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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
12/12/2023	.	
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The Committee on Health Policy (Harrell) recommended the following:

Senate Amendment (with title amendment)

Between lines 3154 and 3155
insert:

Section 52. Section 456.4501, Florida Statutes, is created
to read:

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



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SECTION 1

PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter and, therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

SECTION 2

DEFINITIONS

As used in the compact, the term:



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40 (1) "Bylaws" means those bylaws established by the
41 Interstate Commission pursuant to Section 11 for its governance
42 or for directing and controlling its actions and conduct.

43 (2) "Commissioner" means the voting representative
44 appointed by each member board pursuant to Section 11.

45 (3) "Conviction" means a finding by a court that an
46 individual is guilty of a criminal offense, through adjudication
47 or entry of a plea of guilt or no contest to the charge by the
48 offender. Evidence of an entry of a conviction of a criminal
49 offense by the court shall be considered final for purposes of
50 disciplinary action by a member board.

51 (4) "Expedited license" means a full and unrestricted
52 medical license granted by a member state to an eligible
53 physician through the process set forth in the compact.

54 (5) "Interstate Commission" means the Interstate Medical
55 Licensure Compact Commission created pursuant to Section 11.

56 (6) "License" means authorization by a state for a
57 physician to engage in the practice of medicine, which would be
58 unlawful without the authorization.

59 (7) "Medical practice act" means laws and regulations
60 governing the practice of allopathic and osteopathic medicine
61 within a member state.

62 (8) "Member board" means a state agency in a member state
63 which acts in the sovereign interests of the state by protecting
64 the public through licensure, regulation, and education of
65 physicians as directed by the state government.

66 (9) "Member state" means a state that has enacted the
67 compact.

68 (10) "Offense" means a felony, high court misdemeanor, or



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69 crime of moral turpitude.

70 (11) "Physician" means any person who:

71 (a) Is a graduate of a medical school accredited by the
72 Liaison Committee on Medical Education, the Commission on
73 Osteopathic College Accreditation, or a medical school listed in
74 the International Medical Education Directory or its equivalent;

75 (b) Passed each component of the United States Medical
76 Licensing Examination (USMLE) or the Comprehensive Osteopathic
77 Medical Licensing Examination (COMLEX-USA) within three
78 attempts, or any of its predecessor examinations accepted by a
79 state medical board as an equivalent examination for licensure
80 purposes;

81 (c) Successfully completed graduate medical education
82 approved by the Accreditation Council for Graduate Medical
83 Education or the American Osteopathic Association;

84 (d) Holds specialty certification or a time-unlimited
85 specialty certificate recognized by the American Board of
86 Medical Specialties or the American Osteopathic Association's
87 Bureau of Osteopathic Specialists; however, the specialty
88 certification or a time-unlimited specialty certificate does not
89 have to be maintained once a physician is initially determined
90 to be eligible for expedited licensure through the compact;

91 (e) Possesses a full and unrestricted license to engage in
92 the practice of medicine issued by a member board;

93 (f) Has never been convicted or received adjudication,
94 deferred adjudication, community supervision, or deferred
95 disposition for any offense by a court of appropriate
96 jurisdiction;

97 (g) Has never held a license authorizing the practice of



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98 medicine subjected to discipline by a licensing agency in any
99 state, federal, or foreign jurisdiction, excluding any action
100 related to nonpayment of fees related to a license;

101 (h) Has never had a controlled substance license or permit
102 suspended or revoked by a state or the United States Drug
103 Enforcement Administration; and

104 (i) Is not under active investigation by a licensing agency
105 or law enforcement authority in any state, federal, or foreign
106 jurisdiction.

107 (12) "Practice of medicine" means the diagnosis, treatment,
108 prevention, cure, or relieving of a human disease, ailment,
109 defect, complaint, or other physical or mental condition by
110 attendance, advice, device, diagnostic test, or other means, or
111 offering, undertaking, attempting to do, or holding oneself out
112 as able to do any of these acts.

113 (13) "Rule" means a written statement by the Interstate
114 Commission adopted pursuant to Section 12 of the compact which
115 is of general applicability; implements, interprets, or
116 prescribes a policy or provision of the compact or an
117 organizational, procedural, or practice requirement of the
118 Interstate Commission; and has the force and effect of statutory
119 law in a member state, if the rule is not inconsistent with the
120 laws of the member state. The term includes the amendment,
121 repeal, or suspension of an existing rule.

122 (14) "State" means any state, commonwealth, district, or
123 territory of the United States.

124 (15) "State of principal license" means a member state
125 where a physician holds a license to practice medicine and which
126 has been designated as such by the physician for purposes of



127 registration and participation in the compact.

128

129 SECTION 3

130 ELIGIBILITY

131

132 (1) A physician must meet the eligibility requirements as
133 provided in subsection (11) of Section 2 to receive an expedited
134 license under the terms of the compact.

135 (2) A physician who does not meet the requirements
136 specified in subsection (11) of Section 2 may obtain a license
137 to practice medicine in a member state if the individual
138 complies with all laws and requirements, other than the compact,
139 relating to the issuance of a license to practice medicine in
140 that state.

141

142 SECTION 4

143 DESIGNATION OF STATE OF PRINCIPAL LICENSE

144

145 (1) A physician shall designate a member state as the state
146 of principal license for purposes of registration for expedited
147 licensure through the compact if the physician possesses a full
148 and unrestricted license to practice medicine in that state and
149 the state is:

150 (a) The state of primary residence for the physician;

151 (b) The state where at least 25 percent of the physician's
152 practice of medicine occurs;

153 (c) The location of the physician's employer; or

154 (d) If no state qualifies under paragraph (a), paragraph
155 (b), or paragraph (c), the state designated as the physician's



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156 state of residence for purpose of federal income tax.

157 (2) A physician may redesignate a member state as state of
158 principal license at any time, as long as the state meets one of
159 the descriptions under subsection (1).

160 (3) The Interstate Commission may develop rules to
161 facilitate redesignation of another member state as the state of
162 principal license.

163
164 SECTION 5

165 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

166
167 (1) A physician seeking licensure through the compact must
168 file an application for an expedited license with the member
169 board of the state selected by the physician as the state of
170 principal license.

171 (2) Upon receipt of an application for an expedited
172 license, the member board within the state selected as the state
173 of principal license shall evaluate whether the physician is
174 eligible for expedited licensure and issue a letter of
175 qualification, verifying or denying the physician's eligibility,
176 to the Interstate Commission.

177 (a) Static qualifications, which include verification of
178 medical education, graduate medical education, results of any
179 medical or licensing examination, and other qualifications as
180 determined by the Interstate Commission through rule, are not
181 subject to additional primary source verification if already
182 primary source-verified by the state of principal license.

183 (b) The member board within the state selected as the state
184 of principal license shall, in the course of verifying



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185 eligibility, perform a criminal background check of an
186 applicant, including the use of the results of fingerprint or
187 other biometric data checks compliant with the requirements of
188 the Federal Bureau of Investigation, with the exception of
189 federal employees who have a suitability determination in
190 accordance with 5 C.F.R. s. 731.202.

191 (c) Appeal on the determination of eligibility must be made
192 to the member state where the application was filed and is
193 subject to the law of that state.

194 (3) Upon verification in subsection (2), physicians
195 eligible for an expedited license must complete the registration
196 process established by the Interstate Commission to receive a
197 license in a member state selected pursuant to subsection (1).

198 (4) After receiving verification of eligibility under
199 subsection (2) and upon an applicant's completion of any
200 registration process required under subsection (3), a member
201 board shall issue an expedited license to the physician. This
202 license authorizes the physician to practice medicine in the
203 issuing state consistent with the medical practice act and all
204 applicable laws and regulations of the issuing member board and
205 member state.

206 (5) An expedited license is valid for a period consistent
207 with the licensure period in the member state and in the same
208 manner as required for other physicians holding a full and
209 unrestricted license within the member state.

210 (6) An expedited license obtained through the compact must
211 be terminated if a physician fails to maintain a license in the
212 state of principal license for a nondisciplinary reason, without
213 redesignation of a new state of principal license.



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214 (7) The Interstate Commission may develop rules regarding
215 the application process and the issuance of an expedited
216 license.

217
218 SECTION 6

219 RENEWAL AND CONTINUED PARTICIPATION

220
221 (1) A physician seeking to renew an expedited license
222 granted in a member state shall complete a renewal process with
223 the Interstate Commission if the physician:

224 (a) Maintains a full and unrestricted license in a state of
225 principal license;

226 (b) Has not been convicted or received adjudication,
227 deferred adjudication, community supervision, or deferred
228 disposition for any offense by a court of appropriate
229 jurisdiction;

230 (c) Has not had a license authorizing the practice of
231 medicine subject to discipline by a licensing agency in any
232 state, federal, or foreign jurisdiction, excluding any action
233 related to nonpayment of fees related to a license; and

234 (d) Has not had a controlled substance license or permit
235 suspended or revoked by a state or the United States Drug
236 Enforcement Administration.

237 (2) Physicians shall comply with all continuing
238 professional development or continuing medical education
239 requirements for renewal of a license issued by a member state.

240 (3) Physician information collected by the Interstate
241 Commission during the renewal process must be distributed to all
242 member boards.



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243 (4) The Interstate Commission may develop rules to address
244 renewal of licenses obtained through the compact.

246 SECTION 7

247 COORDINATED INFORMATION SYSTEM

248
249 (1) The Interstate Commission shall establish a database of
250 all physicians licensed, or who have applied for licensure,
251 under Section 5.

252 (2) Notwithstanding any other provision of law, member
253 boards shall report to the Interstate Commission any public
254 action or complaints against a licensed physician who has
255 applied or received an expedited license through the compact.

256 (3) Member boards shall report to the Interstate Commission
257 disciplinary or investigatory information determined as
258 necessary and proper by rule of the Interstate Commission.

259 (4) Member boards may report to the Interstate Commission
260 any nonpublic complaint, disciplinary, or investigatory
261 information not required by subsection (3).

262 (5) Member boards shall share complaint or disciplinary
263 information about a physician upon request of another member
264 board.

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

269 (7) The Interstate Commission may develop rules for
270 mandated or discretionary sharing of information by member
271 boards.



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301 (2) If a license granted to a physician by the member board
302 in the state of principal license is revoked, surrendered or
303 relinquished in lieu of discipline, or suspended, then all
304 licenses issued to the physician by member boards shall
305 automatically be placed, without further action necessary by any
306 member board, on the same status. If the member board in the
307 state of principal license subsequently reinstates the
308 physician's license, a license issued to the physician by any
309 other member board must remain encumbered until that respective
310 member board takes action to reinstate the license in a manner
311 consistent with the medical practice act of that state.

312 (3) If disciplinary action is taken against a physician by
313 a member board not in the state of principal license, any other
314 member board may deem the action conclusive as to matter of law
315 and fact decided, and:

316 (a) Impose the same or lesser sanctions against the
317 physician so long as such sanctions are consistent with the
318 medical practice act of that state; or

319 (b) Pursue separate disciplinary action against the
320 physician under its respective medical practice act, regardless
321 of the action taken in other member states.

322 (4) If a license granted to a physician by a member board
323 is revoked, surrendered or relinquished in lieu of discipline,
324 or suspended, any license issued to the physician by any other
325 member board must be suspended, automatically and immediately
326 without further action necessary by the other member boards, for
327 90 days after entry of the order by the disciplining board, to
328 permit the member boards to investigate the basis for the action
329 under the medical practice act of that state. A member board may



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330 terminate the automatic suspension of the license it issued
331 before the completion of the 90-day suspension period in a
332 manner consistent with the medical practice act of that state.

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SECTION 10

335

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

336

337 (1) The member states hereby create the Interstate Medical
338 Licensure Compact Commission.

339

340 (2) The purpose of the Interstate Commission is the
341 administration of the compact, which is a discretionary state
342 function.

342

343 (3) The Interstate Commission is a body corporate and joint
344 agency of the member states and has all the responsibilities,
345 powers, and duties set forth in the compact, and such additional
346 powers as may be conferred upon it by a subsequent concurrent
347 action of the respective legislatures of the member states in
348 accordance with the terms of the compact.

348

349 (4) The Interstate Commission shall consist of two voting
350 representatives appointed by each member state, who shall serve
351 as commissioners. In states where allopathic and osteopathic
352 physicians are regulated by separate member boards, or if the
353 licensing and disciplinary authority is split between multiple
354 member boards within a member state, the member state shall
355 appoint one representative from each member board. Each
356 commissioner must be one of the following:

356

357 (a) An allopathic or osteopathic physician appointed to a
358 member board.

358

(b) An executive director, an executive secretary, or a



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359 similar executive of a member board.

360 (c) A member of the public appointed to a member board.

361 (5) The Interstate Commission shall meet at least once each
362 calendar year. A portion of this meeting must be a business
363 meeting to address such matters as may properly come before the
364 commission, including the election of officers. The chairperson
365 may call additional meetings and shall call for a meeting upon
366 the request of a majority of the member states.

367 (6) The bylaws may provide for meetings of the Interstate
368 Commission to be conducted by telecommunication or other
369 electronic means.

370 (7) Each commissioner participating at a meeting of the
371 Interstate Commission is entitled to one vote. A majority of
372 commissioners constitutes a quorum for the transaction of
373 business, unless a larger quorum is required by the bylaws of
374 the Interstate Commission. A commissioner may not delegate a
375 vote to another commissioner. In the absence of its
376 commissioner, a member state may delegate voting authority for a
377 specified meeting to another person from that state who must
378 meet the qualification requirements specified in subsection (4).

379 (8) The Interstate Commission shall provide public notice
380 of all meetings, and all meetings must be open to the public.
381 The Interstate Commission may close a meeting, in full or in
382 portion, where it determines by a two-thirds vote of the
383 commissioners present that an open meeting would be likely to:

384 (a) Relate solely to the internal personnel practices and
385 procedures of the Interstate Commission;

386 (b) Discuss matters specifically exempted from disclosure
387 by federal statute;



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388 (c) Discuss trade secrets or commercial or financial
389 information that is privileged or confidential;
390 (d) Involve accusing a person of a crime, or formally
391 censuring a person;
392 (e) Discuss information of a personal nature, the
393 disclosure of which would constitute a clearly unwarranted
394 invasion of personal privacy;
395 (f) Discuss investigative records compiled for law
396 enforcement purposes; or
397 (g) Specifically relate to participation in a civil action
398 or other legal proceeding.
399 (9) The Interstate Commission shall keep minutes that fully
400 describe all matters discussed in a meeting and provide a full
401 and accurate summary of actions taken, including a record of any
402 roll call votes.
403 (10) The Interstate Commission shall make its information
404 and official records, to the extent not otherwise designated in
405 the compact or by its rules, available to the public for
406 inspection.
407 (11) The Interstate Commission shall establish an executive
408 committee, which shall include officers, members, and others as
409 determined by the bylaws. The executive committee has the power
410 to act on behalf of the Interstate Commission, with the
411 exception of rulemaking, during periods when the Interstate
412 Commission is not in session. When acting on behalf of the
413 Interstate Commission, the executive committee shall oversee the
414 administration of the compact, including enforcement and
415 compliance with the compact and its bylaws and rules, and other
416 duties as necessary.



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446 services of personnel.

447 (9) Purchasing and maintaining insurance and bonds.

448 (10) Employing an executive director, who shall have the
449 power to employ, select, or appoint employees, agents, or
450 consultants and to determine their qualifications, define their
451 duties, and fix their compensation.

452 (11) Establishing personnel policies and programs relating
453 to conflicts of interest, rates of compensation, and
454 qualifications of personnel.

455 (12) Accepting donations and grants of money, equipment,
456 supplies, materials, and services and receiving, using, and
457 disposing of them in a manner consistent with the conflict-of-
458 interest policies established by the Interstate Commission.

459 (13) Leasing, purchasing, accepting contributions or
460 donations of, or otherwise owning, holding, improving, or using
461 any property, real, personal, or mixed.

462 (14) Selling conveying, mortgaging, pledging, leasing,
463 exchanging, abandoning, or otherwise disposing of any property,
464 real, personal, or mixed.

465 (15) Establishing a budget and making expenditures.

466 (16) Adopting a seal and bylaws governing the management
467 and operation of the Interstate Commission.

468 (17) Reporting annually to the legislatures and governors
469 of the member states concerning the activities of the Interstate
470 Commission during the preceding year. Such reports must also
471 include reports of financial audits and any recommendations that
472 may have been adopted by the Interstate Commission.

473 (18) Coordinating education, training, and public awareness
474 regarding the compact and its implementation and operation.



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475 (19) Maintaining records in accordance with the bylaws.

476 (20) Seeking and obtaining trademarks, copyrights, and
477 patents.

478 (21) Performing any other functions necessary or
479 appropriate to achieve the purposes of the compact.

480
481 SECTION 12

482 FINANCE POWERS

483
484 (1) The Interstate Commission may levy on and collect an
485 annual assessment from each member state to cover the cost of
486 the operations and activities of the Interstate Commission and
487 its staff. The total assessment, subject to appropriation, must
488 be sufficient to cover the annual budget approved each year for
489 which revenue is not provided by other sources. The aggregate
490 annual assessment amount must be allocated upon a formula to be
491 determined by the Interstate Commission, which shall adopt a
492 rule binding upon all member states.

493 (2) The Interstate Commission may not incur obligations of
494 any kind before securing the funds adequate to meet the same.

495 (3) The Interstate Commission may not pledge the credit of
496 any of the member states, except by, and with the authority of,
497 the member state.

498 (4) The Interstate Commission is subject to an annual
499 financial audit conducted by a certified or licensed public
500 accountant, and the report of the audit must be included in the
501 annual report of the Interstate Commission.

502
503 SECTION 13



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504 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

505
506 (1) The Interstate Commission shall, by a majority of
507 commissioners present and voting, adopt bylaws to govern its
508 conduct as may be necessary or appropriate to carry out the
509 purposes of the compact within 12 months after the first
510 Interstate Commission meeting.

511 (2) The Interstate Commission shall elect or appoint
512 annually from among its commissioners a chairperson, a vice
513 chairperson, and a treasurer, each of whom shall have such
514 authority and duties as may be specified in the bylaws. The
515 chairperson, or in the chairperson's absence or disability, the
516 vice chairperson, shall preside over all meetings of the
517 Interstate Commission.

518 (3) Officers selected pursuant to subsection (2) shall
519 serve without remuneration from the Interstate Commission.

520 (4) The officers and employees of the Interstate Commission
521 are immune from suit and liability, either personally or in
522 their official capacity, for a claim for damage to or loss of
523 property or personal injury or other civil liability caused or
524 arising out of, or relating to, an actual or alleged act, error,
525 or omission that occurred, or that such person had a reasonable
526 basis for believing occurred, within the scope of Interstate
527 Commission employment, duties, or responsibilities; provided
528 that such person is not protected from suit or liability for
529 damage, loss, injury, or liability caused by the intentional or
530 willful and wanton misconduct of such person.

531 (a) The liability of the executive director and employees
532 of the Interstate Commission or representatives of the



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533 Interstate Commission, acting within the scope of such person's
534 employment or duties for acts, errors, or omissions occurring
535 within such person's state, may not exceed the limits of
536 liability set forth under the constitution and laws of that
537 state for state officials, employees, and agents. The Interstate
538 Commission is considered to be an instrumentality of the states
539 for the purposes of any such action. Nothing in this subsection
540 may be construed to protect such person from suit or liability
541 for damage, loss, injury, or liability caused by the intentional
542 or willful and wanton misconduct of such person.

543 (b) The Interstate Commission shall defend the executive
544 director and its employees and, subject to the approval of the
545 attorney general or other appropriate legal counsel of the
546 member state represented by an Interstate Commission
547 representative, shall defend such persons in any civil action
548 seeking to impose liability arising out of an actual or alleged
549 act, error, or omission that occurred within the scope of
550 Interstate Commission employment, duties, or responsibilities,
551 or that the defendant had a reasonable basis for believing
552 occurred within the scope of Interstate Commission employment,
553 duties, or responsibilities, provided that the actual or alleged
554 act, error, or omission did not result from intentional or
555 willful and wanton misconduct on the part of such person.

556 (c) To the extent not covered by the state involved, the
557 member state, or the Interstate Commission, the representatives
558 or employees of the Interstate Commission must be held harmless
559 in the amount of a settlement or judgment, including attorney
560 fees and costs, obtained against such persons arising out of an
561 actual or alleged act, error, or omission that occurred within



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562 the scope of Interstate Commission employment, duties, or
563 responsibilities, or that such persons had a reasonable basis
564 for believing occurred within the scope of Interstate Commission
565 employment, duties, or responsibilities, provided that the
566 actual or alleged act, error, or omission did not result from
567 intentional or willful and wanton misconduct on the part of such
568 persons.

569
570 SECTION 14

571 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

572
573 (1) The Interstate Commission shall adopt reasonable rules
574 in order to effectively and efficiently achieve the purposes of
575 the compact. However, in the event the Interstate Commission
576 exercises its rulemaking authority in a manner that is beyond
577 the scope of the purposes of the compact, or the powers granted
578 hereunder, then such an action by the Interstate Commission is
579 invalid and has no force or effect.

580 (2) Rules deemed appropriate for the operations of the
581 Interstate Commission must be made pursuant to a rulemaking
582 process that substantially conforms to the "Model State
583 Administrative Procedure Act" of 2010, and subsequent amendments
584 thereto.

585 (3) Not later than 30 days after a rule is adopted, any
586 person may file a petition for judicial review of the rule in
587 the United States District Court for the District of Columbia or
588 the federal district where the Interstate Commission has its
589 principal offices, provided that the filing of such a petition
590 does not stay or otherwise prevent the rule from becoming



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591 effective unless the court finds that the petitioner has a
592 substantial likelihood of success. The court must give deference
593 to the actions of the Interstate Commission consistent with
594 applicable law and may not find the rule to be unlawful if the
595 rule represents a reasonable exercise of the authority granted
596 to the Interstate Commission.

597
598 SECTION 15

599 OVERSIGHT OF INTERSTATE COMPACT
600

601 (1) The executive, legislative, and judicial branches of
602 state government in each member state shall enforce the compact
603 and shall take all actions necessary and appropriate to
604 effectuate the compact's purposes and intent. The compact and
605 the rules adopted hereunder shall have standing as statutory law
606 but do not override existing state authority to regulate the
607 practice of medicine.

608 (2) All courts shall take judicial notice of the compact
609 and the rules in any judicial or administrative proceeding in a
610 member state pertaining to the subject matter of the compact
611 which may affect the powers, responsibilities, or actions of the
612 Interstate Commission.

613 (3) The Interstate Commission is entitled to receive all
614 service of process in any such proceeding and shall have
615 standing to intervene in the proceeding for all purposes.
616 Failure to provide service of process to the Interstate
617 Commission shall render a judgment or order void as to the
618 Interstate Commission, the compact, or adopted rules, as
619 applicable.



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620
621 SECTION 16

622 ENFORCEMENT OF INTERSTATE COMPACT

623
624 (1) The Interstate Commission, in the reasonable exercise
625 of its discretion, shall enforce the provisions and rules of the
626 compact.

627 (2) The Interstate Commission may, by majority vote of the
628 commissioners, initiate legal action in the United States
629 District Court for the District of Columbia, or, at the
630 discretion of the Interstate Commission, in the federal district
631 where the Interstate Commission has its principal offices, to
632 enforce compliance with the compact and its adopted rules and
633 bylaws against a member state in default. The relief sought may
634 include both injunctive relief and damages. In the event
635 judicial enforcement is necessary, the prevailing party must be
636 awarded all costs of such litigation, including reasonable
637 attorney fees.

638 (3) The remedies herein are not the exclusive remedies of
639 the Interstate Commission. The Interstate Commission may avail
640 itself of any other remedies available under state law or the
641 regulation of a profession.

642
643 SECTION 17

644 DEFAULT PROCEDURES

645
646 (1) The grounds for default include, but are not limited
647 to, failure of a member state to perform such obligations or
648 responsibilities imposed upon it by the compact, or the rules



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649 and bylaws of the Interstate Commission adopted under the
650 compact.

651 (2) If the Interstate Commission determines that a member
652 state has defaulted in the performance of its obligations or
653 responsibilities under the compact, or the bylaws or adopted
654 rules, the Interstate Commission shall:

655 (a) Provide written notice to the defaulting state and
656 other member states of the nature of the default, the means of
657 curing the default, and any action taken by the Interstate
658 Commission. The Interstate Commission shall specify the
659 conditions by which the defaulting state must cure its default;
660 and

661 (b) Provide remedial training and specific technical
662 assistance regarding the default.

663 (3) If the defaulting state fails to cure the default, the
664 defaulting state may be terminated from the compact upon an
665 affirmative vote of a majority of the commissioners and all
666 rights, privileges, and benefits conferred by the compact
667 terminate on the effective date of the termination. A cure of
668 the default does not relieve the offending state of obligations
669 or liabilities incurred during the period of the default.

670 (4) Termination of membership in the compact must be
671 imposed only after all other means of securing compliance have
672 been exhausted. Notice of intent to terminate must be given by
673 the Interstate Commission to the governor, the majority and
674 minority leaders of the defaulting state's legislature, and each
675 of the member states.

676 (5) The Interstate Commission shall establish rules and
677 procedures to address licenses and physicians that are



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678 materially impacted by the termination of a member state, or the
679 withdrawal of a member state.

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

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

690 (8) The defaulting state may appeal the action of the
691 Interstate Commission by petitioning the United States District
692 Court for the District of Columbia or the federal district where
693 the Interstate Commission has its principal offices. The
694 prevailing party must be awarded all costs of such litigation
695 including reasonable attorney fees.

696
697 SECTION 18

698 DISPUTE RESOLUTION

699
700 (1) The Interstate Commission shall attempt, upon the
701 request of a member state, to resolve disputes that are subject
702 to the compact and that may arise among member states or member
703 boards.

704 (2) The Interstate Commission shall adopt rules providing
705 for both mediation and binding dispute resolution as
706 appropriate.



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707
708 SECTION 19

709 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

710
711 (1) Any state is eligible to become a member state of the
712 compact.

713 (2) The compact becomes effective and binding upon
714 legislative enactment of the compact into law by no less than
715 seven states. Thereafter, it becomes effective and binding on a
716 state upon enactment of the compact into law by that state.

717 (3) The governors of nonmember states, or their designees,
718 must be invited to participate in the activities of the
719 Interstate Commission on a nonvoting basis before adoption of
720 the compact by all states.

721 (4) The Interstate Commission may propose amendments to the
722 compact for enactment by the member states. No amendment becomes
723 effective and binding upon the Interstate Commission and the
724 member states unless and until it is enacted into law by
725 unanimous consent of the member states.

726
727 SECTION 20

728 WITHDRAWAL

729
730 (1) Once effective, the compact shall continue in force and
731 remain binding upon each member state. However, a member state
732 may withdraw from the compact by specifically repealing the
733 statute which enacted the compact into law.

734 (2) Withdrawal from the compact must be made by the
735 enactment of a statute repealing the same, but the withdrawal



736 shall not take effect until 1 year after the effective date of
737 such statute and until written notice of the withdrawal has been
738 given by the withdrawing state to the governor of each other
739 member state.

740 (3) The withdrawing state shall immediately notify the
741 chairperson of the Interstate Commission in writing upon the
742 introduction of legislation repealing the compact in the
743 withdrawing state.

744 (4) The Interstate Commission shall notify the other member
745 states of the withdrawing state's intent to withdraw within 60
746 days after receipt of notice provided under subsection (3).

747 (5) The withdrawing state is responsible for all dues,
748 obligations, and liabilities incurred through the effective date
749 of withdrawal, including obligations, the performance of which
750 extend beyond the effective date of withdrawal.

751 (6) Reinstatement following withdrawal of a member state
752 shall occur upon the withdrawing state reenacting the compact or
753 upon such later date as determined by the Interstate Commission.

754 (7) The Interstate Commission may develop rules to address
755 the impact of the withdrawal of a member state on licenses
756 granted in other member states to physicians who designated the
757 withdrawing member state as the state of principal license.

758
759 SECTION 21
760 DISSOLUTION

761
762 (1) The compact shall dissolve effective upon the date of
763 the withdrawal or default of the member state which reduces the
764 membership in the compact to one member state.



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765 (2) Upon the dissolution of the compact, the compact
766 becomes null and void and shall be of no further force or
767 effect, the business and affairs of the Interstate Commission
768 must be concluded, and surplus funds of the Interstate
769 Commission must be distributed in accordance with the bylaws.

770
771 SECTION 22

772 SEVERABILITY AND CONSTRUCTION

773
774 (1) The provisions of the compact are severable, and if any
775 phrase, clause, sentence, or provision is deemed unenforceable,
776 the remaining provisions of the compact remain enforceable.

777 (2) The provisions of the compact must be liberally
778 construed to effectuate its purposes.

779 (3) The compact may be construed to prohibit the
780 applicability of other interstate compacts to which the states
781 are members.

782
783 SECTION 23

784 BINDING EFFECT OF COMPACT AND OTHER LAWS

785
786 (1) Nothing herein prevents the enforcement of any other
787 law of a member state which is not inconsistent with the
788 compact.

789 (2) All laws in a member state in conflict with the compact
790 are superseded to the extent of the conflict.

791 (3) All lawful actions of the Interstate Commission,
792 including all rules and bylaws adopted by the commission, are
793 binding upon the member states.



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794 (4) All agreements between the Interstate Commission and
795 the member states are binding in accordance with their terms.

796 (5) In the event any provision of the compact exceeds the
797 constitutional limits imposed on the legislature of any member
798 state, such provision is ineffective to the extent of the
799 conflict with the constitutional provision in question in that
800 member state.

801 Section 53. Section 456.4502, Florida Statutes, is created
802 to read:

803 456.4502 Interstate Medical Licensure Compact; disciplinary
804 proceedings.—A physician licensed pursuant to chapter 458,
805 chapter 459, or s. 456.4501 whose license is suspended or
806 revoked by this state pursuant to the Interstate Medical
807 Licensure Compact as a result of disciplinary action taken
808 against the physician's license in another state must be granted
809 a formal hearing before an administrative law judge from the
810 Division of Administrative Hearings held pursuant to chapter 120
811 if there are any disputed issues of material fact. In such
812 proceedings:

813 (1) Notwithstanding s. 120.569(2), the department shall
814 notify the division within 45 days after receipt of a petition
815 or request for a formal hearing.

816 (2) The determination of whether the physician has violated
817 the laws and rules regulating the practice of medicine or
818 osteopathic medicine, as applicable, including a determination
819 of the reasonable standard of care, is a conclusion of law that
820 is to be determined by appropriate board and is not a finding of
821 fact to be determined by an administrative law judge.

822 (3) The administrative law judge shall issue a recommended



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823 order pursuant to chapter 120.

824 (4) The Board of Medicine or the Board of Osteopathic
825 Medicine, as applicable, shall determine and issue the final
826 order in each disciplinary case. Such order shall constitute
827 final agency action.

828 (5) Any consent order or agreed-upon settlement is subject
829 to the approval of the department.

830 (6) The department shall have standing to seek judicial
831 review of any final order of the board, pursuant to s. 120.68.

832 Section 54. Section 456.4504, Florida Statutes, is created
833 to read:

834 456.4504 Interstate Medical Licensure Compact Rules.—The
835 department may adopt rules to implement the Interstate Medical
836 Licensure Compact.

837 Section 55. Section 458.3129, Florida Statutes, is created
838 to read:

839 458.3129 Interstate Medical Licensure Compact.—A physician
840 licensed to practice allopathic medicine under s. 456.4501 is
841 deemed to also be licensed under this chapter.

842 Section 56. Section 459.074, Florida Statutes, is created
843 to read:

844 459.074 Interstate Medical Licensure Compact.—A physician
845 licensed to practice osteopathic medicine under s. 456.4501 is
846 deemed to also be licensed under this chapter.

847 Section 57. Paragraph (j) is added to subsection (10) of
848 section 768.28, Florida Statutes, to read:

849 768.28 Waiver of sovereign immunity in tort actions;
850 recovery limits; civil liability for damages caused during a
851 riot; limitation on attorney fees; statute of limitations;



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852 exclusions; indemnification; risk management programs.-

853 (10)

854 (j) For purposes of this section, the representative
855 appointed from the Board of Medicine and the representative
856 appointed from the Board of Osteopathic Medicine, when serving
857 as commissioners of the Interstate Medical Licensure Compact
858 Commission pursuant to s. 456.4501, and any administrator,
859 officer, executive director, employee, or representative of the
860 Interstate Medical Licensure Compact Commission, when acting
861 within the scope of their employment, duties, or
862 responsibilities in this state, are considered agents of the
863 state. The commission shall pay any claims or judgments pursuant
864 to this section and may maintain insurance coverage to pay any
865 such claims or judgments.

866

867 ===== T I T L E A M E N D M E N T =====

868 And the title is amended as follows:

869 Delete line 341

870 and insert:

871 act; creating s. 456.4501, F.S.; enacting the
872 Interstate Medical Licensure Compact in this state;
873 providing purposes of the compact; providing that
874 state medical boards of member states retain
875 jurisdiction to impose adverse action against licenses
876 issued under the compact; defining terms; specifying
877 eligibility requirements for physicians seeking an
878 expedited license under the compact; providing
879 requirements for designation of a state of principal
880 license for purposes of the compact; authorizing the



881 Interstate Medical Licensure Compact Commission to
882 develop certain rules; providing an application and
883 verification process for expedited licensure under the
884 compact; providing for expiration and termination of
885 expedited licenses; authorizing the Interstate
886 Commission to develop certain rules; providing
887 requirements for renewal of expedited licenses;
888 authorizing the Interstate Commission to develop
889 certain rules; providing for the establishment of a
890 database for coordinating licensure data amongst
891 member states; requiring and authorizing member boards
892 to report specified information to the database;
893 providing for confidentiality of such information;
894 providing construction; authorizing the Interstate
895 Commission to develop certain rules; authorizing
896 member states to conduct joint investigations and
897 share certain materials; providing for disciplinary
898 action of physicians licensed under the compact;
899 creating the Interstate Medical Licensure Compact
900 Commission; providing purpose and authority of the
901 commission; providing for membership and meetings of
902 the commission; providing public meeting and notice
903 requirements; authorizing closed meetings under
904 certain circumstances; providing public record
905 requirements; requiring the commission to establish an
906 executive committee; providing for membership, powers,
907 and duties of the committee; authorizing the
908 commission to establish other committees; specifying
909 powers and duties of the commission; providing for



910 financing of the commission; providing for
911 organization and operation of the commission;
912 providing limited immunity from liability for
913 commissioners and other agents or employees of the
914 commission; authorizing the commission to adopt rules;
915 providing for rulemaking procedures, including public
916 notice and meeting requirements; providing for
917 judicial review of adopted rules; providing for
918 oversight and enforcement of the compact in member
919 states; requiring courts in member states to take
920 judicial notice of the compact and the commission
921 rules for purposes of certain proceedings; providing
922 that the commission is entitled to receive service of
923 process and has standing in certain proceedings;
924 rendering judgments or orders void as to the
925 commission, the compact, or commission rules under
926 certain circumstances; providing for enforcement of
927 the compact; specifying venue and civil remedies in
928 such proceedings; providing for attorney fees;
929 providing construction; specifying default procedures
930 for member states; providing for dispute resolution
931 between member states; providing for eligibility and
932 procedures for enactment of the compact; providing for
933 amendment to the compact; specifying procedures for
934 withdrawal from and subsequent reinstatement of the
935 compact; authorizing the Interstate Commission to
936 develop certain rules; providing for dissolution of
937 the compact; providing severability and construction;
938 creating s. 456.4502, F.S.; providing that a formal



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939 hearing before the Division of Administrative Hearings
940 must be held if there are any disputed issues of
941 material fact when the licenses of certain physicians
942 and osteopathic physicians are suspended or revoked by
943 this state under the compact; requiring the Department
944 of Health to notify the Division of Administrative
945 Hearings of a petition for a formal hearing within a
946 specified timeframe; requiring the administrative law
947 judge to issue a recommended order; requiring the
948 Board of Medicine or the Board of Osteopathic
949 Medicine, as applicable, to determine and issue final
950 orders in certain cases; providing the department with
951 standing to seek judicial review of any final order of
952 the boards; creating s. 456.4504, F.S.; authorizing
953 the department to adopt rules to implement the
954 compact; creating ss. 458.3129 and 459.074, F.S.;
955 providing that an allopathic physician or an
956 osteopathic physician, respectively, licensed under
957 the compact is deemed to be licensed under ch. 458,
958 F.S., or ch. 459, F.S., as applicable; amending s.
959 768.28, F.S.; designating the state commissioners of
960 the Interstate Medical Licensure Compact Commission
961 and other members or employees of the commission as
962 state agents for the purpose of applying sovereign
963 immunity and waivers of sovereign immunity; requiring
964 the commission to pay certain claims or judgments;
965 authorizing the commission to maintain insurance
966 coverage to pay such claims or judgments; providing
967 appropriations; providing effective