

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 29, 2021
S.B. 380
PRINCIPAL CLERK

S

D

SENATE BILL DRS35156-NBf-13

Short Title: Interstate Medical Licensure Compact. (Public)

Sponsors: Senators Perry, deViere, and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN INTERSTATE COMPACT FOR THE LICENSURE OF THE
3 PRACTICE OF MEDICINE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 1M.

8 "Interstate Medical Licensure Compact.

9 **"§ 90-21.140. Short title.**

10 This Article shall be known as the "Interstate Medical Licensure Compact."

11 **"§ 90-21.141. Purpose.**

12 (a) The purpose of this Article is to strengthen access to health care, and, in recognition
13 of the advances in the delivery of health care, the member states of the Interstate Medical
14 Licensure Compact (Compact) have allied in common purpose to develop a comprehensive
15 process that complements the existing licensing and regulatory authority of state medical boards
16 and to provide a streamlined process that allows physicians to become licensed in multiple states,
17 thereby enhancing the portability of a medical license and ensuring the safety of patients.

18 (b) The Interstate Medical Licensure Compact creates another pathway for licensure and
19 does not otherwise change a state's existing medical practice act or provisions. The Compact
20 adopts the prevailing standard for licensure and affirms that the practice of medicine occurs
21 where the patient is located at the time of the physician-patient encounter and, therefore, requires
22 the physician to be under the jurisdiction of the state medical board where the patient is located.
23 State medical boards that participate in the Compact retain the jurisdiction to impose an adverse
24 action against a license to practice medicine in that state issued to a physician through the
25 procedures of the Compact.

26 **"§ 90-21.142. Definitions.**

27 The following definitions apply in this Article:

- 28 (1) Bylaws. – Bylaws established by the Interstate Commission pursuant to
29 G.S. 90-21.151.
30 (2) Commissioner. – The voting representative appointed by each member board
31 pursuant to G.S. 90-21.151.
32 (3) Conviction. – A finding by a court that an individual is guilty of a criminal
33 offense through adjudication, or entry of a plea of guilty or no contest to the
34 charge by the offender. Evidence of an entry of a conviction of a criminal
35 offense by a court shall be considered final for purposes of disciplinary action
36 by a member board.



* D R S 3 5 1 5 6 - N B F - 1 3 *

- 1 (4) Expedited license. – A full and unrestricted medical license granted by a
2 member state to an eligible physician through the process set forth in the
3 Compact.
- 4 (5) Interstate Commission. – The Interstate Medical Licensure Compact
5 Commission created pursuant to G.S. 90-21.151.
- 6 (6) License. – The authorization by a member state for a physician to engage in
7 the practice of medicine, which would be unlawful without authorization.
- 8 (7) Medical practice act. – Laws and regulations governing the practice of
9 allopathic and osteopathic medicine within a member state.
- 10 (8) Member board. – A state agency in a member state that acts in the sovereign
11 interests of the state by protecting the public through licensure, regulation, and
12 education of physicians as directed by the state government.
- 13 (9) Member state. – A state that has enacted the Compact.
- 14 (10) Physician. – Any person who meets all of the following qualifications:
- 15 a. Is a graduate of a medical school accredited by the Liaison Committee
16 on Medical Education, the Commission on Osteopathic College
17 Accreditation, or a medical school listed in the International Medical
18 Education Directory or its equivalent.
- 19 b. Has passed each component of the United States Medical Licensing
20 Examination (USMLE) or the Comprehensive Osteopathic Medical
21 Licensing Examination (COMLEX-USA) within three attempts, or
22 any of its predecessor examinations accepted by a state medical board
23 as an equivalent examination for licensure purposes.
- 24 c. Has successfully completed graduate medical education approved by
25 the Accreditation Council for Graduate Medical Education or the
26 American Osteopathic Association.
- 27 d. Holds specialty certification or a time-unlimited specialty certificate
28 recognized by the American Board of Medical Specialties or the
29 American Osteopathic Association's Bureau of Osteopathic
30 Specialists.
- 31 e. Possesses a full and unrestricted license to engage in the practice of
32 medicine issued by a member board.
- 33 f. Has never been convicted, received adjudication, deferred
34 adjudication, community supervision, or deferred disposition for any
35 offense by a court of appropriate jurisdiction.
- 36 g. Has never held a license authorizing the practice of medicine subjected
37 to discipline by a licensing agency in any state, federal, or foreign
38 jurisdiction, excluding any action related to nonpayment of fees
39 related to a license.
- 40 h. Has never had a controlled substance license or permit suspended or
41 revoked by a state or the United States Drug Enforcement
42 Administration.
- 43 i. Is not under active investigation by a licensing agency or law
44 enforcement authority in any state, federal, or foreign jurisdiction.
- 45 (11) Practice of medicine. – Clinical prevention, diagnosis, or treatment of human
46 disease, injury, or condition requiring a physician to obtain and maintain a
47 license in compliance with the medical practice act of a member state.
- 48 (12) Offense. – A felony, gross misdemeanor, or crime of moral turpitude.
- 49 (13) Rule – A written statement by the Interstate Commission promulgated
50 pursuant to G.S. 90-21.152 of the Compact that is of general applicability,
51 implements, interprets, or prescribes a policy or provision of the Compact, or

1 an organizational, procedural, or practice requirement of the Interstate
2 Commission, and has the force and effect of statutory law in a member state,
3 and includes the amendment, repeal, or suspension of an existing rule.

4 (14) State. – Any state, commonwealth, district, or territory of the United States.

5 (15) State of principal license. – A member state where a physician holds a license
6 to practice medicine and which has been designated as such by the physician
7 for purposes of registration and participation in the Compact.

8 **"§ 90-21.143. Eligibility.**

9 (a) A physician must meet the eligibility requirements as defined in G.S. 90-21.142(10)
10 to receive an expedited license under the terms and provisions of the Compact.

11 (b) A physician who does not meet the requirements of G.S. 90-21.142(10) may obtain a
12 license to practice medicine in a member state if the individual complies with all laws and
13 requirements, other than the Compact, relating to the issuance of a license to practice medicine
14 in that state.

15 **"§ 90-21.144. Designation of state of principal license.**

16 (a) A physician shall designate a member state as the state of principal license for
17 purposes of registration for expedited licensure through the Compact if the physician possesses
18 a full and unrestricted license to practice medicine in that state, and that state meets any one of
19 the following qualifications:

20 (1) The state is the principal residence for the physician.

21 (2) The physician conducts at least twenty-five percent (25%) of their practice of
22 medicine in the state.

23 (3) The state is the location of the physician's employer.

24 If no state qualifies under subdivision (1), (2), or (3) of this subsection, then the physician
25 may designate the state of residence for the purpose of federal income tax as their state of
26 principal license.

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

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

31 **"§ 90-21.145. Application and issuance of expedited licensure.**

32 (a) A physician seeking licensure through the Compact shall file an application for an
33 expedited license with the member board of the state selected by the physician as the state of
34 principal license.

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

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

43 (d) The member board within the state selected as the state of principal license shall, in
44 the course of verifying eligibility, perform a criminal background check of an applicant,
45 including the use of the results of fingerprint or other biometric data checks in compliance with
46 the requirements of the Federal Bureau of Investigation, with the exception of federal employees
47 who have suitability determination in accordance with 5 C.F.R. § 731.202.

48 (e) Appeal on the determination of eligibility to the member state shall be made to the
49 member state where the application was filed and shall be subject to the laws of that state.

50 (f) Upon verification of eligibility in subsection (b) of this section, physicians eligible
51 for an expedited license shall complete the registration process established by the Interstate

1 Commission to receive a license in a member state selected pursuant to subsection (a) of this
2 section, including the payment of any applicable fees.

3 (g) After receiving verification of eligibility under subsection (b) of this section and any
4 fees under subsection (f) of this section, a member board shall issue an expedited license to the
5 physician. This license shall authorize the physician to practice medicine in the issuing state
6 consistent with the medical practice act and all applicable laws and regulations of the issuing
7 member board and member state.

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

11 (i) An expedited license obtained through the Compact shall be terminated if a physician
12 fails to maintain a license in the state of principal licensure for a nondisciplinary reason, without
13 redesignation of a new state of principal licensure.

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

16 **"§ 90-21.146. Fees for expedited licensure.**

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

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

21 **"§ 90-21.147. Renewal and continued participation.**

22 (a) A physician seeking to renew an expedited license granted in a member state shall
23 complete a renewal process with the Interstate Commission if the physician meets all of the
24 following qualifications:

25 (1) Maintains a full and unrestricted license in a state of principal license.

26 (2) Has not been convicted, received adjudication, deferred adjudication,
27 community supervision, or deferred disposition for any offense by a court of
28 appropriate jurisdiction.

29 (3) Has not had a license authorizing the practice of medicine subject to discipline
30 by a licensing agency in any state, federal, or foreign jurisdiction, excluding
31 any action related to nonpayment of fees related to a license.

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

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

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

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

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

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

44 **"§ 90-21.148. Coordinated Information System.**

45 (a) The Interstate Commission shall establish a database of all physicians who are
46 licensed, or who have applied for licensure, under G.S. 90-21.145.

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

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

1 (d) Member boards may report any nonpublic complaint, disciplinary, or investigatory
2 information not required by subsection (c) of this section to the Interstate Commission.

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

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

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

10 **"§ 90-21.149. Joint investigations.**

11 (a) Licensure and disciplinary records are deemed investigative.

12 (b) In addition to authority granted to a member board by its respective medical practice
13 act or other applicable state law, a member board may participate with other member boards in
14 joint investigations of physicians licensed by the member boards.

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

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

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

21 **"§ 90-21.150. Disciplinary actions.**

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

26 (b) If a license granted to a physician by the member board in the state of principal license
27 is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued
28 to the physician by member boards shall automatically be placed, without further action
29 necessary by any member board, on the same status. If the member board in the state of principal
30 license subsequently reinstates the physician's license, a license issued to the physician by any
31 other member board shall remain encumbered until that respective member board takes action to
32 reinstate the license in a manner consistent with the medical practice act of that state.

33 (c) If disciplinary action is taken against a physician by a member board not in the state
34 of principal license, any other member board may deem the action conclusive as to matter of law
35 and fact decided, and take one of the following actions:

36 (1) Impose the same or lesser sanctions against the physician consistent with the
37 medical practice act of that state.

38 (2) Pursue separate disciplinary action against the physician under its respective
39 medical practice act, regardless of the action taken in other member states.

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

48 **"§ 90-21.151. Interstate Medical Licensure Compact Commission.**

49 (a) The member states hereby create the "Interstate Medical Licensure Compact
50 Commission."

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

3 **(c)** The Interstate Commission shall be a body corporate and joint agency of the member
4 states and shall have all the responsibilities, powers, and duties set forth in the Compact, and
5 additional powers as may be conferred upon it by a subsequent concurrent action of the respective
6 legislatures of the member states in accordance with the terms of the Compact.

7 **(d)** The Interstate Commission shall consist of two voting representatives appointed by
8 each member state who shall serve as Commissioners. In states where allopathic and osteopathic
9 physicians are regulated by separate member boards, or if the licensing and disciplinary authority
10 is split between separate member boards, or if the licensing and disciplinary authority is split
11 between multiple member boards within a member state, the member state shall appoint one
12 representative from each member board. A Commissioner shall meet one of the following
13 qualifications:

14 **(1)** An allopathic or osteopathic physician appointed to a member board.

15 **(2)** An executive director, executive secretary, or similar executive member of a
16 member board.

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

18 **(e)** The Interstate Commission shall meet at least once each calendar year. A portion of
19 this meeting shall be a business meeting to address matters that come properly before the
20 Commission and for the election of officers. The chairperson may call additional meetings and
21 shall call for a meeting upon the request of a majority of the member states.

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

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

30 **(h)** The Interstate Commission shall provide public notice of all meetings, and all
31 meetings shall be open to the public. The Interstate Commission may close a meeting, in full or
32 in portion, where it determines by a two-thirds vote of the Commissioners present that an open
33 meeting would be likely to:

34 **(1)** Relate solely to the internal personnel practice and procedures of the Interstate
35 Commission.

36 **(2)** Discuss matters specifically exempted from disclosure by federal statute.

37 **(3)** Discuss trade secrets, commercial, or financial information that is privileged
38 or confidential.

39 **(4)** Involve accusing a person of a crime, or formally censuring a person.

40 **(5)** Discuss information of a personal nature where disclosure would constitute a
41 clearly unwarranted invasion of personal privacy.

42 **(6)** Discuss investigative records compiled for law enforcement purposes.

43 **(7)** Specifically relate to the participation in a civil action or other legal
44 proceeding.

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

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

50 **(k)** The Interstate Commission shall establish an executive committee, which shall
51 include officers, members, and others as determined by the bylaws. The executive committee

1 shall have the power to act on behalf of the Interstate Commission, with the exception of
2 rulemaking, during periods when the Interstate Commission is not in session. When acting on
3 behalf of the Interstate Commission, the executive committee shall oversee the administration of
4 the Compact, including enforcement and compliance with the provisions of the Compact, its
5 bylaws and rules, and other such duties as necessary.

6 (L) The Interstate Commission shall establish other committees for governance and
7 administration of the Compact.

8 **"§ 90-21.152. Powers and duties of the Interstate Commission.**

9 The Interstate Commission has the following powers and duties:

- 10 (1) Oversee and maintain the administration of the Compact.
- 11 (2) Promulgate rules which shall be binding to the extent and in the manner
12 provided for in the Compact.
- 13 (3) Issue, upon the request of a member state or member board, advisory opinions
14 concerning the meaning or interpretation of the Compact, its bylaws, rules,
15 and actions.
- 16 (4) Enforce compliance with Compact provisions, the rules promulgated by the
17 Interstate Commission, and the bylaws, using all necessary and proper means,
18 including, but not limited to, the use of the judicial process.
- 19 (5) Establish and appoint committees, including, but not limited to, an executive
20 committee as required by G.S. 90-21.151, which shall have the power to act
21 on behalf of the Interstate Commission in carrying out its powers and duties.
- 22 (6) Pay or provide payment of the expenses related to the establishment,
23 organization, and ongoing activities of the Interstate Commission.
- 24 (7) Establish and maintain one or more offices.
- 25 (8) Borrow, accept, hire, or contract for services of personnel.
- 26 (9) Purchase and maintain insurance and bonds.
- 27 (10) Employ an executive director who shall have such powers to employ, select,
28 or appoint employees, agents, or consultants, and to determine their
29 qualifications, define their duties, and fix their compensation.
- 30 (11) Establish personnel policies and programs relating to conflicts of interest,
31 rates of compensation, and qualifications of personnel.
- 32 (12) Accept donations and grants of money, equipment, supplies, materials, and
33 services and to receive, utilize, and dispose of it in a manner consistent with
34 the conflict of interest policies established by the Interstate Commission.
- 35 (13) Lease, purchase, accept contributions or donations of, or otherwise to hold,
36 own, improve, or use any property, real, personal, or mixed.
- 37 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
38 dispose of any property, real, personal, or mixed.
- 39 (15) Establish a budget and make expenditures.
- 40 (16) Adopt a seal and bylaws governing the management and operation of the
41 Interstate Commission.
- 42 (17) Report annually to the legislatures and governors of the member states
43 concerning the activities of the Interstate Commission during the preceding
44 year. Such reports shall also include reports of financial audits and any
45 recommendations that may have been adopted by the Interstate Commission.
- 46 (18) Coordinate education, training, and public awareness regarding the Compact,
47 its implementation, and its operation.
- 48 (19) Maintain records in accordance with the bylaws.
- 49 (20) Seek and obtain trademarks, copyrights, and patents.
- 50 (21) Perform such functions as may be necessary or appropriate to achieve the
51 purpose of the Compact.

1 **"§ 90-21.153. Finance powers.**

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

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

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

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

15 **"§ 90-21.154. Organization and operation of the Interstate Commission.**

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

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

24 (c) Officers selected in subsection (b) of this section shall serve without remuneration for
25 the Interstate Commission.

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

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

42 (f) The Interstate Commission shall defend the executive director, its employees, and
43 subject to the approval of the attorney general or other appropriate legal counsel of the member
44 state represented by an Interstate Commission representative, shall defend such Interstate
45 Commission representative in any civil action seeking to impose liability arising out of an actual
46 or alleged act, error, or omission that occurred within the scope of Interstate Commission
47 employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing
48 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
49 provided that the actual or alleged act, error, or omission did not result from intentional or willful
50 and wanton misconduct on the part of such person.

1 (g) To the extent not covered by the state involved, member state, or the Interstate
2 Commission, the representatives or employees of the Interstate Commission shall be held
3 harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained
4 against such persons arising out of an actual or alleged act, error, or omission that occurred within
5 the scope of Interstate Commission employment, duties, or responsibilities, or that such persons
6 had a reasonable basis for believing occurred within the scope of Interstate Commission
7 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
8 did not result from intentional or willful and wanton misconduct on the part of such person.

9 **"§ 90-21.155. Rulemaking functions of the Interstate Commission.**

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

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

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

26 **"§ 90-21.156. Oversight of Interstate Compact.**

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

32 (b) All courts shall take judicial notice of the Compact and the rules in any judicial or
33 administrative proceeding in a member state pertaining to the subject matter of the Compact
34 which may affect the powers, responsibilities, or action of the Interstate Commission.

35 (c) The Interstate Commission shall be entitled to receive all services of process in any
36 such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure
37 to provide service of process to the Interstate Commission shall render a judgment or order void
38 as to the Interstate Commission, the Compact, or promulgated rules.

39 **"§ 90-21.157. Enforcement of Interstate Compact.**

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

42 (b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal
43 action in the United States Court for the District of Columbia, or, at the discretion of the Interstate
44 Commission, in the federal district where the Interstate Commission has its principal offices, to
45 enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws,
46 against a member state in default. The relief sought may include both injunctive relief and
47 damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all
48 costs of such litigation, including reasonable attorneys' fees.

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

"§ 90-21.158. Default procedures.

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

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

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

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

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

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

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

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

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

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

"§ 90-21.159. Dispute resolution.

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

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

"§ 90-21.160. Member states; effective date; amendment.

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

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

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

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

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

3 **"§ 90-21.161. Withdrawal.**

4 (a) Once effective, the Compact shall continue in force and remain binding upon each
5 and every member state, provided that a member state may withdraw from the Compact by
6 specifically repealing the statutes which enacted the Compact into law.

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

11 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
12 Commission in writing upon the introduction of legislation repealing the Compact in the
13 withdrawing state.

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

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

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

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

26 **"§ 90-21.162. Dissolution.**

27 (a) The Compact shall dissolve effective upon the date of the withdrawal or default of
28 the member state which reduces the membership of the Compact to one member state.

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

32 **"§ 90-21.163. Severability and construction.**

33 The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or
34 provision is deemed unenforceable, the remaining provisions of the Compact shall be
35 enforceable. The provisions of the Compact shall be liberally construed to effectuate its purposes.
36 Nothing in the Compact shall be construed to prohibit the applicability of other interstate
37 compacts to which the member states are members.

38 **"§ 90-21.164. Binding effect of Compact and other laws.**

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

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

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

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

47 (e) In the event any provision of the Compact exceeds the constitutional limits imposed
48 on the legislature of any member state, such provision shall be ineffective to the extent of the
49 conflict with the constitutional provision in question in that member state."

50 **SECTION 2.(a)** G.S. 90-5.1 reads as rewritten:

51 **"§ 90-5.1. Powers and duties of the Board.**

1 (a) The Board shall have the following powers and duties:

2 ...

3 (11) Appoint two Commissioners to serve on the Interstate Medical Licensure
4 Compact Commission. Commissioners must meet one of the following
5 requirements: be (i) a current physician Board member, (ii) an executive
6 director or similar executive member, or (iii) a current public Board member.

7"

8 **SECTION 2.(b)** G.S. 90-11(b) reads as rewritten:

9 "(b) The Department of Public Safety may provide a criminal record check to the Board
10 for a person who has applied for a license through the ~~Board~~ Board and for purposes of
11 G.S. 90-21.145. The Board shall provide to the Department of Public Safety, along with the
12 request, the fingerprints of the applicant, any additional information required by the Department
13 of Public Safety, and a form signed by the applicant consenting to the check of the criminal
14 record and to the use of the fingerprints and other identifying information required by the State
15 or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of
16 Investigation for a search of the State's criminal history record file, and the State Bureau of
17 Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a
18 national criminal history check. The Board shall keep all information pursuant to this subsection
19 privileged, in accordance with applicable State law and federal guidelines, and the information
20 shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

21 The Department of Public Safety may charge each applicant a fee for conducting the checks
22 of criminal history records authorized by this subsection. The Board has the authority to collect
23 this fee from each applicant and remit it to the Department of Public Safety."

24 **SECTION 2.(c)** G.S. 90-13.1 reads as rewritten:

25 "**§ 90-13.1. License fees.**

26 ...

27 (g) Each applicant for a license issued or renewed through the Interstate Medical
28 Licensure Compact in accordance with Article 1M of Chapter 90 of the General Statutes shall be
29 subject to any additional fees or assessments as determined by the Board or the Interstate Medical
30 Licensure Compact Commission to cover any costs incurred by the Board for the participation
31 in the Interstate Medical Licensure Compact."

32 **SECTION 2.(d)** G.S. 90-13.2 reads as rewritten:

33 "**§ 90-13.2. Registration every year with Board.**

34 (a) Every ~~Except as provided for in Article 1M of Chapter 90 of the General Statutes,~~
35 every licensee shall register annually with the Board no later than 30 days after the person's
36 birthday.

37 ...

38 (g) Upon payment of all accumulated fees and penalties, the license of the licensee may
39 be reinstated, subject to the Board requiring the licensee to appear before the Board for an
40 interview and to comply with other licensing requirements. ~~The~~ Except as provided in
41 G.S. 90-21.146, the penalty may not exceed the applicable maximum fee for a license under
42 G.S. 90-13.1.

43"

44 **SECTION 2.(e)** G.S. 90-14 reads as rewritten:

45 "**§ 90-14. Disciplinary Authority.**

46 (a) The Board shall have the power to place on probation with or without conditions,
47 impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public
48 letters of concern, mandate free medical services, require satisfactory completion of treatment
49 programs or remedial or educational training, fine, deny, annul, suspend, or revoke a license, or
50 other authority to practice medicine in this State, issued by the Board to any person who has been

1 found by the Board to have committed any of the following acts or conduct, or for any of the
2 following reasons:

- 3 ...
4 (18) A violation of Article 1M of Chapter 90 of the General Statutes, consistent
5 with the provisions of that Article for qualifying licensees.

6"

7 **SECTION 2.(f)** G.S. 90-14.2 reads as rewritten:

8 "**§ 90-14.2. Hearing before disciplinary action.**

9 (a) ~~Before~~ Except as provided in G.S. 90-21.150, before the Board shall take disciplinary
10 action against any license granted by it, the licensee shall be given a written notice indicating the
11 charges made against the licensee and stating that the licensee will be given an opportunity to be
12 heard concerning the charges at a time and place stated in the notice, or at a time and place to be
13 thereafter designated by the Board, and the Board shall hold a public hearing not less than 30
14 days from the date of the service of notice upon the licensee, at which the licensee may appear
15 personally and through counsel, may cross examine witnesses and present evidence in the
16 licensee's own behalf. A licensee who is mentally incompetent shall be represented at such
17 hearing and shall be served with notice as herein provided by and through a guardian ad litem
18 appointed by the clerk of the court of the county in which the licensee resides. The licensee may
19 file written answers to the charges within 30 days after the service of the notice, which answer
20 shall become a part of the record but shall not constitute evidence in the case.

21"

22 **SECTION 3.** This act becomes effective October 1, 2021.