

By Senator Harrell

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1 A bill to be entitled
2 An act relating to health care practitioner licensure;
3 creating s. 458.3129, F.S.; establishing that a
4 physician licensed under the Interstate Medical
5 Licensure Compact is deemed to be licensed under
6 chapter 458; creating s. 459.074, F.S.; establishing
7 that an osteopathic physician licensed under the
8 Interstate Medical Licensure Compact is deemed to be
9 licensed under chapter 459; amending s. 456.0635,
10 F.S.; removing the requirement that each board within
11 the jurisdiction of the Department of Health, or the
12 department if there is no board, prohibit a candidate
13 from being examined for or issued, or having renewed a
14 license, certificate, or registration to practice a
15 health care profession if he or she is listed on a
16 specified federal list of excluded individuals and
17 entities; amending s. 456.072, F.S.; deleting a
18 provision classifying the failure to repay a student
19 loan issued or guaranteed by the state or federal
20 government in accordance with the terms of the loan as
21 a failure to perform a statutory or legal obligation;
22 removing penalties; repealing s. 456.0721, F.S.,
23 relating to investigations of health care
24 practitioners in default on student loan or
25 scholarship obligations; amending s. 456.074, F.S.;
26 deleting the requirement, and related provisions, that
27 the department immediately suspend the licenses of
28 certain health care practitioners for failing to
29 provide proof of new payment terms for defaulted

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30 student loans within a specified timeframe; creating
31 s. 456.4501, F.S.; implementing the Interstate Medical
32 Licensure Compact in this state; providing for an
33 interstate medical licensure process; providing
34 requirements for multistate practice; creating s.
35 456.4502, F.S.; establishing that a formal hearing
36 before the Division of Administrative Hearings must be
37 held if there are any disputed issues of material fact
38 when the licenses of certain physicians and
39 osteopathic physicians are suspended or revoked by
40 this state under the compact; requiring the department
41 to notify the division of a petition for a formal
42 hearing within a specified timeframe; requiring the
43 administrative law judge to issue a recommended order;
44 requiring the Board of Medicine or the Board of
45 Osteopathic Medicine, as applicable, to determine and
46 issue final orders in certain cases; providing the
47 department with standing to seek judicial review of
48 any final order of the boards; creating s. 456.4504,
49 F.S.; authorizing the department to adopt rules;
50 amending s. 768.28, F.S.; designating the state
51 commissioners of the Interstate Medical Licensure
52 Compact Commission and other members or employees of
53 the commission as state agents for the purpose of
54 applying sovereign immunity and waivers of sovereign
55 immunity; requiring the commission to pay certain
56 claims or judgments; authorizing the commission to
57 maintain insurance coverage to pay such claims or
58 judgments; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 458.3129, Florida Statutes, is created to read:

458.3129 Interstate Medical Licensure Compact.—A physician licensed to practice medicine under s. 456.4501 is deemed to also be licensed under this chapter.

Section 2. Section 459.074, Florida Statutes, is created to read:

459.074 Interstate Medical Licensure Compact.—A physician licensed to practice osteopathic medicine under s. 456.4501 is deemed to also be licensed under this chapter.

Section 3. Subsection (2) and paragraph (e) of subsection (3) of section 456.0635, Florida Statutes, are amended to read:

456.0635 Health care fraud; disqualification for license, certificate, or registration.—

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the candidate or applicant:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, unless the candidate or applicant has successfully completed a pretrial diversion or drug court program for that felony and provides

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88 proof that the plea has been withdrawn or the charges have been
89 dismissed. Any such conviction or plea shall exclude the
90 applicant or candidate from licensure, examination,
91 certification, or registration unless the sentence and any
92 subsequent period of probation for such conviction or plea
93 ended:

94 1. For felonies of the first or second degree, more than 15
95 years before the date of application.

96 2. For felonies of the third degree, more than 10 years
97 before the date of application, except for felonies of the third
98 degree under s. 893.13(6)(a).

99 3. For felonies of the third degree under s. 893.13(6)(a),
100 more than 5 years before the date of application;

101 (b) Has been convicted of, or entered a plea of guilty or
102 nolo contendere to, regardless of adjudication, a felony under
103 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
104 sentence and any subsequent period of probation for such
105 conviction or plea ended more than 15 years before the date of
106 the application;

107 (c) Has been terminated for cause from the Florida Medicaid
108 program pursuant to s. 409.913, unless the candidate or
109 applicant has been in good standing with the Florida Medicaid
110 program for the most recent 5 years; or

111 (d) Has been terminated for cause, pursuant to the appeals
112 procedures established by the state, from any other state
113 Medicaid program, unless the candidate or applicant has been in
114 good standing with a state Medicaid program for the most recent
115 5 years and the termination occurred at least 20 years before
116 the date of the application; ~~or~~

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117 ~~(c) Is currently listed on the United States Department of~~
 118 ~~Health and Human Services Office of Inspector General's List of~~
 119 ~~Excluded Individuals and Entities.~~

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121 This subsection does not apply to an applicant for initial
 122 licensure, certification, or registration who was arrested or
 123 charged with a felony specified in paragraph (a) or paragraph
 124 (b) before July 1, 2009.

125 (3) The department shall refuse to renew a license,
 126 certificate, or registration of any applicant if the applicant
 127 or any principal, officer, agent, managing employee, or
 128 affiliated person of the applicant:

129 ~~(c) Is currently listed on the United States Department of~~
 130 ~~Health and Human Services Office of Inspector General's List of~~
 131 ~~Excluded Individuals and Entities.~~

132

133 This subsection does not apply to an applicant for renewal of
 134 licensure, certification, or registration who was arrested or
 135 charged with a felony specified in paragraph (a) or paragraph
 136 (b) before July 1, 2009.

137 Section 4. Paragraph (k) of subsection (1) of section
 138 456.072, Florida Statutes, is amended to read:

139 456.072 Grounds for discipline; penalties; enforcement.—

140 (1) The following acts shall constitute grounds for which
 141 the disciplinary actions specified in subsection (2) may be
 142 taken:

143 (k) Failing to perform any statutory or legal obligation
 144 placed upon a licensee. ~~For purposes of this section, failing to~~
 145 ~~repay a student loan issued or guaranteed by the state or the~~

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146 ~~Federal Government in accordance with the terms of the loan or~~
147 ~~failing to comply with service scholarship obligations shall be~~
148 ~~considered a failure to perform a statutory or legal obligation,~~
149 ~~and the minimum disciplinary action imposed shall be a~~
150 ~~suspension of the license until new payment terms are agreed~~
151 ~~upon or the scholarship obligation is resumed, followed by~~
152 ~~probation for the duration of the student loan or remaining~~
153 ~~scholarship obligation period, and a fine equal to 10 percent of~~
154 ~~the defaulted loan amount. Fines collected shall be deposited~~
155 ~~into the Medical Quality Assurance Trust Fund.~~

156 Section 5. Section 456.0721, Florida Statutes, is repealed.

157 Section 6. Subsection (4) of section 456.074, Florida
158 Statutes, is amended to read:

159 456.074 Certain health care practitioners; immediate
160 suspension of license.-

161 ~~(4) Upon receipt of information that a Florida-licensed~~
162 ~~health care practitioner has defaulted on a student loan issued~~
163 ~~or guaranteed by the state or the Federal Government, the~~
164 ~~department shall notify the licensee by certified mail that he~~
165 ~~or she shall be subject to immediate suspension of license~~
166 ~~unless, within 45 days after the date of mailing, the licensee~~
167 ~~provides proof that new payment terms have been agreed upon by~~
168 ~~all parties to the loan. The department shall issue an emergency~~
169 ~~order suspending the license of any licensee who, after 45 days~~
170 ~~following the date of mailing from the department, has failed to~~
171 ~~provide such proof. Production of such proof shall not prohibit~~
172 ~~the department from proceeding with disciplinary action against~~
173 ~~the licensee pursuant to s. 456.073.~~

174 Section 7. Section 456.4501, Florida Statutes, is created

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175 to read:

176 456.4501 Interstate Medical Licensure Compact.—The
177 Interstate Medical Licensure Compact is hereby enacted into law
178 and entered into by this state with all other jurisdictions
179 legally joining therein in the form substantially as follows:

181 SECTION 1

182 PURPOSE

183
184 In order to strengthen access to health care, and in
185 recognition of the advances in the delivery of health care, the
186 member states of the Interstate Medical Licensure Compact have
187 allied in common purpose to develop a comprehensive process that
188 complements the existing licensing and regulatory authority of
189 state medical boards, provides a streamlined process that allows
190 physicians to become licensed in multiple states, thereby
191 enhancing the portability of a medical license and ensuring the
192 safety of patients. The Compact creates another pathway for
193 licensure and does not otherwise change a state's existing
194 Medical Practice Act. The Compact also adopts the prevailing
195 standard for licensure and affirms that the practice of medicine
196 occurs where the patient is located at the time of the
197 physician-patient encounter, and therefore, requires the
198 physician to be under the jurisdiction of the state medical
199 board where the patient is located. State medical boards that
200 participate in the Compact retain the jurisdiction to impose an
201 adverse action against a license to practice medicine in that
202 state issued to a physician through the procedures in the
203 Compact.

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205 SECTION 2
206 DEFINITIONS
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208 In this compact:

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

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

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

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

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

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

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

231 (h) "Member Board" means a state agency in a member state
232 that acts in the sovereign interests of the state by protecting

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233 the public through licensure, regulation, and education of
234 physicians as directed by the state government.

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

237 (j) "Practice of medicine" means the diagnosis, treatment,
238 prevention, cure, or relieving of a human disease, ailment,
239 defect, complaint, or other physical or mental condition, by
240 attendance, advice, device, diagnostic test, or other means, or
241 offering, undertaking, attempting to do, or holding oneself out
242 as able to do, any of these acts.

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

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

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

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

257 (4) Holds specialty certification or a time-unlimited
258 specialty certificate recognized by the American Board of
259 Medical Specialties or the American Osteopathic Association's
260 Bureau of Osteopathic Specialists; however, the specialty
261 certification or a time-unlimited specialty certificate does not

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262 have to be maintained once a physician is initially determined
263 to be eligible for expedited licensure through the Compact;

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

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

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

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

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

280 (1) "Offense" means a felony, high court misdemeanor, or
281 crime of moral turpitude.

282 (m) "Rule" means a written statement by the Interstate
283 Commission promulgated pursuant to Section 12 of the Compact
284 that is of general applicability, implements, interprets, or
285 prescribes a policy or provision of the Compact, or an
286 organizational, procedural, or practice requirement of the
287 Interstate Commission, and has the force and effect of statutory
288 law in a member state, if the rule is not inconsistent with the
289 laws of the member state. The term includes the amendment,
290 repeal, or suspension of an existing rule.

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

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

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298 SECTION 3

299 ELIGIBILITY

300
301 (a) A physician must meet the eligibility requirements as
302 defined in Section 2(k) to receive an expedited license under
303 the terms and provisions of the Compact.

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

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310 SECTION 4

311 DESIGNATION OF STATE OF PRINCIPAL LICENSE

312
313 (a) A physician shall designate a member state as the state
314 of principal license for purposes of registration for expedited
315 licensure through the Compact if the physician possesses a full
316 and unrestricted license to practice medicine in that state, and
317 the state is:

318 (1) The state of primary residence for the physician, or
319 (2) The state where at least 25% of the practice of

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320 medicine occurs, or

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

322 (4) If no state qualifies under subsection (1), subsection
323 (2), or subsection (3), the state designated as state of
324 residence for purpose of federal income tax.

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

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

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332 SECTION 5

333 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

334

335 (a) A physician seeking licensure through the Compact shall
336 file an application for an expedited license with the member
337 board of the state selected by the physician as the state of
338 principal license.

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

345 (1) Static qualifications, which include verification of
346 medical education, graduate medical education, results of any
347 medical or licensing examination, and other qualifications as
348 determined by the Interstate Commission through rule, shall not

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349 be subject to additional primary source verification where
350 already primary source verified by the state of principal
351 license.

352 (2) The member board within the state selected as the state
353 of principal license shall, in the course of verifying
354 eligibility, perform a criminal background check of an
355 applicant, including the use of the results of fingerprint or
356 other biometric data checks compliant with the requirements of
357 the Federal Bureau of Investigation, with the exception of
358 federal employees who have suitability determination in
359 accordance with U.S. 5 C.F.R. s. 731.202.

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

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

368 (d) After receiving verification of eligibility under
369 subsection (b) and any fees under subsection (c), a member board
370 shall issue an expedited license to the physician. This license
371 shall authorize the physician to practice medicine in the
372 issuing state consistent with the Medical Practice Act and all
373 applicable laws and regulations of the issuing member board and
374 member state.

375 (e) An expedited license shall be valid for a period
376 consistent with the licensure period in the member state and in
377 the same manner as required for other physicians holding a full

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378 and unrestricted license within the member state.

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

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

387 SECTION 6

388 FEEES FOR EXPEDITED LICENSURE

389
390 (a) A member state issuing an expedited license authorizing
391 the practice of medicine in that state, or the regulating
392 authority of the member state, may impose a fee for a license
393 issued or renewed through the Compact.

394 (b) The Interstate Commission is authorized to develop
395 rules regarding fees for expedited licenses. However, those
396 rules shall not limit the authority of a member state, or the
397 regulating authority of the member state, to impose and
398 determine the amount of a fee under subsection (a).

400 SECTION 7

401 RENEWAL AND CONTINUED PARTICIPATION

402
403 (a) A physician seeking to renew an expedited license
404 granted in a member state shall complete a renewal process with
405 the Interstate Commission if the physician:

406 (1) Maintains a full and unrestricted license in a state of

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407 principal license;

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

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

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

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

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

424 (d) Upon receipt of any renewal fees collected in
425 subsection (c), a member board shall renew the physician's
426 license.

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

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

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SECTION 8

COORDINATED INFORMATION SYSTEM

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437 (a) The Interstate Commission shall establish a database of
438 all physicians licensed, or who have applied for licensure,
439 under Section 5.

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

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

447 (d) Member boards may report any non-public complaint,
448 disciplinary, or investigatory information not required by
449 subsection (c) to the Interstate Commission.

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

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

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

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SECTION 9

462

JOINT INVESTIGATIONS

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(a) Licensure and disciplinary records of physicians are

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465 deemed investigative.

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

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

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

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

480
481 SECTION 10

482 DISCIPLINARY ACTIONS

483
484 (a) Any disciplinary action taken by any member board
485 against a physician licensed through the Compact shall be deemed
486 unprofessional conduct which may be subject to discipline by
487 other member boards, in addition to any violation of the Medical
488 Practice Act or regulations in that state.

489 (b) If a license granted to a physician by the member board
490 in the state of principal license is revoked, surrendered or
491 relinquished in lieu of discipline, or suspended, then all
492 licenses issued to the physician by member boards shall
493 automatically be placed, without further action necessary by any

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494 member board, on the same status. If the member board in the
495 state of principal license subsequently reinstates the
496 physician's license, a license issued to the physician by any
497 other member board shall remain encumbered until that respective
498 member board takes action to reinstate the license in a manner
499 consistent with the Medical Practice Act of that state.

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

504 (1) Impose the same or lesser sanction(s) against the
505 physician so long as such sanctions are consistent with the
506 Medical Practice Act of that state; or

507 (2) Pursue separate disciplinary action against the
508 physician under its respective Medical Practice Act, regardless
509 of the action taken in other member states.

510 (d) If a license granted to a physician by a member board
511 is revoked, surrendered or relinquished in lieu of discipline,
512 or suspended, then any license(s) issued to the physician by any
513 other member board(s) shall be suspended, automatically and
514 immediately without further action necessary by the other member
515 board(s), for ninety (90) days upon entry of the order by the
516 disciplining board, to permit the member board(s) to investigate
517 the basis for the action under the Medical Practice Act of that
518 state. A member board may terminate the automatic suspension of
519 the license it issued prior to the completion of the ninety (90)
520 day suspension period in a manner consistent with the Medical
521 Practice Act of that state.

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SECTION 11

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

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

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

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

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

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

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

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

(e) The Interstate Commission shall meet at least once each
calendar year. A portion of this meeting shall be a business

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552 meeting to address such matters as may properly come before the
553 Commission, including the election of officers. The chairperson
554 may call additional meetings and shall call for a meeting upon
555 the request of a majority of the member states.

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

559 (g) Each Commissioner participating at a meeting of the
560 Interstate Commission is entitled to one vote. A majority of
561 Commissioners shall constitute a quorum for the transaction of
562 business, unless a larger quorum is required by the bylaws of
563 the Interstate Commission. A Commissioner shall not delegate a
564 vote to another Commissioner. In the absence of its
565 Commissioner, a member state may delegate voting authority for a
566 specified meeting to another person from that state who shall
567 meet the requirements of subsection (d).

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

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

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

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

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

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581 (5) Discuss information of a personal nature where
582 disclosure would constitute a clearly unwarranted invasion of
583 personal privacy;

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

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

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

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

596 (k) The Interstate Commission shall establish an executive
597 committee, which shall include officers, members, and others as
598 determined by the bylaws. The executive committee shall have the
599 power to act on behalf of the Interstate Commission, with the
600 exception of rulemaking, during periods when the Interstate
601 Commission is not in session. When acting on behalf of the
602 Interstate Commission, the executive committee shall oversee the
603 administration of the Compact including enforcement and
604 compliance with the provisions of the Compact, its bylaws and
605 rules, and other such duties as necessary.

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

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SECTION 12

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POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the duty and power to:

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

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

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

(d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(e) Establish and appoint committees including, but not limited to, an executive committee as required by Section 11, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(f) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;

(g) Establish and maintain one or more offices;

(h) Borrow, accept, hire, or contract for services of personnel;

(i) Purchase and maintain insurance and bonds;

(j) Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;

(k) Establish personnel policies and programs relating to

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639 conflicts of interest, rates of compensation, and qualifications
640 of personnel;

641 (l) Accept donations and grants of money, equipment,
642 supplies, materials and services, and to receive, utilize, and
643 dispose of it in a manner consistent with the conflict of
644 interest policies established by the Interstate Commission;

645 (m) Lease, purchase, accept contributions or donations of,
646 or otherwise to own, hold, improve or use, any property, real,
647 personal, or mixed;

648 (n) Sell, convey, mortgage, pledge, lease, exchange,
649 abandon, or otherwise dispose of any property, real, personal,
650 or mixed;

651 (o) Establish a budget and make expenditures;

652 (p) Adopt a seal and bylaws governing the management and
653 operation of the Interstate Commission;

654 (q) Report annually to the legislatures and governors of
655 the member states concerning the activities of the Interstate
656 Commission during the preceding year. Such reports shall also
657 include reports of financial audits and any recommendations that
658 may have been adopted by the Interstate Commission;

659 (r) Coordinate education, training, and public awareness
660 regarding the Compact, its implementation, and its operation;

661 (s) Maintain records in accordance with the bylaws;

662 (t) Seek and obtain trademarks, copyrights, and patents;

663 and

664 (u) Perform such functions as may be necessary or
665 appropriate to achieve the purposes of the Compact.

666

667

SECTION 13

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FINANCE POWERS

668
669
670 (a) The Interstate Commission may levy on and collect an
671 annual assessment from each member state to cover the cost of
672 the operations and activities of the Interstate Commission and
673 its staff. The total assessment, subject to appropriation, must
674 be sufficient to cover the annual budget approved each year for
675 which revenue is not provided by other sources. The aggregate
676 annual assessment amount shall be allocated upon a formula to be
677 determined by the Interstate Commission, which shall promulgate
678 a rule binding upon all member states.

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

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

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

SECTION 14ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

691
692
693 (a) The Interstate Commission shall, by a majority of
694 Commissioners present and voting, adopt bylaws to govern its
695 conduct as may be necessary or appropriate to carry out the
696 purposes of the Compact within twelve (12) months of the first

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697 Interstate Commission meeting.

698 (b) The Interstate Commission shall elect or appoint
699 annually from among its Commissioners a chairperson, a vice-
700 chairperson, and a treasurer, each of whom shall have such
701 authority and duties as may be specified in the bylaws. The
702 chairperson, or in the chairperson's absence or disability, the
703 vice-chairperson, shall preside at all meetings of the
704 Interstate Commission.

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

707 (d) The officers and employees of the Interstate Commission
708 shall be immune from suit and liability, either personally or in
709 their official capacity, for a claim for damage to or loss of
710 property or personal injury or other civil liability caused or
711 arising out of, or relating to, an actual or alleged act, error,
712 or omission that occurred, or that such person had a reasonable
713 basis for believing occurred, within the scope of Interstate
714 Commission employment, duties, or responsibilities; provided
715 that such person shall not be protected from suit or liability
716 for damage, loss, injury, or liability caused by the intentional
717 or willful and wanton misconduct of such person.

718 (1) The liability of the executive director and employees
719 of the Interstate Commission or representatives of the
720 Interstate Commission, acting within the scope of such person's
721 employment or duties for acts, errors, or omissions occurring
722 within such person's state, may not exceed the limits of
723 liability set forth under the constitution and laws of that
724 state for state officials, employees, and agents. The Interstate
725 Commission is considered to be an instrumentality of the states

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726 for the purposes of any such action. Nothing in this subsection
727 shall be construed to protect such person from suit or liability
728 for damage, loss, injury, or liability caused by the intentional
729 or willful and wanton misconduct of such person.

730 (2) The Interstate Commission shall defend the executive
731 director, its employees, and subject to the approval of the
732 attorney general or other appropriate legal counsel of the
733 member state represented by an Interstate Commission
734 representative, shall defend such Interstate Commission
735 representative in any civil action seeking to impose liability
736 arising out of an actual or alleged act, error or omission that
737 occurred within the scope of Interstate Commission employment,
738 duties or responsibilities, or that the defendant had a
739 reasonable basis for believing occurred within the scope of
740 Interstate Commission employment, duties, or responsibilities,
741 provided that the actual or alleged act, error, or omission did
742 not result from intentional or willful and wanton misconduct on
743 the part of such person.

744 (3) To the extent not covered by the state involved, member
745 state, or the Interstate Commission, the representatives or
746 employees of the Interstate Commission shall be held harmless in
747 the amount of a settlement or judgment, including attorney's
748 fees and costs, obtained against such persons arising out of an
749 actual or alleged act, error, or omission that occurred within
750 the scope of Interstate Commission employment, duties, or
751 responsibilities, or that such persons had a reasonable basis
752 for believing occurred within the scope of Interstate Commission
753 employment, duties, or responsibilities, provided that the
754 actual or alleged act, error, or omission did not result from

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755 intentional or willful and wanton misconduct on the part of such
756 persons.

758 SECTION 15

759 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

761 (a) The Interstate Commission shall promulgate reasonable
762 rules in order to effectively and efficiently achieve the
763 purposes of the Compact. Notwithstanding the foregoing, in the
764 event the Interstate Commission exercises its rulemaking
765 authority in a manner that is beyond the scope of the purposes
766 of the Compact, or the powers granted hereunder, then such an
767 action by the Interstate Commission shall be invalid and have no
768 force or effect.

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

774 (c) Not later than thirty (30) days after a rule is
775 promulgated, any person may file a petition for judicial review
776 of the rule in the United States District Court for the District
777 of Columbia or the federal district where the Interstate
778 Commission has its principal offices, provided that the filing
779 of such a petition shall not stay or otherwise prevent the rule
780 from becoming effective unless the court finds that the
781 petitioner has a substantial likelihood of success. The court
782 shall give deference to the actions of the Interstate Commission
783 consistent with applicable law and shall not find the rule to be

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784 unlawful if the rule represents a reasonable exercise of the
785 authority granted to the Interstate Commission.

787 SECTION 16

788 OVERSIGHT OF INTERSTATE COMPACT

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

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

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

809 SECTION 17

810 ENFORCEMENT OF INTERSTATE COMPACT

811
812 (a) The Interstate Commission, in the reasonable exercise

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813 of its discretion, shall enforce the provisions and rules of the
814 Compact.

815 (b) The Interstate Commission may, by majority vote of the
816 Commissioners, initiate legal action in the United States
817 District Court for the District of Columbia, or, at the
818 discretion of the Interstate Commission, in the federal district
819 where the Interstate Commission has its principal offices, to
820 enforce compliance with the provisions of the Compact, and its
821 promulgated rules and bylaws, against a member state in default.
822 The relief sought may include both injunctive relief and
823 damages. In the event judicial enforcement is necessary, the
824 prevailing party shall be awarded all costs of such litigation
825 including reasonable attorney's fees.

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

830

831 SECTION 18

832 DEFAULT PROCEDURES

833

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

839 (b) If the Interstate Commission determines that a member
840 state has defaulted in the performance of its obligations or
841 responsibilities under the Compact, or the bylaws or promulgated

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842 rules, the Interstate Commission shall:

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

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

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

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

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

868 (f) The member state which has been terminated is
869 responsible for all dues, obligations, and liabilities incurred
870 through the effective date of termination including obligations,

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871 the performance of which extends beyond the effective date of
872 termination.

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

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

884
885 SECTION 19

886 DISPUTE RESOLUTION

887
888 (a) The Interstate Commission shall attempt, upon the
889 request of a member state, to resolve disputes which are subject
890 to the Compact and which may arise among member states or member
891 boards.

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

895
896 SECTION 20

897 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

898
899 (a) Any state is eligible to become a member state of the

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900 Compact.

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

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

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

915
916 SECTION 21

917 WITHDRAWAL

918
919 (a) Once effective, the Compact shall continue in force and
920 remain binding upon each and every member state; provided that a
921 member state may withdraw from the Compact by specifically
922 repealing the statute which enacted the Compact into law.

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

928 (c) The withdrawing state shall immediately notify the

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929 chairperson of the Interstate Commission in writing upon the
930 introduction of legislation repealing the Compact in the
931 withdrawing state.

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

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

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

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

948

949 SECTION 22950 DISSOLUTION

951

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

955 (b) Upon the dissolution of the Compact, the Compact
956 becomes null and void and shall be of no further force or
957 effect, and the business and affairs of the Interstate

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958 Commission shall be concluded and surplus funds shall be
959 distributed in accordance with the bylaws.

961 SECTION 23

962 SEVERABILITY AND CONSTRUCTION

963
964 (a) The provisions of the Compact shall be severable, and
965 if any phrase, clause, sentence, or provision is deemed
966 unenforceable, the remaining provisions of the Compact shall be
967 enforceable.

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

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

973
974 SECTION 24

975 BINDING EFFECT OF COMPACT AND OTHER LAWS

976
977 (a) Nothing herein prevents the enforcement of any other
978 law of a member state that is not inconsistent with the Compact.

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

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

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

986 (e) In the event any provision of the Compact exceeds the

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987 constitutional limits imposed on the legislature of any member
988 state, such provision shall be ineffective to the extent of the
989 conflict with the constitutional provision in question in that
990 member state.

991 Section 8. Section 456.4502, Florida Statutes, is created
992 to read:

993 456.4502 Interstate Medical Licensure Compact; disciplinary
994 proceedings.—A physician licensed pursuant to chapter 458,
995 chapter 459, or s. 456.4501 whose license is suspended or
996 revoked by this state pursuant to the Interstate Medical
997 Licensure Compact as a result of disciplinary action taken
998 against the physician's license in another state shall be
999 granted a formal hearing before an administrative law judge from
1000 the Division of Administrative Hearings held pursuant to chapter
1001 120 if there are any disputed issues of material fact. In such
1002 proceedings:

1003 (a) Notwithstanding s. 120.569(2), the department shall
1004 notify the division within 45 days after receipt of a petition
1005 or request for a formal hearing.

1006 (b) The determination of whether the physician has violated
1007 the laws and rules regulating the practice of medicine or
1008 osteopathic medicine, as applicable, including a determination
1009 of the reasonable standard of care, is a conclusion of law that
1010 is to be determined by appropriate board, and is not a finding
1011 of fact to be determined by an administrative law judge.

1012 (c) The administrative law judge shall issue a recommended
1013 order pursuant to chapter 120.

1014 (d) The Board of Medicine or the Board of Osteopathic
1015 Medicine, as applicable, shall determine and issue the final

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1016 order in each disciplinary case. Such order shall constitute
1017 final agency action.

1018 (e) Any consent order or agreed-upon settlement is subject
1019 to the approval of the department.

1020 (f) The department shall have standing to seek judicial
1021 review of any final order of the board, pursuant to s. 120.68.

1022 Section 9. Section 456.4504, Florida Statutes, is created
1023 to read:

1024 456.4504 Interstate Medical Licensure Compact Rules.—The
1025 department may adopt rules to implement the Interstate Medical
1026 Licensure Compact.

1027 Section 10. Paragraph (h) is added to subsection (10) of
1028 section 768.28, Florida Statutes, to read:

1029 768.28 Waiver of sovereign immunity in tort actions;
1030 recovery limits; limitation on attorney fees; statute of
1031 limitations; exclusions; indemnification; risk management
1032 programs.—

1033 (10)

1034 (h) For the purposes of this section, the representative
1035 appointed from the Board of Medicine and the representative
1036 appointed from the Board of Osteopathic Medicine, when serving
1037 as commissioners of the Interstate Medical Licensure Compact
1038 Commission pursuant to s. 456.4501, and any administrator,
1039 officer, executive director, employee, or representative of the
1040 Interstate Medical Licensure Compact Commission, when acting
1041 within the scope of their employment, duties, or
1042 responsibilities in this state, are considered agents of the
1043 state. The commission shall pay any claims or judgments pursuant
1044 to this section and may maintain insurance coverage to pay any

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1045 such claims or judgments.

1046 Section 11. This act shall take effect July 1, 2021.