

House Bill 637

By: Representatives Silcox of the 52nd, Cooper of the 43rd, Newton of the 123rd, Frye of the 118th, and Turner of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to enter into an interstate compact known as the
3 "Interstate Medical Licensure Compact"; to authorize the Georgia Composite Medical Board
4 to administer the compact in this state; to provide for the purpose of the compact; to provide
5 definitions; to provide for eligibility; to provide for application of an expedited license; to
6 provide for a coordinated information system; to provide for joint investigations and
7 discipline; to provide for a commission to administer the compact among the member states;
8 to provide for dispute resolution; to provide for withdrawal from the compact; to provide for
9 construction; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
14 assistants, and others, is amended in Code Section 43-34-5, relating to election of officers
15 of the Georgia Composite Medical Board, reimbursement of members, meetings, powers and
16 duties, and no restriction on licenses, by revising subsection (c) as follows:

17 "(c) The board shall have the following powers and duties:

- 18 (1) To adopt, amend, and repeal such rules and regulations in accordance with this
19 chapter necessary for the proper administration and enforcement of this chapter;
- 20 (2) To adopt a seal by which the board shall authenticate the acts of the board;
- 21 (3) To establish a pool of qualified physicians to act as peer reviewers and expert
22 witnesses and to appoint or contract with physicians professionally qualified by education
23 and training, medical associations, or other professionally qualified organizations to serve
24 as peer reviewers; provided, however, that no licensing, investigative, or disciplinary
25 duties or functions of the board may be delegated to any medical association or related
26 entity by contract or otherwise;

- 27 (4) To employ a medical director and other staff to implement this chapter and provide
28 necessary and appropriate support who shall be subject to the same confidentiality
29 requirements of the board;
- 30 (5) To keep a docket of public proceedings, actions, and filings;
- 31 (6) To set its office hours;
- 32 (7) To set all reasonable fees by adoption of a schedule of fees approved by the board.
33 The board shall set such fees sufficient to cover costs of operation;
- 34 (8) To establish rules regarding licensure and certification status, including, but not
35 limited to, inactive status, as the board deems appropriate;
- 36 (9) To issue, deny, or reinstate the licenses, certificates, or permits of duly qualified
37 applicants for licensure, certification, or permits under this chapter;
- 38 (10) To revoke, suspend, issue terms and conditions, place on probation, limit practice,
39 fine, require additional medical training, require medical community service, or otherwise
40 sanction licensees, certificate holders, or permit holders;
- 41 (11) To renew licenses, certificates, and permits and set renewal and expiration dates and
42 application and other deadlines;
- 43 (12) To approve such examinations as are necessary to determine competency to practice
44 under this chapter;
- 45 (13) To set examination standards, approve examinations, and set passing score
46 requirements;
- 47 (14) To adopt necessary rules concerning proceedings, hearings, review hearings,
48 actions, filings, depositions, and motions related to uncontested cases;
- 49 (15) To initiate investigations for the purposes of discovering violations of this chapter;
- 50 (16) To administer oaths, subpoena witnesses and documentary evidence including
51 medical records, and take testimony in all matters relating to its duties;
- 52 (17) To conduct hearings, reviews, and other proceedings according to Chapter 13 of
53 Title 50;
- 54 (18) To conduct investigative interviews;
- 55 (19) To issue cease and desist orders to stop the unlicensed practice of medicine or other
56 profession licensed, certified, or permitted under this chapter and impose penalties for
57 such violations;
- 58 (20) To request injunctive relief or refer cases for criminal prosecution to appropriate
59 enforcement authorities;
- 60 (21) To release investigative or applicant files to another enforcement agency or lawful
61 licensing authority in another state;
- 62 (22) To sue and be sued in a court of competent jurisdiction;
- 63 (23) To enter into contracts;

- 64 (24) To license and regulate pain management clinics;
- 65 (25) To establish minimum standards for prescribing controlled substances for pain
66 management; and
- 67 (26) To accept any gifts, grants, donations, and other funds, including funds from the
68 disposition of forfeited property to the extent permitted by applicable law, to assist in
69 enforcing this chapter; and
- 70 (27) To administer the Interstate Medical Licensure Act contained in Article 11 of this
71 chapter."

72 **SECTION 2.**

73 Said chapter is further amended by revising Code Section 43-34-28, relating to reciprocity,
74 as follows:

75 "43-34-28.

76 (a) The board may grant a license without examination to licensees of boards of other
77 states requiring equal or higher qualifications.

78 (b) The board may grant an expedited license to licensees of boards of other states
79 pursuant to the Interstate Medical Licensure Act contained in Article 11 of this chapter."

80 **SECTION 3.**

81 Said chapter is further amended by adding a new article, to read as follows:

82 "ARTICLE 11

83 43-34-300.

84 This article shall be known and may be cited as the 'Interstate Medical Licensure Compact.'

85 43-34-301.

86 The Interstate Medical Licensure Compact is enacted into law and entered into by the State
87 of Georgia with any and all other states legally joining therein in the form substantially as
88 follows:

89 'INTERSTATE MEDICAL LICENSURE COMPACT

90 SECTION 1. PURPOSE

91 In order to strengthen access to health care, and in recognition of the advances in the
92 delivery of health care, the member states of the Interstate Medical Licensure Compact
93 have allied in common purpose to develop a comprehensive process that complements the
94 existing licensing and regulatory authority of state medical boards, provides a streamlined

95 process that allows physicians to become licensed in multiple states, thereby enhancing the
 96 portability of a medical license and ensuring the safety of patients. The Compact creates
 97 another pathway for licensure and does not otherwise change a state's existing Medical
 98 Practice Act. The Compact also adopts the prevailing standard for licensure and affirms
 99 that the practice of medicine occurs where the patient is located at the time of the
 100 physician-patient encounter, and therefore, requires the physician to be under the
 101 jurisdiction of the state medical board where the patient is located. State medical boards
 102 that participate in the Compact retain the jurisdiction to impose an adverse action against
 103 a license to practice medicine in that state issued to a physician through the procedures in
 104 the Compact.

105 SECTION 2. DEFINITIONS

106 In this compact:

107 (a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to
 108 Section 11 for its governance, or for directing and controlling its actions and conduct.

109 (b) "Commissioner" means the voting representative appointed by each member board
 110 pursuant to Section 11.

111 (c) "Conviction" means a finding by a court that an individual is guilty of a criminal
 112 offense through adjudication, or entry of a plea of guilt or no contest to the charge by the
 113 offender. Evidence of an entry of a conviction of a criminal offense by the court shall be
 114 considered final for purposes of disciplinary action by a member board.

115 (d) "Expedited License" means a full and unrestricted medical license granted by a
 116 member state to an eligible physician through the process set forth in the Compact.

117 (e) "Interstate Commission" means the interstate commission created pursuant to Section
 118 11.

119 (f) "License" means authorization by a state for a physician to engage in the practice of
 120 medicine, which would be unlawful without the authorization.

121 (g) "Medical Practice Act" means laws and regulations governing the practice of allopathic
 122 and osteopathic medicine within a member state.

123 (h) "Member Board" means a state agency in a member state that acts in the sovereign
 124 interests of the state by protecting the public through licensure, regulation, and education
 125 of physicians as directed by the state government.

126 (i) "Member State" means a state that has enacted the Compact.

127 (j) "Offense" means a felony, high and aggravated misdemeanor, or crime of moral
 128 turpitude.

129 (k) "Physician" means any person who:

- 130 (1) Is a graduate of a medical school accredited by the Liaison Committee on Medical
131 Education, the Commission on Osteopathic College Accreditation, or a medical school
132 listed in the International Medical Education Directory or its equivalent;
- 133 (2) Passed each component of the United States Medical Licensing Examination
134 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination
135 (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted
136 by a state medical board as an equivalent examination for licensure purposes;
- 137 (3) Successfully completed graduate medical education approved by the Accreditation
138 Council for Graduate Medical Education or the American Osteopathic Association;
- 139 (4) Holds specialty certification or a time-unlimited specialty certificate recognized by
140 the American Board of Medical Specialties or the American Osteopathic Association's
141 Bureau of Osteopathic Specialists;
- 142 (5) Possesses a full and unrestricted license to engage in the practice of medicine issued
143 by a member board;
- 144 (6) Has never been convicted, received adjudication, deferred adjudication, community
145 supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
- 146 (7) Has never held a license authorizing the practice of medicine subjected to discipline
147 by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action
148 related to non-payment of fees related to a license;
- 149 (8) Has never had a controlled substance license or permit suspended or revoked by a
150 state or the United States Drug Enforcement Administration; and
- 151 (9) Is not under active investigation by a licensing agency or law enforcement authority
152 in any state, federal, or foreign jurisdiction.
- 153 (l) "Practice of Medicine" means the clinical prevention, diagnosis, or treatment of human
154 disease, injury, or condition requiring a physician to obtain and maintain a license in
155 compliance with the Medical Practice Act of a member state.
- 156 (m) "Rule" means a written statement by the Interstate Commission promulgated pursuant
157 to Section 12 of the Compact that is of general applicability, implements, interprets, or
158 prescribes a policy or provision of the Compact, or an organizational, procedural, or
159 practice requirement of the Interstate Commission, and has the force and effect of statutory
160 law in a member state, and includes the amendment, repeal, or suspension of an existing
161 rule.
- 162 (n) "State" means any state, commonwealth, district, or territory of the United States.
- 163 (o) "State of Principal License" means a member state where a physician holds a license
164 to practice medicine and which has been designated as such by the physician for purposes
165 of registration and participation in the Compact.

166 SECTION 3. ELIGIBILITY

167 (a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive
168 an expedited license under the terms and provisions of the Compact.

169 (b) A physician who does not meet the requirements of Section 2(k) may obtain a license
170 to practice medicine in a member state if the individual complies with all laws and
171 requirements, other than the Compact, relating to the issuance of a license to practice
172 medicine in that state.

173 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

174 (a) A physician shall designate a member state as the state of principal license for purposes
175 of registration for expedited licensure through the Compact if the physician possesses a full
176 and unrestricted license to practice medicine in that state, and the state is:

177 (1) the state of primary residence for the physician, or

178 (2) the state where at least 25% of the practice of medicine occurs, or

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

180 (4) if no state qualifies under subsection (1), subsection (2), or subsection (3), the state
181 designated as state of residence for purpose of federal income tax.

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

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

186 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

194 (i) Static qualifications, which include verification of medical education, graduate
195 medical education, results of any medical or licensing examination, and other
196 qualifications as determined by the Interstate Commission through rule, shall not be
197 subject to additional primary source verification where already primary source verified
198 by the state of principal license.

199 (ii) The member board within the state selected as the state of principal license shall, in
200 the course of verifying eligibility, perform a criminal background check of an applicant.

201 including the use of the results of fingerprint or other biometric data checks compliant
 202 with the requirements of the Federal Bureau of Investigation, with the exception of
 203 federal employees who have suitability determination in accordance with U.S. C.F.R.
 204 §731.202.

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

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

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

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

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

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

224 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

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

229 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

230 (a) A physician seeking to renew an expedited license granted in a member state shall
 231 complete a renewal process with the Interstate Commission if the physician:

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

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

- 235 (3) Has not had a license authorizing the practice of medicine subject to discipline by a
 236 licensing agency in any state, federal, or foreign jurisdiction, excluding any action related
 237 to non-payment of fees related to a license; and
 238 (4) Has not had a controlled substance license or permit suspended or revoked by a state
 239 or the United States Drug Enforcement Administration.
- 240 (b) Physicians shall comply with all continuing professional development or continuing
 241 medical education requirements for renewal of a license issued by a member state.
- 242 (c) The Interstate Commission shall collect any renewal fees charged for the renewal of
 243 a license and distribute the fees to the applicable member board.
- 244 (d) Upon receipt of any renewal fees collected in subsection (c), a member board shall
 245 renew the physician's license.
- 246 (e) Physician information collected by the Interstate Commission during the renewal
 247 process will be distributed to all member boards.
- 248 (f) The Interstate Commission is authorized to develop rules to address renewal of licenses
 249 obtained through the Compact.

250 SECTION 8. COORDINATED INFORMATION SYSTEM

- 251 (a) The Interstate Commission shall establish a database of all physicians licensed, or who
 252 have applied for licensure, under Section 5.
- 253 (b) Notwithstanding any other provision of law, member boards shall report to the
 254 Interstate Commission any public action or complaints against a licensed physician who
 255 has applied or received an expedited license through the Compact.
- 256 (c) Member boards shall report disciplinary or investigatory information determined as
 257 necessary and proper by rule of the Interstate Commission.
- 258 (d) Member boards may report any non-public complaint, disciplinary, or investigatory
 259 information not required by subsection (c) to the Interstate Commission.
- 260 (e) Member boards shall share complaint or disciplinary information about a physician
 261 upon request of another member board.
- 262 (f) All information provided to the Interstate Commission or distributed by member boards
 263 shall be confidential, filed under seal, and used only for investigatory or disciplinary
 264 matters.
- 265 (g) The Interstate Commission is authorized to develop rules for mandated or discretionary
 266 sharing of information by member boards.

267 SECTION 9. JOINT INVESTIGATIONS

- 268 (a) Licensure and disciplinary records of physicians are deemed investigative.

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

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

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

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

278 SECTION 10. DISCIPLINARY ACTIONS

279 (a) Any disciplinary action taken by any member board against a physician licensed
 280 through the Compact shall be deemed unprofessional conduct which may be subject to
 281 discipline by other member boards, in addition to any violation of the Medical Practice Act
 282 or regulations in that state.

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

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

294 (i) impose the same or lesser sanction(s) against the physician so long as such sanctions
 295 are consistent with the Medical Practice Act of that state;

296 (ii) or pursue separate disciplinary action against the physician under its respective
 297 Medical Practice Act, regardless of the action taken in other member states.

298 (d) If a license granted to a physician by a member board is revoked, surrendered or
 299 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician
 300 by any other member board(s) shall be suspended, automatically and immediately without
 301 further action necessary by the other member board(s), for ninety (90) days upon entry of
 302 the order by the disciplining board, to permit the member board(s) to investigate the basis
 303 for the action under the Medical Practice Act of that state. A member board may terminate

304 the automatic suspension of the license it issued prior to the completion of the ninety (90)
305 day suspension period in a manner consistent with the Medical Practice Act of that state.

306 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

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

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

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

316 (d) The Interstate Commission shall consist of two voting representatives appointed by
317 each member state who shall serve as Commissioners. In states where allopathic and
318 osteopathic physicians are regulated by separate member boards, or if the licensing and
319 disciplinary authority is split between multiple member boards within a member state, the
320 member state shall appoint one representative from each member board. A Commissioner
321 shall be a(n):

322 (1) Allopathic or osteopathic physician appointed to a member board;

323 (2) Executive director, executive secretary, or similar executive of a member board; or

324 (3) Member of the public appointed to a member board.

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

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

332 (g) Each Commissioner participating at a meeting of the Interstate Commission is entitled
333 to one vote. A majority of Commissioners shall constitute a quorum for the transaction of
334 business, unless a larger quorum is required by the bylaws of the Interstate Commission.
335 A Commissioner shall not delegate a vote to another Commissioner. In the absence of its
336 Commissioner, a member state may delegate voting authority for a specified meeting to
337 another person from that state who shall meet the requirements of subsection (d).

338 (h) The Interstate Commission shall provide public notice of all meetings and all meetings
339 shall be open to the public. The Interstate Commission may close a meeting, in full or in

340 portion, where it determines by a two-thirds vote of the Commissioners present that an
 341 open meeting would be likely to:

342 (1) Relate solely to the internal personnel practices and procedures of the Interstate
 343 Commission;

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

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

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

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

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

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

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

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

358 (k) The Interstate Commission shall establish an executive committee, which shall include
 359 officers, members, and others as determined by the bylaws. The executive committee shall
 360 have the power to act on behalf of the Interstate Commission, with the exception of
 361 rulemaking, during periods when the Interstate Commission is not in session. When acting
 362 on behalf of the Interstate Commission, the executive committee shall oversee the
 363 administration of the Compact including enforcement and compliance with the provisions
 364 of the Compact, its bylaws and rules, and other such duties as necessary.

365 (l) The Interstate Commission may establish other committees for governance and
 366 administration of the Compact.

367 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

368 The Interstate Commission shall have the duty and power to:

369 (a) Oversee and maintain the administration of the Compact;

370 (b) Promulgate rules which shall be binding to the extent and in the manner provided for
 371 in the Compact;

372 (c) Issue, upon the request of a member state or member board, advisory opinions
 373 concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;

- 374 (d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate
375 Commission, and the bylaws, using all necessary and proper means, including but not
376 limited to the use of judicial process;
- 377 (e) Establish and appoint committees including, but not limited to, an executive
378 committee as required by Section 11, which shall have the power to act on behalf of the
379 Interstate Commission in carrying out its powers and duties;
- 380 (f) Pay, or provide for the payment of the expenses related to the establishment,
381 organization, and ongoing activities of the Interstate Commission;
- 382 (g) Establish and maintain one or more offices;
- 383 (h) Borrow, accept, hire, or contract for services of personnel;
- 384 (i) Purchase and maintain insurance and bonds;
- 385 (j) Employ an executive director who shall have such powers to employ, select or
386 appoint employees, agents, or consultants, and to determine their qualifications, define
387 their duties, and fix their compensation;
- 388 (k) Establish personnel policies and programs relating to conflicts of interest, rates of
389 compensation, and qualifications of personnel;
- 390 (l) Accept donations and grants of money, equipment, supplies, materials and services,
391 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest
392 policies established by the Interstate Commission;
- 393 (m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
394 improve or use, any property, real, personal, or mixed;
- 395 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
396 any property, real, personal, or mixed;
- 397 (o) Establish a budget and make expenditures;
- 398 (p) Adopt a seal and bylaws governing the management and operation of the Interstate
399 Commission;
- 400 (q) Report annually to the legislatures and governors of the member states concerning
401 the activities of the Interstate Commission during the preceding year. Such reports shall
402 also include reports of financial audits and any recommendations that may have been
403 adopted by the Interstate Commission;
- 404 (r) Coordinate education, training, and public awareness regarding the Compact, its
405 implementation, and its operation;
- 406 (s) Maintain records in accordance with the bylaws;
- 407 (t) Seek and obtain trademarks, copyrights, and patents; and
- 408 (u) Perform such functions as may be necessary or appropriate to achieve the purposes
409 of the Compact.

410 SECTION 13. FINANCE POWERS

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

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

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

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

424 SECTION 14. ORGANIZATION AND OPERATION
425 OF THE INTERSTATE COMMISSION

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

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

435 (c) Officers selected in subsection (b) shall serve without remuneration from the Interstate
436 Commission.

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

445 (1) The liability of the executive director and employees of the Interstate Commission
 446 or representatives of the Interstate Commission, acting within the scope of such person's
 447 employment or duties for acts, errors, or omissions occurring within such person's state,
 448 may not exceed the limits of liability set forth under the constitution and laws of that state
 449 for state officials, employees, and agents. The Interstate Commission is considered to be
 450 an instrumentality of the states for the purposes of any such action. Nothing in this
 451 subsection shall be construed to protect such person from suit or liability for damage,
 452 loss, injury, or liability caused by the intentional or willful and wanton misconduct of
 453 such person.

454 (2) The Interstate Commission shall defend the executive director, its employees, and
 455 subject to the approval of the attorney general or other appropriate legal counsel of the
 456 member state represented by an Interstate Commission representative, shall defend such
 457 Interstate Commission representative in any civil action seeking to impose liability
 458 arising out of an actual or alleged act, error or omission that occurred within the scope
 459 of Interstate Commission employment, duties or responsibilities, or that the defendant
 460 had a reasonable basis for believing occurred within the scope of Interstate Commission
 461 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
 462 omission did not result from intentional or willful and wanton misconduct on the part of
 463 such person.

464 (3) To the extent not covered by the state involved, member state, or the Interstate
 465 Commission, the representatives or employees of the Interstate Commission shall be held
 466 harmless in the amount of a settlement or judgment, including attorney's fees and costs,
 467 obtained against such persons arising out of an actual or alleged act, error, or omission
 468 that occurred within the scope of Interstate Commission employment, duties, or
 469 responsibilities, or that such persons had a reasonable basis for believing occurred within
 470 the scope of Interstate Commission employment, duties, or responsibilities, provided that
 471 the actual or alleged act, error, or omission did not result from intentional or willful and
 472 wanton misconduct on the part of such persons.

473 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

479 (b) Rules deemed appropriate for the operations of the Interstate Commission shall be
480 made pursuant to a rulemaking process that substantially conforms to the "Model State
481 Administrative Procedure Act" of 2010.

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

490 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

496 (b) All courts shall take judicial notice of the Compact and the rules in any judicial or
497 administrative proceeding in a member state pertaining to the subject matter of the
498 Compact which may affect the powers, responsibilities or actions of the Interstate
499 Commission.

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

504 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

507 (b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal
508 action in the United States District Court for the District of Columbia, or, at the discretion
509 of the Interstate Commission, in the federal district where the Interstate Commission has
510 its principal offices, to enforce compliance with the provisions of the Compact, and its
511 promulgated rules and bylaws, against a member state in default. The relief sought may
512 include both injunctive relief and damages. In the event judicial enforcement is necessary,

513 the prevailing party shall be awarded all costs of such litigation including reasonable
514 attorney's fees.

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

518 SECTION 18. DEFAULT PROCEDURES

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

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

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

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

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

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

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

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

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

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

553 SECTION 19. DISPUTE RESOLUTION

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

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

559 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

561 (b) The Compact shall become effective and binding upon legislative enactment of the
562 Compact into law by no less than seven (7) states. Thereafter, it shall become effective and
563 binding on a state upon enactment of the Compact into law by that state.

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

567 (d) The Interstate Commission may propose amendments to the Compact for enactment
568 by the member states. No amendment shall become effective and binding upon the
569 Interstate Commission and the member states unless and until it is enacted into law by
570 unanimous consent of the member states.

571 SECTION 21. WITHDRAWAL

572 (a) Once effective, the Compact shall continue in force and remain binding upon each and
573 every member state; provided that a member state may withdraw from the Compact by
574 specifically repealing the statute which enacted the Compact into law.

575 (b) Withdrawal from the Compact shall be by the enactment of a statute repealing the
576 same, but shall not take effect until one (1) year after the effective date of such statute and
577 until written notice of the withdrawal has been given by the withdrawing state to the
578 governor of each other member state.

579 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
580 Commission in writing upon the introduction of legislation repealing the Compact in the
581 withdrawing state.

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

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

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

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

594 SECTION 22. DISSOLUTION

595 (a) The Compact shall dissolve effective upon the date of the withdrawal or default of the
596 member state which reduces the membership in the Compact to one (1) member state.

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

600 SECTION 23. SEVERABILITY AND CONSTRUCTION

601 (a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence,
602 or provision is deemed unenforceable, the remaining provisions of the Compact shall be
603 enforceable.

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

605 (c) Nothing in the Compact shall be construed to prohibit the applicability of other
606 interstate compacts to which the states are members.

607 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

616 (e) In the event any provision of the Compact exceeds the constitutional limits imposed
617 on the legislature of any member state, such provision shall be ineffective to the extent of
618 the conflict with the constitutional provision in question in that member state.'

619 43-34-302.

620 The Georgia Composite Medical Board shall be authorized to promulgate rules and
621 regulations to implement the provisions of this article.

622 43-34-303.

623 The Georgia Composite Medical Board shall designate the two voting representatives from
624 this state who shall serve as Commissioners on the Interstate Medical Licensure Compact
625 Commission in accordance with Section 11(d) of the Interstate Medical Licensure Compact
626 entered into pursuant to Code Section 43-34-301.

627 43-34-304.

628 A physician issued an expedited license pursuant to the Interstate Medical Licensure
629 Compact entered into pursuant to Code Section 43-34-301 by another member state shall
630 be subject to all requirements and duties applicable to physicians who are licensed pursuant
631 to Article 2 of this chapter."

632 **SECTION 4.**

633 All laws and parts of laws in conflict with this Act are repealed.