

Senate Bill 325

By: Senators Kirkpatrick of the 32nd, Hufstetler of the 52nd, Burke of the 11th, Watson of the 1st, Tillery of the 19th and others

AS PASSED SENATE

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 Act"; to authorize the Georgia Composite Medical
 4 Board to administer the compact in this state; to provide for the purpose of the compact; to
 5 provide definitions; to provide for eligibility; to provide for application of an expedited
 6 license; to provide for a coordinated information system; to provide for joint investigations
 7 and discipline; to provide for a commission to administer the compact among the member
 8 states; to provide for dispute resolution; to provide for withdrawal from the compact; to
 9 provide for construction; to provide for related matters; to repeal conflicting laws; and for
 10 other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **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 Compact Act contained in Article
 71 11 of this 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 Compact Act contained in Article 11 of this
 80 chapter."

81 **SECTION 3.**

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

83 "ARTICLE 11

84 43-34-300.

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

87 43-34-301.

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

91 'INTERSTATE MEDICAL LICENSURE COMPACT

92 SECTION 1. PURPOSE

93 In order to strengthen access to health care, and in recognition of the advances in the
 94 delivery of health care, the member states of the Interstate Medical Licensure Compact

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

107 SECTION 2. DEFINITIONS

108 In this compact:

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

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

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

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

119 (e) "Interstate Commission" means the interstate commission created pursuant to Section
120 11.

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

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

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

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

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

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

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

135 (2) Passed each component of the United States Medical Licensing Examination
136 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination
137 (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted
138 by a state medical board as an equivalent examination for licensure purposes;

139 (3) Successfully completed graduate medical education approved by the Accreditation
140 Council for Graduate Medical Education or the American Osteopathic Association;

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

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

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

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

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

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

155 (l) "Practice of Medicine" means the clinical prevention, diagnosis, or treatment of human
156 disease, injury, or condition requiring a physician to obtain and maintain a license in
157 compliance with the Medical Practice Act of a member state.

158 (m) "Rule" means a written statement by the Interstate Commission promulgated pursuant
159 to Section 12 of the Compact that is of general applicability, implements, interprets, or
160 prescribes a policy or provision of the Compact, or an organizational, procedural, or
161 practice requirement of the Interstate Commission, and has the force and effect of statutory
162 law in a member state, and includes the amendment, repeal, or suspension of an existing
163 rule.

164 (n) "State" means any state, commonwealth, district, or territory of the United States.

165 (o) "State of Principal License" means a member state where a physician holds a license
166 to practice medicine and which has been designated as such by the physician for purposes
167 of registration and participation in the Compact.

168 SECTION 3. ELIGIBILITY

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

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

175 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

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

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

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

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

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

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

188 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

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

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

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

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

203 including the use of the results of fingerprint or other biometric data checks compliant
 204 with the requirements of the Federal Bureau of Investigation, with the exception of
 205 federal employees who have suitability determination in accordance with U.S. C.F.R.
 206 §731.202.

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

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

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

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

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

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

226 SECTION 6. FEES FOR EXPEDITED LICENSURE

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

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

231 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

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

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

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

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

252 SECTION 8. COORDINATED INFORMATION SYSTEM

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

269 SECTION 9. JOINT INVESTIGATIONS

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

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

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

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

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

280 SECTION 10. DISCIPLINARY ACTIONS

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

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

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

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

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

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

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

308 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

369 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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

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

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

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

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

412 SECTION 13. FINANCE POWERS

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

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

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

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

426 SECTION 14. ORGANIZATION AND OPERATION
 427 OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

475 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

492 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

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

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

506 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

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

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

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

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

520 SECTION 18. DEFAULT PROCEDURES

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

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

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

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

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

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

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

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

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

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

555 SECTION 19. DISPUTE RESOLUTION

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

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

561 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

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

573 SECTION 21. WITHDRAWAL

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

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

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

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

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

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

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

596 SECTION 22. DISSOLUTION

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

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

602 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

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

609 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

621 43-34-302.

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

624 43-34-303.

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

629 43-34-304.

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

634 **SECTION 4.**

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