

SENATE BILL 821

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By: **Senator Lam**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Excellence Zone Compact**

3 FOR the purpose of entering into the Medical Excellence Zone Compact for the purpose of
4 authorizing licensed physicians to practice medicine through telehealth in other
5 compact states; establishing the Medical Excellence Zone Commission; providing for
6 withdrawal from the Compact; and generally relating to the Medical Excellence Zone
7 Compact.

8 BY adding to

9 Article – Health Occupations

10 Section 14–3B–01 to be under the new subtitle “Subtitle 3B. Medical Excellence Zone
11 Compact”

12 Annotated Code of Maryland

13 (2021 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health Occupations**

17 **SUBTITLE 3B. MEDICAL EXCELLENCE ZONE COMPACT.**

18 **14–3B–01.**

19 **ARTICLE I. DEFINITIONS.**

20 (A) “BYLAWS” MEANS THOSE BYLAWS ESTABLISHED BY THE COMMISSION
21 PURSUANT TO ARTICLE VII FOR ITS GOVERNANCE, OR FOR DIRECTING AND
22 CONTROLLING ITS ACTIONS AND CONDUCT.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE APPOINTED BY EACH MEMBER BOARD PURSUANT TO ARTICLE VII.

(C) "COMPACT" MEANS THE MEDICAL EXCELLENCE ZONE COMPACT.

(D) "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL IS GUILTY OF A CRIMINAL OFFENSE THROUGH ADJUDICATION, OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO THE CHARGE BY THE OFFENDER. EVIDENCE OF AN ENTRY OF A CONVICTION OF A CRIMINAL OFFENSE BY THE COURT SHALL BE CONSIDERED FINAL FOR PURPOSES OF DISCIPLINARY ACTION BY A MEMBER BOARD.

(E) "LICENSE" MEANS THE AUTHORIZATION BY A STATE FOR A PHYSICIAN TO ENGAGE IN THE PRACTICE OF MEDICINE, WHICH WOULD BE UNLAWFUL WITHOUT THE AUTHORIZATION.

(F) "MEDICAL EXCELLENCE ZONE COMMISSION" OR "COMMISSION" MEANS THE MEDICAL EXCELLENCE ZONE COMMISSION CREATED PURSUANT TO ARTICLE VII.

(G) "MEDICAL PRACTICE ACT" MEANS THE LAWS AND REGULATIONS GOVERNING THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE WITHIN A MEMBER STATE.

(H) "MEMBER BOARD" MEANS AN AGENCY IN A STATE OR JURISDICTION THAT ACTS IN THE SOVEREIGN INTERESTS OF THE STATE OR JURISDICTION BY PROTECTING THE PUBLIC THROUGH LICENSURE, REGULATION, AND EDUCATION OF PHYSICIANS AS DIRECTED BY THE STATE OR JURISDICTIONAL GOVERNMENT.

(I) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.

(J) "OFFENSE" MEANS A FELONY, GROSS MISDEMEANOR, OR CRIME OF MORAL TURPITUDE.

(K) "PHYSICIAN" MEANS ANY INDIVIDUAL WHO:

(1) IS A GRADUATE OF A MEDICAL SCHOOL ACCREDITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION, THE COMMISSION ON OSTEOPATHIC COLLEGE ACCREDITATION, OR A MEDICAL SCHOOL LISTED IN THE INTERNATIONAL MEDICAL EDUCATION DIRECTORY OR ITS EQUIVALENT;

(2) PASSED EACH COMPONENT OF THE UNITED STATES MEDICAL LICENSING EXAMINATION (USMLE) OR THE COMPREHENSIVE OSTEOPATHIC MEDICAL LICENSING EXAMINATION (OMPLEX-USA) WITHIN THREE ATTEMPTS,

1 OR ANY OF ITS PREDECESSOR EXAMINATIONS ACCEPTED BY A STATE MEDICAL
2 BOARD AS AN EQUIVALENT EXAMINATION FOR LICENSURE PURPOSES;

3 (3) SUCCESSFULLY COMPLETED GRADUATE MEDICAL EDUCATION
4 APPROVED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL
5 EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION;

6 (4) POSSESSES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN
7 THE PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

8 (5) HAS NEVER BEEN CONVICTED OF OR RECEIVED ADJUDICATION,
9 DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION
10 FOR ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

11 (6) HAS NEVER HAD A LICENSE AUTHORIZING THE PRACTICE OF
12 MEDICINE SUBJECTED TO DISCIPLINE BY A LICENSING AGENCY IN ANY STATE,
13 FEDERAL, OR FOREIGN JURISDICTION, EXCLUDING ANY ACTION RELATED TO
14 NONPAYMENT OF FEES RELATED TO A LICENSE;

15 (7) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT
16 SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG
17 ENFORCEMENT ADMINISTRATION; AND

18 (8) IS NOT UNDER ACTIVE INVESTIGATION BY A LICENSING AGENCY
19 OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN
20 JURISDICTION.

21 (L) "PRACTICE OF MEDICINE" MEANS THE CLINICAL PREVENTION,
22 DIAGNOSIS, OR TREATMENT OF HUMAN DISEASE, INJURY, OR CONDITION
23 REQUIRING A PHYSICIAN TO OBTAIN AND MAINTAIN A LICENSE IN COMPLIANCE
24 WITH THE MEDICAL PRACTICE ACT OF A MEMBER STATE.

25 (M) "PRIVILEGE TO PRACTICE" MEANS A LEGAL AUTHORIZATION, THAT IS
26 EQUIVALENT TO A LICENSE, PERMITTING THE PRACTICE OF MEDICINE THROUGH
27 TELEHEALTH IN A REMOTE STATE.

28 (N) "REMOTE STATE" MEANS A MEMBER STATE THAT HAS ENACTED THE
29 COMPACT.

30 (O) "RULE" MEANS A WRITTEN STATEMENT BY THE COMMISSION
31 PROMULGATED PURSUANT TO ARTICLE VIII THAT IS OF GENERAL APPLICABILITY,
32 IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY OR PROVISION OF THE
33 COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF

1 THE COMMISSION, AND HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A
2 MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL, OR SUSPENSION OF AN
3 EXISTING RULE.

4 (P) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
5 TERRITORY OF THE UNITED STATES.

6 (Q) (1) "TELEHEALTH" MEANS A MODE OF DELIVERING HEALTH CARE
7 SERVICES THROUGH THE USE OF TELECOMMUNICATIONS TECHNOLOGY BY A
8 PHYSICIAN TO A PATIENT AT A DIFFERENT PHYSICAL LOCATION THAN THE
9 PHYSICIAN.

10 (2) "TELEHEALTH" INCLUDES SYNCHRONOUS AND ASYNCHRONOUS
11 INTERACTION.

12 (3) "TELEHEALTH" DOES NOT INCLUDE THE PROVISION OF HEALTH
13 CARE SERVICES SOLELY THROUGH AUDIO-ONLY CALLS, E-MAIL MESSAGES, OR
14 FACSIMILE TRANSMISSIONS.

15 (R) "STATE OF PRINCIPAL LICENSE" MEANS A MEMBER STATE WHERE A
16 PHYSICIAN HOLDS A LICENSE TO PRACTICE MEDICINE AND THAT HAS BEEN
17 DESIGNATED AS SUCH BY THE PHYSICIAN FOR PURPOSES OF REGISTRATION AND
18 PARTICIPATION IN THE COMPACT.

19 ARTICLE II. PRIVILEGE TO PRACTICE.

20 (A) TO EXERCISE THE PRIVILEGE TO PRACTICE TELEHEALTH UNDER THE
21 TERMS AND PROVISIONS OF THE COMPACT, THE LICENSEE SHALL:

22 (1) HOLD A LICENSE IN THE HOME STATE;

23 (2) HAVE A VALID UNITED STATES SOCIAL SECURITY NUMBER OR
24 NATIONAL PRACTITIONER IDENTIFIER;

25 (3) BE ELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER
26 STATE IN ACCORDANCE WITH THIS ARTICLE;

27 (4) HAVE NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST
28 ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS 2 YEARS;

29 (5) NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE
30 PRIVILEGE TO PRACTICE WITHIN A REMOTE STATE OR REMOTE STATES;

1 **(6) PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE**
2 **PRIVILEGE TO PRACTICE;**

3 **(7) MEET ANY CONTINUING COMPETENCE OR EDUCATION**
4 **REQUIREMENTS ESTABLISHED BY THE HOME STATE;**

5 **(8) MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY**
6 **THE REMOTE STATE OR REMOTE STATES IN WHICH THE LICENSEE IS SEEKING A**
7 **PRIVILEGE TO PRACTICE; AND**

8 **(9) REPORT TO THE COMMISSION ANY ADVERSE ACTION,**
9 **ENCUMBRANCE, OR RESTRICTION ON LICENSE TAKEN BY ANY NONMEMBER STATE**
10 **WITHIN 30 DAYS FROM THE DATE THE ACTION IS TAKEN.**

11 **(B) THE PRIVILEGE TO PRACTICE IS VALID UNTIL THE EXPIRATION DATE OF**
12 **THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE**
13 **REQUIREMENTS OF SUBSECTION (A) OF THIS ARTICLE TO MAINTAIN THE PRIVILEGE**
14 **TO PRACTICE IN THE REMOTE STATE.**

15 **(C) A LICENSEE PRACTICING MEDICINE THROUGH TELEHEALTH IN A**
16 **REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO THE LAWS**
17 **AND REGULATIONS OF THE REMOTE STATE.**

18 **(D) A LICENSEE PRACTICING MEDICINE THROUGH TELEHEALTH IN A**
19 **REMOTE STATE IS SUBJECT TO THE REMOTE STATE'S REGULATORY AUTHORITY. A**
20 **REMOTE STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND THAT STATE'S LAWS,**
21 **REMOVE A LICENSEE'S PRIVILEGE TO PRACTICE IN THE REMOTE STATE FOR A**
22 **SPECIFIC PERIOD OF TIME, IMPOSE FINES, OR TAKE ANY OTHER NECESSARY**
23 **ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS. THE LICENSEE**
24 **MAY BE INELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER STATE UNTIL**
25 **THE SPECIFIC TIME FOR REMOVAL HAS PASSED AND ALL FINES ARE PAID.**

26 **(E) IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE**
27 **THE PRIVILEGE TO PRACTICE IN ANY REMOTE STATE UNTIL THE FOLLOWING**
28 **OCCUR:**

29 **(1) THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND**

30 **(2) THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR**
31 **RESTRICTION AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE**
32 **PREVIOUS 2 YEARS.**

33 **(F) ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO**

1 GOOD STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION
2 (A) OF THIS ARTICLE TO OBTAIN A PRIVILEGE TO PRACTICE IN ANY REMOTE STATE.

3 (G) IF A LICENSEE'S PRIVILEGE TO PRACTICE IN ANY REMOTE STATE IS
4 REMOVED, THE INDIVIDUAL MAY LOSE THE PRIVILEGE TO PRACTICE IN ALL OTHER
5 REMOTE STATES UNTIL THE FOLLOWING OCCUR:

6 (1) THE SPECIFIC PERIOD OF TIME FOR WHICH THE PRIVILEGE TO
7 PRACTICE WAS REMOVED HAS ENDED;

8 (2) ALL FINES HAVE BEEN PAID; AND

9 (3) THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR
10 RESTRICTION AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE
11 PREVIOUS 2 YEARS.

12 (H) ONCE THE REQUIREMENTS OF SUBSECTION (G) OF THIS ARTICLE HAVE
13 BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN SUBSECTION (A) OF
14 THIS ARTICLE TO OBTAIN A PRIVILEGE TO PRACTICE IN A REMOTE STATE.

15 ARTICLE III. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

16 (A) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF
17 PRINCIPAL LICENSE TO EXERCISE A PRIVILEGE TO PRACTICE THROUGH THE
18 COMPACT IF THE PHYSICIAN POSSESSES A FULL AND UNRESTRICTED LICENSE TO
19 PRACTICE MEDICINE IN THAT STATE, AND THE STATE IS:

20 (1) THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN;

21 (2) WHERE AT LEAST 25% OF THE PRACTICE OF MEDICINE OCCURS;

22 (3) THE LOCATION OF THE PHYSICIAN'S EMPLOYER; OR

23 (4) IF NO STATE QUALIFIES UNDER ITEM (1), (2), OR (3) OF THIS
24 SUBSECTION, THE STATE DESIGNATED AS STATE OF RESIDENCE FOR THE PURPOSE
25 OF FEDERAL INCOME TAX.

26 (B) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS THE STATE OF
27 PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE
28 REQUIREMENTS IN SUBSECTION (A) OF THIS ARTICLE.

29 (C) THE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO FACILITATE
30 REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF PRINCIPAL

1 LICENSE.

2 ARTICLE IV. COORDINATED INFORMATION SYSTEM.

3 (A) THE COMMISSION SHALL ESTABLISH A DATABASE OF ALL PHYSICIANS
4 LICENSED AND SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,
5 OPERATION, AND UTILIZATION OF A COORDINATED DATABASE AND REPORTING
6 SYSTEM CONTAINING LENSURE, ADVERSE ACTION, AND INVESTIGATIVE
7 INFORMATION ON ALL LICENSED INDIVIDUALS IN MEMBER STATES.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MEMBER BOARDS
9 SHALL REPORT TO THE COMMISSION ANY PUBLIC ACTION OR COMPLAINTS AGAINST
10 A LICENSED PHYSICIAN WHO HAS APPLIED FOR OR RECEIVED A PRIVILEGE TO
11 PRACTICE THROUGH THE COMPACT.

12 (C) MEMBER BOARDS SHALL REPORT DISCIPLINARY OR INVESTIGATORY
13 INFORMATION DETERMINED AS NECESSARY AND PROPER BY RULE OF THE
14 COMMISSION.

15 (D) MEMBER BOARDS MAY REPORT ANY NONPUBLIC COMPLAINT,
16 DISCIPLINARY, OR INVESTIGATORY INFORMATION NOT REQUIRED BY SUBSECTION
17 (C) OF THIS ARTICLE TO THE COMMISSION.

18 (E) MEMBER BOARDS SHALL SHARE COMPLAINT OR DISCIPLINARY
19 INFORMATION ABOUT A PHYSICIAN ON REQUEST OF ANOTHER MEMBER BOARD.

20 (F) ALL INFORMATION PROVIDED TO THE COMMISSION OR DISTRIBUTED
21 BY MEMBER BOARDS SHALL BE CONFIDENTIAL, FILED UNDER SEAL, AND USED ONLY
22 FOR INVESTIGATORY OR DISCIPLINARY MATTERS.

23 (G) THE COMMISSION IS AUTHORIZED TO DEVELOP RULES FOR MANDATED
24 OR DISCRETIONARY SHARING OF INFORMATION BY MEMBER BOARDS.

25 ARTICLE V. JOINT INVESTIGATIONS.

26 (A) LENSURE AND DISCIPLINARY RECORDS OF PHYSICIANS ARE DEEMED
27 INVESTIGATIVE.

28 (B) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER BOARD BY ITS
29 RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE STATE LAW, A
30 MEMBER BOARD MAY PARTICIPATE WITH OTHER MEMBER BOARDS IN JOINT
31 INVESTIGATIONS OF PHYSICIANS LICENSED BY THE MEMBER BOARDS.

1 **(C) A SUBPOENA ISSUED BY A MEMBER STATE SHALL BE ENFORCEABLE IN**
2 **OTHER MEMBER STATES.**

3 **(D) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE, LITIGATION, OR**
4 **COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL**
5 **INVESTIGATION INITIATED UNDER THE COMPACT.**

6 **(E) ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED**
7 **VIOLATIONS OF THE STATUTES AUTHORIZING THE PRACTICE OF MEDICINE IN ANY**
8 **OTHER MEMBER STATE IN WHICH A PHYSICIAN HOLDS A LICENSE TO PRACTICE**
9 **MEDICINE.**

10 **ARTICLE VI. ADVERSE ACTION.**

11 **(A) IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A**
12 **REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING**
13 **STATE DUE PROCESS LAW, TO:**

14 **(1) TAKE ADVERSE ACTION AGAINST A LICENSED PHYSICIAN'S**
15 **PRIVILEGE TO PRACTICE MEDICINE THROUGH TELEHEALTH WITHIN THAT MEMBER**
16 **STATE; AND**

17 **(2) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS**
18 **THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE**
19 **PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A**
20 **MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE**
21 **PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED**
22 **IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING**
23 **TO THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS**
24 **ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY**
25 **ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY**
26 **THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE**
27 **LOCATED.**

28 **(3) ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE**
29 **ADVERSE ACTION AGAINST A LICENSED PHYSICIAN'S LICENSE ISSUED BY THE HOME**
30 **STATE.**

31 **(B) FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL**
32 **GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A**
33 **MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME**
34 **STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO**
35 **DETERMINE APPROPRIATE ACTION.**

1 (C) THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF
2 A LICENSED PHYSICIAN WHO CHANGES PRIMARY STATE OF RESIDENCE DURING THE
3 COURSE OF THE INVESTIGATIONS. THE HOME STATE SHALL ALSO HAVE THE
4 AUTHORITY TO TAKE APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE
5 CONCLUSIONS OF THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA
6 SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION
7 SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE
8 ACTIONS.

9 (D) A MEMBER STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY
10 RECOVER FROM THE AFFECTED LICENSED PHYSICIAN THE COSTS OF
11 INVESTIGATIONS AND DISPOSITIONS OF CASES RESULTING FROM ANY ADVERSE
12 ACTION TAKEN AGAINST THAT LICENSED PHYSICIAN.

13 (E) A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL
14 FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER STATE FOLLOWS
15 ITS OWN PROCEDURES FOR TAKING THE ADVERSE ACTION.

16 (F) (1) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE
17 BY ITS RESPECTIVE MEDICAL PRACTICE ACT OR OTHER APPLICABLE STATE LAW,
18 ANY MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT
19 INVESTIGATIONS OF LICENSEES.

20 (2) MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION,
21 OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
22 INVESTIGATION INITIATED UNDER THE COMPACT.

23 (G) IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE
24 LICENSE OF A LICENSED PHYSICIAN, THE LICENSED PHYSICIAN'S PRIVILEGE TO
25 PRACTICE IN ALL OTHER MEMBER STATES SHALL BE DEACTIVATED UNTIL ALL
26 ENCUMBRANCES HAVE BEEN REMOVED FROM THE STATE LICENSE. ALL HOME
27 STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION AGAINST THE
28 LICENSE OF A LICENSED PHYSICIAN SHALL INCLUDE A STATEMENT THAT THE
29 LICENSED PHYSICIAN'S PRIVILEGE TO PRACTICE IS DEACTIVATED IN ALL MEMBER
30 STATES DURING THE PENDENCY OF THE ORDER.

31 (H) IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY
32 NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE
33 DATA SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE
34 ACTIONS BY REMOTE STATES.

35 (I) NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S

1 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN
2 LIEU OF ADVERSE ACTION.

3 ARTICLE VII. MEDICAL EXCELLENCE ZONE COMMISSION.

4 (A) THE MEMBER STATES HEREBY CREATE THE MEDICAL EXCELLENCE
5 ZONE COMMISSION.

6 (B) THE PURPOSE OF THE COMMISSION IS THE ADMINISTRATION OF THE
7 MEDICAL EXCELLENCE ZONE COMPACT, WHICH IS A DISCRETIONARY STATE
8 FUNCTION.

9 (C) THE COMMISSION SHALL BE A BODY CORPORATE AND JOINT AGENCY OF
10 THE MEMBER STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND
11 DUTIES SET FORTH IN THE COMPACT, AND SUCH ADDITIONAL POWERS AS MAY BE
12 CONFERRED ON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE
13 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF THE
14 COMPACT.

15 (D) THE COMMISSION SHALL CONSIST OF ONE VOTING REPRESENTATIVE
16 APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE AS A COMMISSIONER.

17 (E) THE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR YEAR.
18 A PORTION OF THIS MEETING SHALL BE A BUSINESS MEETING TO ADDRESS SUCH
19 MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION, INCLUDING THE
20 ELECTION OF OFFICERS. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND
21 SHALL CALL FOR A MEETING ON THE REQUEST OF A MAJORITY OF THE MEMBER
22 STATES.

23 (F) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE COMMISSION TO BE
24 CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

25 (G) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE
26 COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF COMMISSIONERS SHALL
27 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER
28 QUORUM IS REQUIRED BY THE BYLAWS OF THE COMMISSION. A COMMISSIONER
29 MAY NOT DELEGATE A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS
30 COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY FOR A
31 SPECIFIED MEETING TO ANOTHER PERSON FROM THAT STATE.

32 (H) THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF ALL MEETINGS
33 AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE COMMISSION MAY CLOSE
34 A MEETING, IN FULL OR IN PORTION, WHERE IT DETERMINES BY A TWO-THIRDS

VOTE OF THE COMMISSIONERS PRESENT THAT AN OPEN MEETING WOULD BE LIKELY
TO:

(1) RELATE SOLELY TO THE INTERNAL PERSONNEL PRACTICES AND
PROCEDURES OF THE COMMISSION;

(2) DISCUSS MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE
BY FEDERAL STATUTE;

(3) DISCUSS TRADE SECRETS OR COMMERCIAL OR FINANCIAL
INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

(4) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY
CENSURING A PERSON;

(5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE
DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
PERSONAL PRIVACY;

(6) DISCUSS INVESTIGATIVE RECORDS COMPILED FOR LAW
ENFORCEMENT PURPOSES; OR

(7) SPECIFICALLY RELATE TO THE PARTICIPATION IN A CIVIL ACTION
OR OTHER LEGAL PROCEEDING.

(I) THE COMMISSION SHALL KEEP MINUTES THAT SHALL FULLY DESCRIBE
ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING RECORD OF ANY ROLL CALL
VOTES.

(J) THE COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL
RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THE COMPACT OR BY
ITS RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.

(K) THE COMMISSION MAY ESTABLISH OTHER COMMITTEES FOR
GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

ARTICLE VIII. POWERS AND DUTIES OF THE COMMISSION.

THE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

(1) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE
COMPACT;

1 **(2) PROMULGATE RULES THAT SHALL BE BINDING TO THE EXTENT**
2 **AND IN THE MANNER PROVIDED FOR IN THE COMPACT;**

3 **(3) ISSUE, ON THE REQUEST OF A MEMBER STATE OR MEMBER**
4 **BOARD, ADVISORY OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF**
5 **THE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;**

6 **(4) ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES**
7 **PROMULGATED BY THE COMMISSION, AND THE BYLAWS, USING ALL NECESSARY AND**
8 **PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF JUDICIAL PROCESS;**

9 **(5) ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT**
10 **LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE VII, WHICH**
11 **SHALL HAVE THE POWER TO ACT ON BEHALF OF THE COMMISSION IN CARRYING OUT**
12 **ITS POWERS AND DUTIES;**

13 **(6) PAY OR PROVIDE FOR THE PAYMENT OF THE EXPENSES RELATED**
14 **TO THE ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES OF THE**
15 **COMMISSION;**

16 **(7) ESTABLISH AND MAINTAIN ONE OR MORE OFFICES;**

17 **(8) BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF**
18 **PERSONNEL;**

19 **(9) PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

20 **(10) EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL HAVE SUCH**
21 **POWERS TO EMPLOY, SELECT OR APPOINT EMPLOYEES, AGENTS, OR CONSULTANTS,**
22 **AND TO DETERMINE THEIR QUALIFICATIONS, DEFINE THEIR DUTIES, AND FIX THEIR**
23 **COMPENSATION;**

24 **(11) ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO**
25 **CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS OF**
26 **PERSONNEL;**

27 **(12) ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT,**
28 **SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE OF**
29 **IT IN A MANNER CONSISTENT WITH THE CONFLICT OF INTEREST POLICIES**
30 **ESTABLISHED BY THE COMMISSION;**

31 **(13) LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,**

1 OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL,
2 OR MIXED;

3 (14) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
4 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;

5 (15) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

6 (16) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND
7 OPERATION OF THE COMMISSION;

8 (17) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF
9 THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE COMMISSION DURING
10 THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF
11 FINANCIAL AUDITS AND ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED
12 BY THE COMMISSION;

13 (18) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS
14 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

15 (19) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;

16 (20) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS;
17 AND

18 (21) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR
19 APPROPRIATE TO ACHIEVE THE PURPOSES OF THE COMPACT.

20 **ARTICLE IX. FINANCE POWERS.**

21 (A) THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT
22 FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND
23 ACTIVITIES OF THE COMMISSION AND ITS STAFF. THE TOTAL ASSESSMENT MUST BE
24 SUFFICIENT TO COVER THE ANNUAL BUDGET APPROVED EACH YEAR FOR WHICH
25 REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
26 ASSESSMENT AMOUNT SHALL BE ALLOCATED ON A FORMULA TO BE DETERMINED BY
27 THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER
28 STATES.

29 (B) THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND PRIOR
30 TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME.

31 (C) THE COMMISSION MAY NOT PLEDGE THE CREDIT OF ANY OF THE

1 MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE MEMBER STATE.

2 (D) THE COMMISSION SHALL BE SUBJECT TO A YEARLY FINANCIAL AUDIT
3 CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT
4 OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE COMMISSION.

5 ARTICLE X. ORGANIZATION AND OPERATION OF THE COMMISSION.

6 (A) THE COMMISSION SHALL, BY A MAJORITY OF COMMISSIONERS
7 PRESENT AND VOTING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE
8 NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT
9 WITHIN 12 MONTHS OF THE FIRST COMMISSION MEETING.

10 (B) THE COMMISSION SHALL ELECT OR APPOINT ANNUALLY FROM AMONG
11 ITS COMMISSIONERS A CHAIRPERSON, A VICE-CHAIRPERSON, AND A TREASURER,
12 EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED
13 IN THE BYLAWS. THE CHAIRPERSON, OR IN THE CHAIRPERSON'S ABSENCE OR
14 DISABILITY, THE VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE
15 COMMISSION.

16 (C) OFFICERS SELECTED IN SUBSECTION (B) OF THIS ARTICLE SHALL
17 SERVE WITHOUT REMUNERATION FROM THE COMMISSION.

18 (D) (1) THE OFFICERS AND EMPLOYEES OF THE COMMISSION SHALL BE
19 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
20 CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
21 INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF, OR RELATING TO,
22 AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT
23 SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE
24 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED
25 THAT SUCH PERSON MAY NOT BE PROTECTED FROM SUIT OR LIABILITY FOR
26 DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL
27 AND WANTON MISCONDUCT OF SUCH PERSON.

28 (2) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND EMPLOYEES
29 OF THE COMMISSION OR REPRESENTATIVES OF THE COMMISSION, ACTING WITHIN
30 THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR
31 OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE, MAY NOT EXCEED THE
32 LIMITS OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT
33 STATE FOR STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE COMMISSION IS
34 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF
35 ANY SUCH ACTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
36 PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR

1 LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT
2 OF SUCH PERSON.

3 (3) THE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR, ITS
4 EMPLOYEES, AND SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR
5 OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY
6 AN COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH COMMISSION
7 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT
8 OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN
9 THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR
10 THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED
11 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
12 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT
13 RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART
14 OF SUCH PERSON.

15 (4) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER
16 STATE, OR THE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE
17 COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR
18 JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH
19 PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
20 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
21 RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR
22 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,
23 OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
24 OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
25 MISCONDUCT ON THE PART OF SUCH PERSONS.

26 **ARTICLE XI. RULEMAKING FUNCTION OF THE COMMISSION.**

27 (A) THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER
28 TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT.
29 NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE COMMISSION EXERCISES
30 ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE
31 PURPOSES OF THE COMPACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH
32 AN ACTION BY THE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR
33 EFFECT.

34 (B) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE
35 COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT
36 SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE
37 ACT OF 2010, AND ANY SUBSEQUENT AMENDMENTS.

(C) NOT LATER THAN 30 DAYS AFTER A RULE IS PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES, PROVIDED THAT THE FILING OF SUCH A PETITION MAY NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE COMMISSION CONSISTENT WITH APPLICABLE LAW AND MAY NOT FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE AUTHORITY GRANTED TO THE COMMISSION.

ARTICLE XII. OVERSIGHT OF INTERSTATE COMPACT.

(A) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THE COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY LAW BUT MAY NOT OVERRIDE EXISTING STATE AUTHORITY TO REGULATE THE PRACTICE OF MEDICINE.

(B) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THE COMPACT THAT MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE COMMISSION.

(C) THE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION SHALL RENDER A JUDGMENT OR AN ORDER VOID AS TO THE COMMISSION, THE COMPACT, OR PROMULGATED RULES.

ARTICLE XIII. ENFORCEMENT OF INTERSTATE COMPACT.

(A) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE COMPACT.

(B) THE COMMISSION MAY, BY MAJORITY VOTE OF THE COMMISSIONERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, OR, AT THE DISCRETION OF THE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, AND ITS PROMULGATED RULES AND BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE

1 RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
2 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE
3 AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S
4 FEES.

5 (C) THE REMEDIES HEREIN MAY NOT BE THE EXCLUSIVE REMEDIES OF THE
6 COMMISSION. THE COMMISSION MAY AVAIL ITSELF OF ANY OTHER REMEDIES
7 AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

8 ARTICLE XIV. DEFAULT PROCEDURES.

9 (A) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO,
10 FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR
11 RESPONSIBILITIES IMPOSED ON IT BY THE COMPACT, OR THE RULES AND BYLAWS
12 OF THE COMMISSION PROMULGATED UNDER THE COMPACT.

13 (B) IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
14 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
15 UNDER THE COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE
16 COMMISSION SHALL:

17 (1) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
18 OTHER MEMBER STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING
19 THE DEFAULT, AND ANY ACTION TAKEN BY THE COMMISSION. THE COMMISSION
20 SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE
21 ITS DEFAULT; AND

22 (2) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
23 ASSISTANCE REGARDING THE DEFAULT.

24 (C) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE
25 DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT ON AN
26 AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS,
27 PRIVILEGES, AND BENEFITS CONFERRED BY THE COMPACT SHALL TERMINATE ON
28 THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT
29 RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED
30 DURING THE PERIOD OF THE DEFAULT.

31 (D) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED
32 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
33 EXHAUSTED. NOTICE OF INTENT TO TERMINATE SHALL BE GIVEN BY THE
34 COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE
35 DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE MEMBER STATES.

1 (E) THE COMMISSION SHALL ESTABLISH RULES AND PROCEDURES TO
2 ADDRESS LICENSES AND PHYSICIANS THAT ARE MATERIALLY IMPACTED BY THE
3 TERMINATION OF A MEMBER STATE, OR THE WITHDRAWAL OF A MEMBER STATE.

4 (F) THE MEMBER STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE
5 FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
6 EFFECTIVE DATE OF TERMINATION INCLUDING OBLIGATIONS, THE PERFORMANCE
7 OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF TERMINATION.

8 (G) THE COMMISSION MAY NOT BEAR ANY COSTS RELATING TO ANY STATE
9 THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM
10 THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED ON IN WRITING BETWEEN
11 THE COMMISSION AND THE DEFAULTING STATE.

12 (H) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION
13 BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
14 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
15 PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF
16 SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.

17 ARTICLE XV. DISPUTE RESOLUTION.

18 (A) THE COMMISSION SHALL ATTEMPT, ON THE REQUEST OF A MEMBER
19 STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO THE COMPACT AND THAT MAY
20 ARISE AMONG MEMBER STATES OR MEMBER BOARDS.

21 (B) THE COMMISSION SHALL PROMULGATE RULES PROVIDING FOR BOTH
22 MEDIATION AND BINDING DISPUTE RESOLUTION AS APPROPRIATE.

23 ARTICLE XVI. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.

24 (A) THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA ARE
25 ELIGIBLE TO BECOME MEMBER STATES OF THE COMPACT.

26 (B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING ON
27 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY ONE (1) STATE.
28 THEREAFTER, IT SHALL BECOME EFFECTIVE AND BINDING ON A STATE ON
29 ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE.

30 (C) THE GOVERNORS OF NONMEMBER STATES, OR THEIR DESIGNEES,
31 SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE COMMISSION ON A
32 NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

(D) THE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND BINDING ON THE COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

ARTICLE XVII. WITHDRAWAL.

(A) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING ON EACH AND EVERY MEMBER STATE, PROVIDED THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY REPEALING THE STATUTE THAT ENACTED THE COMPACT INTO LAW.

(B) WITHDRAWAL FROM THE COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE REPEALING THE SAME, BUT MAY NOT TAKE EFFECT UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER STATE.

(C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF THE COMMISSION IN WRITING ON THE INTRODUCTION OF LEGISLATION REPEALING THE COMPACT IN THE WITHDRAWING STATE.

(D) THE COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN 60 DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER SUBSECTION (C) OF THIS ARTICLE.

(E) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL DUES, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

(F) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR ON THE WITHDRAWING STATE REENACTING THE COMPACT OR ON SUCH LATER DATE AS DETERMINED BY THE COMMISSION.

(G) THE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO ADDRESS THE IMPACT OF THE WITHDRAWAL OF A MEMBER STATE ON LICENSES GRANTED IN OTHER MEMBER STATES TO PHYSICIANS WHO DESIGNATED THE WITHDRAWING MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE.

ARTICLE XVIII. DISSOLUTION.

(A) THE COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE THAT REDUCES THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.

(B) ON THE DISSOLUTION OF THE COMPACT, THE COMPACT BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND AFFAIRS OF THE COMMISSION SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

ARTICLE XIX. SEVERABILITY AND CONSTRUCTION.

(A) THE PROVISIONS OF THE COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

(B) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES.

(C) NOTHING IN THE COMPACT SHALL BE CONSTRUED TO PROHIBIT THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

ARTICLE XX. BINDING EFFECT OF COMPACT AND OTHER LAWS.

(A) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

(B) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

(C) ALL LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE MEMBER STATES.

(D) ALL AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

(E) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the

1 enacting of substantially similar legislation in one other state. The Maryland Department
2 of Health shall notify the Department of Legislative Services within 10 days after one state
3 has enacted legislation that is substantially similar to this Act, and the Governor of the
4 State of Maryland shall issue a proclamation declaring this Act valid and effective and shall
5 forward a copy of the proclamation to the Executive Director of the Department of
6 Legislative Services.

7 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
8 Act, this Act shall take effect October 1, 2022.