

P.L. 2021, CHAPTER 332, *approved January 10, 2022*
Senate, No. 523

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

3

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

6

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

10

11 Section 1. Purpose.

12

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

31

32 Section 2. Definitions.

33

34 As used in this compact:

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

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

40 c. "Conviction" means a finding by a court that an individual is
41 guilty of a criminal offense through adjudication, or entry of a plea
42 of guilt or no contest to the charge by the offender. Evidence of an
43 entry of a conviction of a criminal offense by the court shall be

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

1 foreign jurisdiction, excluding any action related to non-payment of
2 fees related to a license;

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

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

9 l. "Offense" means a felony, gross misdemeanor, or crime of
10 moral turpitude.

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

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

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

24

25 Section 3. Eligibility.

26

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

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

35

36 Section 4. Designation of State of Principal License.

37

38 a. A physician shall designate a member state as the state of
39 principal license for purposes of registration for expedited licensure
40 through the compact if the physician possesses a full and
41 unrestricted license to practice medicine in that state, and the state
42 is:

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

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

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

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

4 b. A physician may redesignate a member state as the
5 physician's state of principal license at any time, provided the state
6 meets the requirements for designation set forth in subsection a. of
7 this section.

8 c. The Interstate Commission is authorized to develop rules to
9 facilitate redesignation of another member state as the physician's
10 state of principal license.

11
12 Section 5. Application and Issuance of Expedited Licensure.

13
14 a. A physician seeking licensure through the compact shall file
15 an application for an expedited license with the member board of
16 the state selected by the physician as the physician's state of
17 principal license.

18 b. Upon receipt of an application for an expedited license, the
19 member board within the state selected as the physician's state of
20 principal license shall evaluate whether the physician is eligible for
21 expedited licensure and issue a letter of qualification to the
22 Interstate Commission verifying or denying the physician's
23 eligibility.

24 (1) Static qualifications, which include verification of medical
25 education, graduate medical education, results of any medical or
26 licensing examination, and other qualifications as determined by the
27 Interstate Commission through rule, shall not be subject to
28 additional primary source verification where already primary source
29 verified by the physician's state of principal license.

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

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

40 c. Upon verification of a physician's eligibility for expedited
41 licensure pursuant to subsection b. of this section, the physician
42 shall complete the registration process established by the Interstate
43 Commission to receive a license in a member state selected
44 pursuant to subsection a. of this section, including the payment of
45 any applicable fees.

46 d. Upon receiving verification of a physician's eligibility for
47 expedited licensure pursuant to subsection b. of this section and
48 payment of any applicable fees pursuant to subsection c. of this

1 section, a member board shall issue an expedited license to the
2 physician. The license shall authorize the physician to practice
3 medicine in the issuing state consistent with the medical practice at
4 and all applicable laws and regulations of the issuing member board
5 and member state.

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

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

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

17

18 Section 6. Fees for Expedited Licensure.

19

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

23 b. The Interstate Commission is authorized to develop rules
24 regarding fees for expedited licenses.

25

26 Section 7. Renewal and Continued Participation.

27

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

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

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

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

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

43 b. Physicians shall comply with all continuing professional
44 development or continuing medical education requirements for
45 renewal of a license issued by a member state.

46 c. The Interstate Commission shall collect any renewal fees
47 charged for the renewal of a license and distribute the fees to the
48 applicable member board.

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

4 e. Physician information collected by the Interstate
5 Commission during the renewal process will be distributed to all
6 member boards.

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

9

10 Section 8. Coordinated Information System.

11

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

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

19 c. Member boards shall report disciplinary or investigatory
20 information determined as necessary and proper by rule of the
21 Interstate Commission.

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

25 e. Member boards shall share complaint or disciplinary
26 information about a physician upon request of another member
27 board.

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

31 g. The Interstate Commission is authorized to develop rules for
32 mandated or discretionary sharing of information by member
33 boards.

34

35 Section 9. Joint Investigations.

36

37 a. Licensure and disciplinary records of physicians are deemed
38 investigative.

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

43 c. A subpoena issued by a member state shall be enforceable in
44 other member states.

45 d. Member boards may share any investigative, litigation, or
46 compliance materials in furtherance of any joint or individual
47 investigation initiated under the compact.

1 e. Any member state may investigate actual or alleged
2 violations of the statutes authorizing the practice of medicine in any
3 other member state in which a physician holds a license to practice
4 medicine.

5

6 Section 10. Disciplinary Actions.

7

8 a. Any disciplinary action taken by any member board against
9 a physician licensed through the compact shall be deemed
10 unprofessional conduct which may be subject to discipline by other
11 member boards, in addition to any violation of the medical practice
12 act or regulations in that state.

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

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

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

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

34 d. If a license granted to a physician by a member board is
35 revoked, surrendered, or relinquished in lieu of discipline, or
36 suspended, then any license issued to the physician by any other
37 member board shall be suspended, automatically and immediately
38 without further action necessary by the other member board, for 90
39 days upon entry of the order by the disciplining board, to permit the
40 member board to investigate the basis for the action under the
41 medical practice act of that state. A member board may terminate
42 the automatic suspension of the license it issued prior to the
43 completion of the 90 day suspension period in a manner consistent
44 with the medical practice act of that state.

45

46 Section 11. Interstate Medical Licensure Compact
47 Commission.

- 1 a. The member states hereby create the “Interstate Medical
2 Licensure Compact Commission.”
- 3 b. The purpose of the Interstate Commission is the
4 administration of the Interstate Medical Licensure Compact, which
5 is a discretionary state function.
- 6 c. The Interstate Commission shall be a body corporate and
7 joint agency of the member states and shall have all the
8 responsibilities, powers, and duties set forth in the compact, and
9 such additional powers as may be conferred upon it by a subsequent
10 concurrent action of the respective legislatures of the member states
11 in accordance with the terms of the compact.
- 12 d. The Interstate Commission shall consist of two voting
13 representatives appointed by each member state, who shall serve as
14 commissioners. In states where allopathic and osteopathic
15 physicians are regulated by separate member boards, or if the
16 licensing and disciplinary authority is split between multiple
17 member boards within a member state, the member state shall
18 appoint one representative from each member board. Each
19 commissioner shall be:
- 20 (1) an allopathic or osteopathic physician appointed to a
21 member board;
- 22 (2) an executive director, executive secretary, or similar
23 executive of a member board; or
- 24 (3) a member of the public appointed to a member board.
- 25 e. The Interstate Commission shall meet at least once each
26 calendar year. A portion of the meeting shall be a business meeting
27 to address such matters as may properly come before the
28 commission, including the election of officers. The chairperson
29 may call additional meetings and shall call for a meeting upon the
30 request of a majority of the member states.
- 31 f. The bylaws may provide for meetings of the Interstate
32 Commission to be conducted by telecommunication or electronic
33 communication.
- 34 g. Each commissioner participating at a meeting of the
35 Interstate Commission is entitled to one vote. A majority of
36 commissioners shall constitute a quorum for the transaction of
37 business, unless a larger quorum is required by the bylaws of the
38 Interstate Commission. A commissioner shall not delegate a vote to
39 another commissioner. In the absence of its commissioner, a
40 member state may delegate voting authority for a specified meeting
41 to another person from that state who meets the requirements to
42 serve as a commissioner pursuant to subsection d. of this section.
- 43 h. The Interstate Commission shall provide public notice of all
44 meetings and all meetings shall be open to the public. The
45 Interstate Commission may close a meeting in full or in part, where
46 it determines by a two-thirds vote of the commissioners present that
47 an open meeting would be likely to:

- 1 (1) Relate solely to the internal personnel practices and
2 procedures of the Interstate Commission;
 - 3 (2) Discuss matters specifically exempted from disclosure by
4 federal statute;
 - 5 (3) Discuss trade secrets or commercial or financial information
6 that is privileged or confidential;
 - 7 (4) Involve accusing a person of a crime, or formally censuring
8 a person;
 - 9 (5) Discuss information of a personal nature where disclosure
10 would constitute a clearly unwarranted invasion of personal
11 privacy;
 - 12 (6) Discuss investigative records compiled for law enforcement
13 purposes; or
 - 14 (7) Specifically relate to the participation in a civil action or
15 other legal proceeding.
- 16 i. The Interstate Commission shall keep minutes, which shall
17 fully describe all matters discussed in a meeting and shall provide a
18 full and accurate summary of actions taken, including a record of
19 any roll call votes.
 - 20 j. The Interstate Commission shall make its information and
21 official records, to the extent not otherwise designated in the
22 compact or by its rules, available to the public for inspection.
 - 23 k. The Interstate Commission shall establish an executive
24 committee, which shall include officers, members, and others as
25 determined by the bylaws. The executive committee shall have the
26 power to act on behalf of the Interstate Commission, with the
27 exception of rulemaking, during periods when the Interstate
28 Commission is not in session. When acting on behalf of the
29 Interstate Commission, the executive committee shall oversee the
30 administration of the compact, including enforcement and
31 compliance with the provisions of the compact, its bylaws and
32 rules, and other such duties as may be necessary.
 - 33 l. The Interstate Commission may establish other committees
34 for governance and administration of the compact.

35
36 Section 12. Powers and Duties of the Interstate Commission.

37
38 The Interstate Commission shall have the duty and power to:

- 39 a. Oversee and maintain the administration of the compact;
- 40 b. Promulgate rules, which shall be binding to the extent and in
41 the manner provided for in the compact;
- 42 c. Issue, upon the request of a member state or member board,
43 advisory opinions concerning the meaning or interpretation of the
44 compact and its bylaws, rules, and actions;
- 45 d. Enforce compliance with compact provisions, the rules
46 promulgated by the Interstate Commission, and the bylaws, using
47 all necessary and proper means, including, but not limited to, the
48 use of judicial process;

- 1 e. Establish and appoint committees, including, but not limited
2 to, an executive committee as required pursuant to section 11 of this
3 compact, which shall have the power to act on behalf of the
4 Interstate Commission in carrying out its powers and duties;
- 5 f. Pay, or provide for the payment of, the expenses related to
6 the establishment, organization, and ongoing activities of the
7 Interstate Commission;
- 8 g. Establish and maintain one or more offices;
- 9 h. Borrow, accept, hire, or contract for services of personnel;
- 10 i. Purchase and maintain insurance and bonds;
- 11 j. Employ an executive director, who shall have the power to
12 employ, select, or appoint employees, agents, or consultants, and to
13 determine their qualifications, define their duties, and fix their
14 compensation;
- 15 k. Establish personnel policies and programs relating to
16 conflicts of interest, rates of compensation, and qualifications of
17 personnel;
- 18 l. Accept donations and grants of money, equipment, supplies,
19 materials, and services, and to receive, utilize, and dispose of the
20 same in a manner consistent with the conflict of interest policies
21 established by the Interstate Commission;
- 22 m. Lease, purchase, accept contributions or donations of, or
23 otherwise own, hold, improve, or use any real or personal property;
- 24 n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
25 otherwise dispose of any real or personal property;
- 26 o. Establish a budget and make expenditures;
- 27 p. Adopt a seal and bylaws governing the management and
28 operation of the Interstate Commission;
- 29 q. Report annually to the legislatures and governors of the
30 member states concerning the activities of the Interstate
31 Commission during the preceding year. Such reports shall also
32 include reports of financial audits and any recommendations that
33 may have been adopted by the Interstate Commission;
- 34 r. Coordinate education, training, and public awareness
35 regarding the compact, its implementation, and its operation;
- 36 s. Maintain records in accordance with the bylaws;
- 37 t. Seek and obtain trademarks, copyrights, and patents; and
- 38 u. Perform such functions as may be necessary or appropriate
39 to achieve the purposes of the compact.

40
41 Section 13. Finance Powers.

- 42
43 a. The Interstate Commission may levy on and collect an
44 annual assessment from each member state to cover the cost of the
45 operations and activities of the Interstate Commission and its staff.
46 The total assessment shall be sufficient to cover the annual budget
47 approved each year for which revenue is not provided by other
48 sources. The aggregate annual assessment amount shall be

1 allocated upon a formula to be determined by the Interstate
2 Commission, which shall promulgate a rule binding upon all
3 member states.

4 b. The Interstate Commission shall not incur obligations of any
5 kind prior to securing the funds adequate to meet the same.

6 c. The Interstate Commission shall not pledge the credit of any
7 of the member states, except by, and with the authority of, the
8 member state.

9 d. The Interstate Commission shall be subject to a yearly
10 financial audit conducted by a certified or licensed public
11 accountant and the report of the audit shall be included in the
12 Interstate Commission's annual report.

13

14 Section 14. Organization and Operation of the Interstate
15 Commission.

16

17 a. The Interstate Commission shall, within 12 months of the
18 first Interstate Compact meeting and by a majority of
19 commissioners present and voting, adopt bylaws to govern its
20 conduct as may be necessary or appropriate to carry out the
21 purposes of the compact.

22 b. The Interstate Commission shall elect or appoint annually
23 from among its commissioners a chairperson, a vice-chairperson,
24 and a treasurer, each of whom shall have such authority and duties
25 as may be specified in the bylaws. The chairperson, or in the
26 chairperson's absence or disability, the vice-chairperson, shall
27 preside at all meetings of the Interstate Commission.

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

30 d. The officers and employees of the Interstate Commission
31 shall be immune from suit and liability, either personally or in their
32 official capacity, for a claim for damage to or loss of property or
33 personal injury or other civil liability caused or arising out of, or
34 relating to, an actual or alleged act, error, or omission that occurred,
35 or that such person has a reasonable basis for believing occurred,
36 within the scope of Interstate Commission employment, duties, or
37 responsibilities; provided that such person shall not be protected
38 from suit or liability for damage, loss, injury, or liability caused by
39 the intentional or willful and wanton misconduct of such person.

40 (1) The liability of the executive director and employees of the
41 Interstate Commission or representatives of the Interstate
42 Commission, acting within the scope of such person's employment
43 or duties for acts, errors, or omissions occurring within such
44 person's state, may not exceed the limits of liability set forth under
45 the constitution and laws of that state for state officials, employees,
46 and agents. The Interstate Commission is considered to be an
47 instrumentality of the states for the purposes of any such action.
48 Nothing in this subsection shall be construed to protect such person

1 from suit or liability for damage, loss, injury, or liability caused by
2 the intentional or willful and wanton misconduct of such person.

3 (2) The Interstate Commission shall defend the executive
4 director and its employees and, subject to the approval of the
5 attorney general or other appropriate legal counsel of the member
6 state represented by an Interstate Commission representative, shall
7 defend such Interstate Commission representative in any civil
8 action seeking to impose liability arising out of an actual or alleged
9 act, error, or omission that occurred within the scope of Interstate
10 Commission employment, duties, or responsibilities, or that the
11 defendant had a reasonable basis for believing occurred within the
12 scope of Interstate Commission employment, duties, or
13 responsibilities, provided that the actual or alleged act, error, or
14 omission did not result from intentional or willful and wanton
15 misconduct on the part of such person.

16 (3) To the extent not covered by the state involved, member
17 state, or the Interstate Commission, the representatives or
18 employees of the Interstate Commission shall be held harmless in
19 the amount of a settlement or judgment, including attorney's fees
20 and costs, obtained against such person arising out of an actual or
21 alleged act, error, or omission that occurred within the scope of
22 Interstate Commission employment, duties, or responsibilities, or
23 that such persons had a reasonable basis for believing occurred
24 within the scope of Interstate Commission employment, duties, or
25 responsibilities, provided that the actual or alleged act, error, or
26 omission did not result from intentional or willful and wanton
27 misconduct on the part of such persons.

28

29 Section 15. Rulemaking Functions of the Interstate
30 Commission.

31

32 a. The Interstate Commission shall promulgate reasonable rules
33 in order to effectively and efficiently achieve the purposes of the
34 Compact. Notwithstanding the foregoing, in the event the Interstate
35 Commission exercises its rulemaking authority in a manner that is
36 beyond the scope of the purposes of the compact, or the powers
37 granted hereunder, then such an action by the Interstate
38 Commission shall be invalid and have no force or effect.

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

43 c. No later than 30 days after a rule is promulgated, any person
44 may file a petition for judicial review of the rule in the United
45 States District Court for the District of Columbia or the federal
46 district where the Interstate Commission has its principal offices,
47 provided that the filing of such a petition shall not stay or otherwise
48 prevent the rule from becoming effective unless the court finds that

1 the petitioner has a substantial likelihood of success. The court
2 shall give deference to the actions of the Interstate Commission
3 consistent with applicable law and shall not find the rule to be
4 unlawful if the rule represents a reasonable exercise of the authority
5 granted to the Interstate Commission.

6
7 Section 16. Oversight of the Interstate Compact.

8
9 a. The executive, legislative, and judicial branches of state
10 government in each member state shall enforce the compact and
11 shall take all actions necessary and appropriate to effectuate the
12 purposes and intent of the compact. The provisions of the compact
13 and the rules promulgated hereunder shall have standing as
14 statutory law but shall not override existing state authority to
15 regulate the practice of medicine.

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

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

26
27 Section 17. Enforcement of Interstate Compact.

28
29 a. The Interstate Commission, in the reasonable exercise of its
30 discretion, shall enforce the provisions and rules of the compact.

31 b. The Interstate Commission may, by majority vote of the
32 commissioners, initiate legal action in the United States District
33 Court for the District of Columbia, or, at the discretion of the
34 Interstate Commission, in the federal district where the Interstate
35 Commission has its principal offices, to enforce compliance with
36 the provisions of the Compact, and its promulgated rules and
37 bylaws, against a member state in default. The relief sought may
38 include both injunctive relief and damages. In the event judicial
39 enforcement is necessary, the prevailing party shall be awarded all
40 costs of such litigation, including reasonable attorney's fees.

41 c. The remedies herein shall not be the exclusive remedies of
42 the Interstate Commission. The Interstate Commission may avail
43 itself of any other remedies available under state law or the
44 regulation of a profession.

45
46 Section 18. Default Procedures.

- 1 a. The grounds for default include, but are not limited to,
2 failure of a member state to perform such obligations or
3 responsibilities imposed on it by the compact or the rules and
4 bylaws of the Interstate Commission promulgated under the
5 compact.
- 6 b. If the Interstate Commission determines that a member state
7 has defaulted in the performance of its obligations or
8 responsibilities under the compact, or the bylaws or promulgated
9 rules, the Interstate Commission shall:
- 10 (1) Provide written notice to the defaulting state and other
11 member states of the nature of the default, the means of curing the
12 default, and any action taken by the Interstate Commission. The
13 Interstate Commission shall specify the conditions by which the
14 defaulting state shall cure its default; and
- 15 (2) Provide remedial training and specific technical assistance
16 regarding the default.
- 17 c. If the defaulting state fails to cure the default, the defaulting
18 state shall be terminated from the compact upon an affirmative vote
19 of a majority of the commissioners and all rights, privileges, and
20 benefits conferred by the compact shall terminate on the effective
21 date of termination. A cure of the default does not relieve the
22 offending state of obligations or liabilities incurred during the
23 period of the default.
- 24 d. Termination of membership in the compact shall be imposed
25 only after all other means of securing compliance have been
26 exhausted. Notice of intent to terminate shall be given by the
27 Interstate Commission to the governor, the majority and minority
28 leaders of the defaulting state's legislature, and each of the member
29 states.
- 30 e. The Interstate Commission shall establish rules and
31 procedures to address licenses and physicians that are materially
32 affected by the termination of a member state or the withdrawal of a
33 member state.
- 34 f. The member state which has been terminated is responsible
35 for all dues, obligations, and liabilities incurred through the
36 effective date of termination, including any obligations for which
37 the performance of the obligation extends beyond the effective date
38 of termination.
- 39 g. The Interstate Commission shall not bear any costs relating
40 to any state that has been found to be in default or which has been
41 terminated from the compact, unless otherwise mutually agreed
42 upon in writing between the Interstate Commission and the
43 defaulting state.
- 44 h. The defaulting state may appeal the action of the Interstate
45 Commission by petitioning the United States District Court for the
46 District of Columbia or the federal district where the Interstate
47 Commission has its principal offices. The prevailing party shall be

1 awarded all costs of such litigation, including reasonable attorney's
2 fees.

3

4 Section 19. Dispute Resolution.

5

6 a. The Interstate Commission shall attempt, upon the request of
7 a member state, to resolve disputes which are subject to the
8 compact and which may arise among member states or member
9 boards.

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

12

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

14

15 a. Any state is eligible to become a member state of the
16 compact.

17 b. The compact shall become effective and binding upon
18 legislative enactment of the compact into law by no less than seven
19 states. Thereafter, it shall become effective and binding on a state
20 upon enactment of the compact into law by that state.

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

25 d. The Interstate Commission may propose amendments to the
26 compact for enactment by member states. No amendment shall
27 become effective and binding upon the Interstate Commission and
28 the member states unless and until it is enacted into law by
29 unanimous consent of the member states.

30

31 Section 21. Withdrawal.

32

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

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

42 c. The withdrawing state shall immediately notify the
43 chairperson of the Interstate Commission in writing upon the
44 introduction of legislation repealing the compact in the withdrawing
45 state.

46 d. The Interstate Commission shall notify the other member
47 states of the withdrawing state's intent to withdraw within 60 days

1 after receiving notice provided pursuant to subsection c. of this
2 section.

3 e. The withdrawing state shall be responsible for all dues,
4 obligations, and liabilities incurred through the effective date of
5 withdrawal, including any obligations for which the performance of
6 the obligation extends beyond the effective date of withdrawal.

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

10 g. The Interstate Commission shall be authorized to develop
11 rules to address the effect of withdrawal of a member state on
12 licenses granted in other member states to physicians who
13 designated the withdrawing member state as the state of principal
14 licensure.

15

16 Section 22. Dissolution.

17

18 a. The compact shall dissolve effective upon the date of the
19 withdrawal or default of the member state which reduces the
20 membership in the compact to one member state.

21 b. Upon the dissolution of the compact, the compact becomes
22 null and void and shall be of no further force or effect, and the
23 business and affairs of the Interstate Commission shall be
24 concluded and surplus funds shall be distributed in accordance with
25 the bylaws.

26

27 Section 23. Severability and Construction.

28

29 a. The provisions of the compact shall be severable, and if any
30 phrase, clause, sentence, or provision is deemed unenforceable, the
31 remaining provisions of the compact shall be enforceable.

32 b. The provisions of the compact shall be liberally construed to
33 effectuate its purposes.

34 c. Nothing in the compact shall be construed to prohibit the
35 applicability of other interstate compacts to which the states are
36 members.

37

38 Section 24. Binding Effect of Compact and Other Laws.

39

40 a. Nothing herein prevents the enforcement of any other law of
41 a member state that is not inconsistent with the compact.

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

44 c. All lawful actions of the Interstate Commission, including
45 all rules and bylaws promulgated by the Commission, are binding
46 upon the member states.

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

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

5

6 2. This act shall take effect immediately.

7

8

9

10

11 _____
Enters New Jersey into Interstate Medical Licensure Compact.