bureau of Investigation, with the exception  
19 of federal employees who have suitability determination in accordance  
20 with 5 C.F.R. 731.202.

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

24 (c) Upon verification in subsection (b) of this section, physicians  
25 eligible for an expedited license shall complete the registration process  
26 established by the interstate commission to receive a license in a member  
27 state selected pursuant to subsection (a) of this section, including the  
28 payment of any applicable fees.

29 (d) After receiving verification of eligibility under subsection (b)  
30 of this section and any fees under subsection (c) of this section, a  
31 member board shall issue an expedited license to the physician. This

1 license shall authorize the physician to practice medicine in the issuing  
2 state consistent with the medicine and surgery practice act and all  
3 applicable laws and regulations of the issuing member board and member  
4 state.

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

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

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

16 Sec. 7. (a) A member state issuing an expedited license authorizing  
17 the practice of medicine in that state may impose a fee for a license  
18 issued or renewed through the Interstate Medical Licensure Compact.

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

21 Sec. 8. (a) A physician seeking to renew an expedited license  
22 granted in a member state shall complete a renewal process with the  
23 interstate 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 any  
28 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 nonpayment of fees

1 related to a license; and

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

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

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

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

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

15 (f) The interstate commission is authorized to develop rules to  
16 address renewal of licenses obtained through the Interstate Medical  
17 Licensure Compact.

18 Sec. 9. (a) The interstate commission shall establish a database of  
19 all physicians licensed, or who have applied for licensure, under section  
20 6 of this act.

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

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

28 (d) Member boards may report any non-public complaint, disciplinary,  
29 or investigatory information not required by subsection (c) of this  
30 section to the interstate commission.

31 (e) Member boards shall share complaint or disciplinary information



1 about a physician upon request of another member board.

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

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

7 Sec. 10. (a) Licensure and disciplinary records of physicians are  
8 deemed investigative.

9 (b) In addition to the authority granted to a member board by its  
10 respective medicine and surgery practice act or other applicable state  
11 law, a member board may participate with other member boards in joint  
12 investigations of physicians licensed by the member boards.

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

15 (d) Member boards may share any investigative, litigation, or  
16 compliance materials in furtherance of any joint or individual  
17 investigation initiated under the Interstate Medical Licensure Compact.

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

21 Sec. 11. (a) Any disciplinary action taken by any member board  
22 against a physician licensed through the Interstate Medical Licensure  
23 Compact shall be deemed unprofessional conduct which may be subject to  
24 discipline by other member boards, in addition to any violation of the  
25 medicine and surgery practice act or regulations in that state.

26 (b) If a license granted to a physician by the member board in the  
27 state of principal license is revoked, surrendered or relinquished in  
28 lieu of discipline, or suspended, then all licenses issued to the  
29 physician by member boards shall automatically be placed, without further  
30 action necessary by any member board, on the same status. If the member  
31 board in the state of principal license subsequently reinstates the

1 physician's license, a license issued to the physician by any other  
2 member board shall remain encumbered until that respective member board  
3 takes action to reinstate the license in a manner consistent with the  
4 medicine and surgery practice act of that state.

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

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

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

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

25 Sec. 12. (a) The member states hereby create the Interstate Medical  
26 Licensure Compact Commission.

27 (b) The purpose of the interstate commission is the administration  
28 of the Interstate Medical Licensure Compact, which is a discretionary  
29 state function.

30 (c) The interstate commission shall be a body corporate and joint  
31 agency of the member states and shall have all the responsibilities,

1 powers, and duties set forth in the compact, and such additional powers  
2 as may be conferred upon it by a subsequent concurrent action of the  
3 respective legislatures of the member states in accordance with the terms  
4 of the compact.

5 (d) The interstate commission shall consist of two voting  
6 representatives appointed by each member state who shall serve as  
7 commissioners. In states where allopathic and osteopathic physicians are  
8 regulated by separate member boards, or if the licensing and disciplinary  
9 authority is split between multiple member boards within a member state,  
10 the member state shall appoint one representative from each member board.  
11 A commissioner shall be:

12 (1) A physician appointed to a member board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27       (k) The interstate commission shall establish an executive  
28 committee, which shall include officers, members, and others as  
29 determined by the bylaws. The executive committee shall have the power to  
30 act on behalf of the interstate commission, with the exception of  
31 rulemaking, during periods when the interstate commission is not in

1 session. When acting on behalf of the interstate commission, the  
2 executive committee shall oversee the administration of the compact  
3 including enforcement and compliance with the provisions of the compact,  
4 its bylaws and rules, and other such duties as necessary.

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

7 Sec. 13. The interstate commission shall have the duty and power  
8 to:

9 (a) Oversee and maintain the administration of the Interstate  
10 Medical Licensure Compact;

11 (b) Promulgate rules which shall be binding to the extent and in the  
12 manner provided for in the compact;

13 (c) Issue, upon the request of a member state or member board,  
14 advisory opinions concerning the meaning or interpretation of the  
15 compact, its bylaws, rules, and actions;

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

20 (e) Establish and appoint committees including, but not limited to,  
21 an executive committee as required by section 12 of this act, which shall  
22 have the power to act on behalf of the interstate commission in carrying  
23 out its powers and duties;

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

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

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

29 (i) Purchase and maintain insurance and bonds;

30 (j) Employ an executive director who shall have such powers to  
31 employ, select or appoint employees, agents, or consultants, and to

1 determine their qualifications, define their duties, and fix their  
2 compensation;

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

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

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

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

14 (o) Establish a budget and make expenditures;

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

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

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

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

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

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

28 Sec. 14. (a) The interstate commission may levy on and collect an  
29 annual assessment from each member state to cover the cost of the  
30 operations and activities of the interstate commission and its staff. The  
31 total assessment must be sufficient to cover the annual budget approved

1 each year for which revenue is not provided by other sources. The  
2 aggregate annual assessment amount shall be allocated upon a formula to  
3 be determined by the interstate commission, which shall promulgate a rule  
4 binding upon all member states.

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

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

10 (d) The interstate commission shall be subject to a yearly financial  
11 audit conducted by a certified or licensed public accountant and the  
12 report of the audit shall be included in the annual report of the  
13 interstate commission.

14 Sec. 15. (a) The interstate commission shall, by a majority of  
15 commissioners present and voting, adopt bylaws to govern its conduct as  
16 may be necessary or appropriate to carry out the purposes of the  
17 Interstate Medical Licensure Compact within twelve months of the first  
18 interstate commission meeting.

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

25 (c) Officers selected in subsection (b) of this section shall serve  
26 without remuneration from the interstate commission.

27 (d) The officers and employees of the interstate commission shall be  
28 immune from suit and liability, either personally or in their official  
29 capacity, for a claim for damage to or loss of property or personal  
30 injury or other civil liability caused or arising out of, or relating to,  
31 an actual or alleged act, error, or omission that occurred, or that such

1 person had a reasonable basis for believing occurred, within the scope of  
2 interstate commission employment, duties, or responsibilities; provided  
3 that such person shall not be protected from suit or liability for  
4 damage, loss, injury, or liability caused by the intentional or willful  
5 and wanton misconduct of such person.

6 (1) The liability of the executive director and employees of the  
7 interstate commission or representatives of the interstate commission,  
8 acting within the scope of such person's employment or duties for acts,  
9 errors, or omissions occurring within such person's state, may not exceed  
10 the limits of liability set forth under the constitution and laws of that  
11 state for state officials, employees, and agents. The interstate  
12 commission is considered to be an instrumentality of the states for the  
13 purposes of any such action. Nothing in this subsection shall be  
14 construed to protect such person from suit or liability for damage, loss,  
15 injury, or liability caused by the intentional or willful and wanton  
16 misconduct of such person.

17 (2) The interstate commission shall defend the executive director,  
18 its employees, and subject to the approval of the attorney general or  
19 other appropriate legal counsel of the member state represented by an  
20 interstate commission representative, shall defend such interstate  
21 commission representative in any civil action seeking to impose liability  
22 arising out of an actual or alleged act, error or omission that occurred  
23 within the scope of interstate commission employment, duties or  
24 responsibilities, or that the defendant had a reasonable basis for  
25 believing occurred within the scope of interstate commission employment,  
26 duties, or responsibilities, provided that the actual or alleged act,  
27 error, or omission did not result from intentional or willful and wanton  
28 misconduct on the part of such person.

29 (3) To the extent not covered by the state involved, member state,  
30 or the interstate commission, the representatives or employees of the  
31 interstate commission shall be held harmless in the amount of a



1 settlement or judgment, including attorney's fees and costs, obtained  
2 against such persons arising out of an actual or alleged act, error, or  
3 omission that occurred within the scope of interstate commission  
4 employment, duties, or responsibilities, or that such persons had a  
5 reasonable basis for believing occurred within the scope of interstate  
6 commission employment, duties, or responsibilities, provided that the  
7 actual or alleged act, error, or omission did not result from intentional  
8 or willful and wanton misconduct on the part of such persons.

9       Sec. 16. (a) The interstate commission shall promulgate reasonable  
10 rules in order to effectively and efficiently achieve the purposes of the  
11 Interstate Medical Licensure Compact. Notwithstanding the foregoing, in  
12 the event the interstate commission exercises its rulemaking authority in  
13 a manner that is beyond the scope of the purposes of the compact, or the  
14 powers granted hereunder, then such an action by the interstate  
15 commission shall be invalid and have no force or effect.

16       (b) Rules deemed appropriate for the operations of the interstate  
17 commission shall be made pursuant to a rulemaking process that  
18 substantially conforms to the Model State Administrative Procedure Act of  
19 2010 and subsequent amendments thereto.

20       (c) Not later than thirty days after a rule is promulgated, any  
21 person may file a petition for judicial review of the rule in the United  
22 States District Court for the District of Columbia or the federal  
23 district where the interstate commission has its principal offices. The  
24 filing of such a petition shall not stay or otherwise prevent the rule  
25 from becoming effective unless the court finds that the petitioner has a  
26 substantial likelihood of success. The court shall give deference to the  
27 actions of the interstate commission consistent with applicable law and  
28 shall not find the rule to be unlawful if the rule represents a  
29 reasonable exercise of the authority granted to the interstate  
30 commission.

31       Sec. 17. (a) The executive, legislative, and judicial branches of

1 state government in each member state shall enforce the Interstate  
2 Medical Licensure Compact and shall take all actions necessary and  
3 appropriate to effectuate the compact's purposes and intent. The  
4 provisions of the compact and the rules promulgated under the compact  
5 shall have standing as statutory law but shall not override existing  
6 state authority to regulate the practice of medicine.

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

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

16 Sec. 18. (a) The interstate commission, in the reasonable exercise  
17 of its discretion, shall enforce the provisions and rules of the  
18 Interstate Medical Licensure Compact.

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

29 (c) The remedies in the compact shall not be the exclusive remedies  
30 of the interstate commission. The interstate commission may avail itself  
31 of any other remedies available under state law or the regulation of a

1 profession.

2 Sec. 19. (a) The grounds for default include, but are not limited  
3 to, failure of a member state to perform such obligations or  
4 responsibilities imposed upon it by the Interstate Medical Licensure  
5 Compact, or the rules and bylaws of the interstate commission promulgated  
6 under the compact.

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

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

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

18 (c) If the defaulting state fails to cure the default, the  
19 defaulting state shall be terminated from the compact upon an affirmative  
20 vote of a majority of the commissioners and all rights, privileges, and  
21 benefits conferred by the compact shall terminate on the effective date  
22 of termination. A cure of the default does not relieve the offending  
23 state of obligations or liabilities incurred during the period of the  
24 default.

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

30 (e) The interstate commission shall establish rules and procedures  
31 to address licenses and physicians that are materially impacted by the

1 termination of a member state, or the withdrawal of a member state.

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

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

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

16 Sec. 20. (a) The interstate commission shall attempt, upon the  
17 request of a member state, to resolve disputes which are subject to the  
18 Interstate Medical Licensure Compact and which may arise among member  
19 states or member boards.

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

22 Sec. 21. (a) Any state is eligible to become a member state of the  
23 Interstate Medical Licensure Compact.

24 (b) The compact shall become effective and binding upon legislative  
25 enactment of the compact into law by no less than seven states.  
26 Thereafter, it shall become effective and binding on a state upon  
27 enactment of the compact into law by that state.

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

31 (d) The interstate commission may propose amendments to the compact

1 for enactment by the member states. No amendment shall become effective  
2 and binding upon the interstate commission and the member states unless  
3 and until it is enacted into law by unanimous consent of the member  
4 states.

5       Sec. 22. (a) Once effective, the Interstate Medical Licensure  
6 Compact shall continue in force and remain binding upon each and every  
7 member state, except that a member state may withdraw from the compact by  
8 specifically repealing the statute which enacted the compact into law.

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

14       (c) The withdrawing state shall immediately notify the chairperson  
15 of the interstate commission in writing upon the introduction of  
16 legislation repealing the compact in the withdrawing state.

17       (d) The interstate commission shall notify the other member states  
18 of the withdrawing state's intent to withdraw within sixty days of its  
19 receipt of notice provided under subsection (c) of this section.

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

24       (f) Reinstatement following withdrawal of a member state shall occur  
25 upon the withdrawing state reenacting the compact or upon such later date  
26 as determined by the interstate commission.

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

31       Sec. 23. (a) The Interstate Medical Licensure Compact shall

1 dissolve effective upon the date of the withdrawal or default of the  
2 member state which reduces the membership in the compact to one member  
3 state.

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

8 Sec. 24. (a) The provisions of the Interstate Medical Licensure  
9 Compact shall be severable, and if any phrase, clause, sentence, or  
10 provision is deemed unenforceable, the remaining provisions of the  
11 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 Sec. 25. (a) Nothing in the Interstate Medical Licensure Compact  
18 prevents the enforcement of any other law of a member state that is not  
19 inconsistent with the compact.

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

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

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

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

31 Sec. 26. Section 38-2028, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2           38-2028 An applicant for a license to practice medicine and surgery  
3 based on a license in another state or territory of the United States or  
4 the District of Columbia shall comply with the requirements of the  
5 Interstate Medical Licensure Compact or meet the standards set by the  
6 board pursuant to section 38-126, except that an applicant who has not  
7 passed one of the licensing examinations specified in the rules and  
8 regulations but has been duly licensed to practice medicine and surgery  
9 in some other state or territory of the United States of America or in  
10 the District of Columbia and obtained that license based upon a state  
11 examination, as approved by the board, may be issued a license by the  
12 department, with the recommendation of the board, to practice medicine  
13 and surgery.

14           Sec. 27. Section 38-2034, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           38-2034 An applicant for a license to practice osteopathic medicine  
17 and surgery based on a license in another state or territory of the  
18 United States or the District of Columbia shall comply with the  
19 requirements of the Interstate Medical Licensure Compact or meet the  
20 standards set by the board pursuant to section 38-126, except that an  
21 applicant who has not passed one of the licensing examinations specified  
22 in the rules and regulations but has been duly licensed to practice  
23 osteopathic medicine and surgery in some other state or territory of the  
24 United States of America or in the District of Columbia and obtained that  
25 license based upon a state examination, as approved by the board, may be  
26 issued a license by the department, upon the recommendation of the board,  
27 to practice osteopathic medicine and surgery.

28           Sec. 28. Original sections 38-2028 and 38-2034, Reissue Revised  
29 Statutes of Nebraska, are repealed.