

By Senator Rodriguez

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A bill to be entitled

An act relating to the Interstate Podiatric Medical Licensure Compact; creating s. 461.0181, F.S.; creating the Interstate Podiatric Medical Licensure Compact; providing purpose of the compact; defining terms; specifying eligibility requirements for a podiatric physician to receive an expedited license; providing an exception; providing requirements for a podiatric physician to designate or redesignate a member state as the state of principal license for certain purposes; specifying requirements for a podiatric physician to apply for and receive an expedited license in a member state; providing validity, termination, and fee requirements for an expedited license; specifying requirements for a podiatric physician to renew an expedited license; requiring the Interstate Podiatric Medical Licensure Compact Commission to collect and distribute any renewal fees in a specified manner; providing that certain information be distributed to member boards; requiring the commission to establish a coordinated information system; providing reporting requirements for such system; authorizing joint investigations by the member boards; specifying requirements for such investigations; specifying requirements for disciplinary actions; creating the Interstate Podiatric Medical Licensure Compact Commission; providing for purpose, membership, and meetings of the commission; requiring the commission to make certain

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30 information public record; requiring the commission to
31 establish an executive committee for certain purposes;
32 providing powers and duties, including financial
33 powers, of the commission; providing for organization
34 and operation, rulemaking authority, and oversight of
35 the commission; providing for qualified immunity,
36 defense, and indemnification of the commission and its
37 employees; providing for the enforcement and default
38 procedures of the compact; providing for dispute
39 resolution procedures of the commission; providing for
40 membership, effective date, amendment, withdrawal, and
41 dissolution of the compact; providing for severability
42 and construction; providing for binding effect of the
43 compact and other laws; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

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47 Section 1. Section 461.0181, Florida Statutes, is created
48 to read:

49 461.0181 Interstate Podiatric Medical Licensure Compact.—
50 The Interstate Podiatric Medical Licensure Compact is hereby
51 enacted into law and entered into by this state with all other
52 states legally joining therein in the form substantially as
53 follows:

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55 INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT

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57 ARTICLE I

58 PURPOSE

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(1) In order to strengthen access to health care, and in recognition of the advances in the delivery in health care, the member states of the Interstate Podiatric Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state podiatric medical boards and provides a streamlined process that allows podiatric physicians to become licensed in multiple states, enhancing the portability of a podiatric medical license and ensuring the safety of patients.

(2) The compact creates another pathway for licensure and does not otherwise change a state's existing Podiatric Medical Practice Act. The compact also adopts the prevailing standard for licensure and affirms that the practice of podiatric medicine occurs where the patient is located at the time of the podiatric physician-patient encounter, and therefore, requires the podiatric physician to be under the jurisdiction of the state podiatric medical board where the patient is located. State podiatric medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice podiatric medicine in that state issued to a podiatric physician through the procedures in the compact.

ARTICLE II

DEFINITIONS

As used in this compact, the term:

(1) "Bylaws" means those bylaws established by the commission pursuant to Article XI.

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88 (2) "Commission" means the Interstate Podiatric Medical
89 Licensure Compact Commission created pursuant to Article XI.

90 (3) "Commissioner" means the voting representative
91 appointed by each member board pursuant to Article XI.

92 (4) "Conviction" means a finding by a court that an
93 individual is guilty of a criminal offense through adjudication,
94 or entry of a plea of guilt or no contest to the charge by the
95 offender. Evidence of an entry of conviction of a criminal
96 offense by the court shall be considered final for purposes of
97 disciplinary action by a member board.

98 (5) "Criminal background check" means that the member board
99 is authorized to obtain a Federal Bureau of Investigation
100 biometric based on a federal criminal records check information
101 report from the authorized state agency for the exclusive
102 purpose of determining eligibility for certification of
103 qualification that would allow for an expedited license.

104 (6) "Expedited license" means a full unrestricted podiatric
105 medical license granted by a member state to an eligible
106 podiatric physician through the process set forth in the
107 compact.

108 (7) "Federal criminal records check information" means any
109 information obtained by a member board from the Federal Bureau
110 of Investigation relating to a federal criminal records check
111 performed by a member board under Pub. L. No. 92-544.

112 (8) "License" means authorization by a member state for a
113 podiatric physician to engage in the practice of podiatric
114 medicine, which would be unlawful without authorization.

115 (9) "Member board" means a state agency in a member state
116 which acts in the sovereign interest of the state by protecting

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117 the public through licensure, regulation, and education of
118 podiatric physicians as directed by the state government.

119 (10) "Member state" means a state that has enacted the
120 compact.

121 (11) "Offense" means a felony, gross misdemeanor, or a
122 misdemeanor related to the practice of podiatry.

123 (12) "Podiatric Medical Practice Act" means applicable laws
124 and regulations governing the practice of podiatric medicine
125 within a member state.

126 (13) "Podiatric physician" means any person who:

127 (a) Is a graduate of a podiatric medical school accredited
128 by the Council on Podiatric Medical Education.

129 (b) Passed parts I, II, and III of the National Board of
130 Podiatric Medical Examiners' (NBPME), the American Podiatric
131 Medical Licensing Examination (APMLE), or NBPME or APMLE
132 recognized replacement examinations.

133 (c) Successfully completed a podiatric residency program
134 approved by the Council on Podiatric Medical Education.

135 (d) Holds specialty certification from a specialty board
136 recognized by the Council on Podiatric Medical Education.

137 (e) Possesses a full and unrestricted license to engage in
138 the practice of podiatric medicine issued by a member board.

139 (f) Has never been convicted of or received adjudication,
140 deferred adjudication, community supervision, or deferred
141 disposition for any offense by a court of appropriate
142 jurisdiction.

143 (g) Has never held a license authorizing the practice of
144 podiatric medicine subjected to discipline by a licensing agency
145 in any state, federal, or foreign jurisdiction, excluding any

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146 action related to the nonpayment of fees related to a license.

147 (h) Has never had a controlled substance license or permit
148 suspended or revoked by a state or the United States Drug
149 Enforcement Administration or voluntarily surrendered such
150 license after notification of investigation.

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

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

159 (15) "Rule" means a written statement by the commission
160 adopted pursuant to Article XII of the compact which is of
161 general applicability; implements, interprets, or prescribes a
162 policy or provision of the compact, or an organizational,
163 procedural, or practice requirement of the commission; and has
164 the force and effect of statutory law in a member state. The
165 term includes the amendment, repeal, or suspension of an
166 existing rule.

167 (16) "State" means any state, commonwealth, district, or
168 territory of the United States.

169 (17) "State of principal license" means a member state
170 where a podiatric physician holds a license to practice
171 podiatric medicine and which has been designated by such a
172 podiatric physician for purposes of registration and
173 participation in the compact.

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ARTICLE IIIELIGIBILITY

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178 (1) A podiatric physician must meet the eligibility
179 requirements as provided in subsection (13) of Article II to
180 receive an expedited licensure under the terms and provisions of
181 the compact.

182 (2) A podiatric physician who does not meet the
183 requirements in subsection (13) of Article II may obtain a
184 license to practice podiatric medicine in a member state if the
185 individual complies with all laws and requirements, other than
186 the compact, relating to the issuance of a license to practice
187 podiatric medicine in that state.

ARTICLE IVDESIGNATION OF STATE OF PRINCIPAL LICENSE

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192 (1) A podiatric physician must designate a member state as
193 his or her state of principal license for purposes of
194 registration for expedited licensure through the compact if the
195 podiatric physician possesses a full and unrestricted license to
196 practice podiatric medicine in that state and the state is:

197 (a) The state of principal residence for the podiatric
198 physician;
199 (b) The state where at least 25 percent of his or her
200 practice of podiatric medicine occurs;
201 (c) The location of the podiatric physician's employer; or
202 (d) If a state does not qualify under paragraph (a),
203 paragraph (b), or paragraph (c), the state designated as the

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204 podiatric physician's state of residence for the purpose of
205 federal income tax.

206 (2) A podiatric physician may redesignate a member state as
207 his or her state of principal license at any time, as long as
208 the state meets one of the requirements of subsection (1).

209 (3) The commission is authorized to develop rules to
210 facilitate redesignation of another member state as the state of
211 principal license.

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213 ARTICLE V

214 ISSUANCE OF EXPEDITED LICENSURE

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216 (1) A podiatric physician seeking licensure through the
217 compact must file an application for an expedited license with
218 the member board of the state selected by the podiatric
219 physician as the state of principal license.

220 (2) Upon receipt of an application for an expedited
221 license, the member board within the state selected as the state
222 of principal license shall evaluate whether the podiatric
223 physician is eligible for expedited licensure and issue a letter
224 of qualification, verifying or denying the podiatric physician's
225 eligibility, in the manner established by rule of the
226 commission.

227 (a) Qualification includes verification of podiatric
228 medical education, podiatric graduate medical education, results
229 of any podiatric medical licensing examination, and other
230 qualifications as determined by the commission by rule, and may
231 not be subject to additional primary source verification where a
232 primary source has already been verified by the state of

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233 principal license.234 (b) The member board within the state selected as the state
235 of principal license shall, in the course of verifying
236 eligibility, perform a criminal background check of an
237 applicant, including the use of results of fingerprint or other
238 biometric data checks compliant with the requirements of the
239 Federal Bureau of Investigation with the exception of federal
240 employees who have suitability determination in accordance with
241 5 C.F.R. s. 731.202.242 1. Communication between a member board and the commission
243 and communication between member boards regarding the
244 verification of eligibility in Article III through the compact
245 may not include any information received from the Federal Bureau
246 of Investigation relating to a federal criminal records check
247 performed by a member board under Pub. L. No. 92-544, including
248 federal criminal records check information.249 2. Federal Bureau of Investigation information obtained by
250 a member board may not be shared with the commission.251 (c) Appeal of the determination of eligibility must be made
252 to the member state where the application was filed and is
253 subject to the law of that state.254 (3) Upon verification in paragraph (2) (b), a podiatric
255 physician shall complete the registration process established by
256 the commission to receive a license in a member state selected
257 pursuant to subsection (1), including the payment of all
258 applicable fees.259 (4) After receiving verification of eligibility under
260 subsection (2) and the payment of all applicable fees under
261 subsection (3), a member board shall issue an expedited license

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262 to the podiatric physician. This license shall authorize the
263 podiatric physician to practice podiatric medicine in the
264 issuing state consistent with the Podiatric Medical Practice Act
265 and all applicable laws and regulations of the issuing member
266 board and member state.

267 (5) An expedited license is valid for a period consistent
268 with the licensure period in the member state and in the same
269 manner as required for other podiatric physicians holding a full
270 and unrestricted license within the member state.

271 (6) An expedited license obtained through the compact must
272 be terminated if a podiatric physician fails to maintain a
273 license in the state of principal licensure for a
274 nondisciplinary reason, without redesignation of a new state of
275 principal licensure.

276 (7) The commission is authorized to develop rules regarding
277 the application process, including payment of all applicable
278 fees, and the reporting of the issuance of an expedited license
279 by a member board to the commission.

ARTICLE VI

FEES FOR EXPEDITED LICENSURE

284 (1) A member state issuing an expedited license authorizing
285 the practice of podiatric medicine in that state may impose a
286 fee for a license issued or renewed through the compact.

287 (2) The commission is authorized to develop rules regarding
288 fees for expedited licenses.

ARTICLE VII

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RENEWAL AND CONTINUED PARTICIPATION

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293 (1) A podiatric physician seeking to renew an expedited
294 license granted in a member state must complete a renewal
295 process with the commission if the podiatric physician:

296 (a) Maintains a full and unrestricted license in a state of
297 principal license;

298 (b) Has not been convicted of or received adjudication,
299 deferred adjudication, community supervision, or deferred
300 disposition for any offense by a court of appropriate
301 jurisdiction;

302 (c) Has not had a license authorizing the practice of
303 podiatric medicine subject to discipline by a licensing agency
304 in any state, federal, or foreign jurisdiction, or voluntarily
305 surrendered such license in lieu of discipline, excluding any
306 action related to nonpayment of fees related to a license; and

307 (d) Has not had a controlled substance license or permit
308 suspended or revoked by a state or the United States Drug
309 Enforcement Administration or voluntarily surrendered such
310 license or permit after notification of investigation.

311 (2) Podiatric physicians shall comply with all continuing
312 professional development or continuing medical education
313 requirements for renewal of a license issued by a member state.

314 (3) The commission shall collect any renewal fees charged
315 for the renewal of a license and distribute the fees to the
316 applicable member board.

317 (4) Upon receipt of the renewal fees collected in
318 subsection (3), a member board shall renew the podiatric
319 physician's license.

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(5) Podiatric physician information collected by the commission during the renewal process will be distributed to all member boards.

(6) The commission is authorized to develop rules to address renewal of licenses obtained through the compact.

ARTICLE VIII

COORDINATED INFORMATION SYSTEM

(1) The commission shall establish a coordinated information system of all podiatric physicians who are licensed or who have applied for licensure under Article V.

(2) Notwithstanding any other provision of law, member boards shall report to the commission any public action or public complaints against a licensed podiatric physician who has applied for or received an expedited license through the compact.

(3) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the commission.

(4) Member boards may report any nonpublic complaint or any disciplinary or investigatory information not required by subsection (3) to the commission.

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

(6) All information provided to the commission or distributed by member boards is confidential, must be filed under seal, and may be used only for investigatory or

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349 disciplinary matters.350 (7) The commission is authorized to develop rules for
351 mandated or discretionary sharing of information by member
352 boards.353
354 ARTICLE IX355 JOINT INVESTIGATIONS356
357 (1) Licensure and disciplinary records of podiatric
358 physicians are deemed investigative.359 (2) In addition to the authority granted to a member board
360 by its respective Podiatric Medical Practice Act, a member board
361 may participate with other member boards in joint investigations
362 of podiatric physicians licensed by the member boards.363 (3) A subpoena issued by a member state as part of a joint
364 investigation is enforceable in other member states.365 (4) Member boards may share any investigative, litigation,
366 or compliance materials in furtherance of any joint or
367 individual investigation initiated under the compact.368 (5) Any member state may investigate an actual or alleged
369 violation of the laws authorizing the practice of podiatric
370 medicine in any other member state in which a podiatric
371 physician holds a license to practice podiatric medicine.372
373 ARTICLE X374 DISCIPLINARY ACTIONS375
376 (1) Any disciplinary action taken by any member board
377 against a podiatric physician licensed through the compact shall

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378 be deemed unprofessional conduct, which may be subject to
379 discipline by other member boards, in addition to any violation
380 of the Podiatric Medical Practice Act of that state.

381 (2) If a license granted to a podiatric physician by a
382 member board in the state of principal license is revoked,
383 surrendered, or relinquished in lieu of discipline, or
384 suspended, all licenses issued to the podiatric physician by
385 member boards must automatically be placed, without further
386 action necessary by any member board, on the same status. If the
387 member board of the state of principal license subsequently
388 reinstates the podiatric physician's license, a license issued
389 to the podiatric physician by any other member board must remain
390 encumbered until that respective member board takes action to
391 reinstate the license in a manner consistent with the Podiatric
392 Medical Practice Act of that state.

393 (3) If disciplinary action is taken against a podiatric
394 physician by a member board not in a state of principal license,
395 any other member board may deem the action conclusive as to
396 matter of law and fact decided, and:

397 (a) Impose the same or lesser sanctions against the
398 podiatric physician, so long as such sanctions are consistent
399 with the Podiatric Medical Practice Act of that state; or

400 (b) Pursue separate disciplinary action against the
401 podiatric physician under its respective Podiatric Medical
402 Practice Act of that state, regardless of the action taken in
403 other member states.

404 (4) If a license granted to a podiatric physician by a
405 member board is revoked, surrendered or relinquished in lieu of
406 discipline, or suspended, any license issued to a podiatric

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407 physician by any other member board must be suspended,
408 automatically and immediately without further action necessary
409 by the other member boards, for 90 days upon entry of the order
410 by the disciplining board, to permit the member boards to
411 investigate the basis for the action under the Podiatric Medical
412 Practice Act of that state.

413 (5) A member board may terminate the automatic provision
414 under subsection (2) or subsection (4) of a license it issued,
415 in a manner consistent with the Podiatric Medical Practice Act
416 of that state.

417

ARTICLE XI

INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT COMMISSION

421 (1) The member states hereby create the Interstate
422 Podiatric Medical Licensure Compact Commission.

423 (2) The purpose of the commission is the administration of
424 the Interstate Podiatric Medical Licensure Compact, which is a
425 discretionary state function.

426 (3) The commission shall be a body corporate and joint
427 agency of the member states and shall have all the
428 responsibilities, powers, and duties set forth in the compact,
429 and such additional powers as may be conferred upon it by a
430 subsequent concurrent action of the respective legislatures of
431 the member states in accordance with the terms of the compact.

432 (4) The commission shall be composed of one voting
433 representative appointed by each member state who shall serve as
434 a commissioner. A commissioner shall be:

435 (a) A podiatric physician appointed to a member board;

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436 (b) An executive director, executive secretary, or similar
437 executive of a member board; or

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

439 (5) The commission shall meet at least once each calendar
440 year. A portion of this meeting must be a business meeting to
441 address such matters as may properly come before the commission,
442 including the election of officers. The chair may call
443 additional meetings and shall call for a meeting upon the
444 request of a majority of the member states.

445 (6) The bylaws may provide for meetings of the commission
446 to be conducted, in whole or in part, by teleconference, video
447 conference, or other electronic means by which all participants
448 can hear each other simultaneously and participate effectively.
449 Attendance by such electronic means shall constitute presence in
450 person at the meeting.

451 (7) Each commissioner participating at a meeting of the
452 commission is entitled to one vote. A majority of commissioners
453 shall constitute a quorum for the transaction of business,
454 unless a larger quorum is required by commission bylaws. A
455 commissioner may not delegate a vote to another commissioner. In
456 the absence of its commissioner, a member state may delegate
457 voting authority for a specified meeting to another person from
458 that state who must meet the requirements of subsection (4).

459 (8) The commission shall provide public notice of all
460 meetings and all meetings shall be open to the public. The
461 commission may close a meeting, in full or in portion, where it
462 determines by a two-thirds vote of the commissioners present
463 that any open meeting would be likely to:

464 (a) Relate solely to the internal personnel practices and

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465 procedures of the commission;

466 (b) Discuss matters specifically exempted from disclosure

467 by federal law;

468 (c) Discuss trade secrets or commercial or financial

469 information that is privileged or confidential;

470 (d) Involve accusing a person of a crime, or formally

471 censuring a person;

472 (e) Discuss information of a personal nature where

473 disclosure would constitute a clearly unwarranted invasion of

474 personal privacy;

475 (f) Discuss investigative records compiled for law

476 enforcement purposes; or

477 (g) Specifically relate to the participation in a civil

478 action or other legal proceeding.

479 (9) The commission shall keep minutes that fully describe

480 all matters discussed in a meeting and shall provide a full and

481 accurate summary of actions taken, including a record of any

482 roll call votes.

483 (10) The commission shall make its information and official

484 records, to the extent not otherwise designated in the compact

485 or by its rules, available to the public for inspection.

486 (11) The commission shall establish an executive committee,

487 which shall include officers, members, and others as determined

488 by the bylaws. The executive committee shall have the power to

489 act on behalf of the commission, with the exception of

490 rulemaking, during periods when the commission is not in

491 session. When acting on behalf of the commission, the executive

492 committee shall oversee the administration of the compact,

493 including enforcement and compliance with the provisions of the

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494 compact, its bylaws and rules, and other such duties as
495 necessary.

496 (12) The commission shall establish other committees for
497 governance and administration of the compact.

498

499 ARTICLE XII

500 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

501

502 The commission shall:

503 (1) Oversee and maintain the administration of the compact;
504 (2) Adopt rules that shall be binding to the extent and in
505 the manner provided for in the compact;

506 (3) Issue, upon the request of a member state or member
507 board, advisory opinions concerning the meeting or
508 interpretation of the compact, its bylaws, rules, and actions;

509 (4) Enforce compliance with compact provisions, the rules
510 adopted by the commission, and the bylaws, using all necessary
511 and proper means, including, but not limited to, the use of
512 judicial process;

513 (5) Establish and appoint committees, including, but not
514 limited to, an executive committee as required by Article XI,
515 which shall have the power to act on behalf of the commission in
516 carrying out its powers and duties;

517 (6) Pay, or provide for the payment of, the expenses
518 related to the establishment, organization, and ongoing
519 activities of the commission;

520 (7) Establish and maintain one or more offices;

521 (8) Borrow, accept, hire, or contract for services of
522 personnel;

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- 523 (9) Purchase and maintain insurance and bonds;
- 524 (10) Employ an executive director who shall have the power
- 525 to employ, select, or appoint employees, agents, or consultants
- 526 and determine their qualifications, define their duties, and fix
- 527 their compensation;
- 528 (11) Establish personnel policies and programs relating to
- 529 conflicts of interest, rates of compensation, and qualification
- 530 of personnel;
- 531 (12) Accept donations and grants of money, equipment,
- 532 supplies, materials, and services to receive, use, and dispose
- 533 of in a manner consistent with the conflict of interest policies
- 534 established by the commission;
- 535 (13) Lease, purchase, accept contributions or donations of,
- 536 or otherwise own, hold, improve, or use any property, real,
- 537 personal, or mixed;
- 538 (14) Sell, convey, mortgage, pledge, lease, exchange,
- 539 abandon, or otherwise dispose of any property, real, personal,
- 540 or mixed;
- 541 (15) Establish a budget and make expenditures;
- 542 (16) Adopt a seal and bylaws governing the management and
- 543 operation of the commission;
- 544 (17) Report annually to the legislatures and governors of
- 545 the member states concerning the activities of the commission
- 546 during the preceding year. Such reports must also include
- 547 reports of financial audits, and financial statements, and any
- 548 recommendation that may have been adopted by the commission;
- 549 (18) Coordinate education, training, and public awareness
- 550 regarding the compact, its implementation, and its operation;
- 551 (19) Maintain records in accordance with the bylaws;

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552 (20) Seek and obtain trademarks, copyrights, and patents;
553 and
554 (21) Perform such functions as may be necessary or
555 appropriate to achieve the purpose of the compact.

556

557 ARTICLE XIII

558 FINANCIAL POWERS

560 (1) The commission may levy and collect an annual
561 assessment from each member state to cover the cost of the
562 operations and activities of the commission and its staff. The
563 total assessment must be sufficient to cover the annual budget
564 approved each year for which revenue is not provided by other
565 sources. The aggregate annual assessment amount shall be
566 allocated upon a formula to be determined by the commission,
567 which shall adopt a rule binding upon all member states.

568 (2) The commission may not incur obligations of any kind
569 before securing the funds adequate to meet the same.

570 (3) The commission may not pledge the credit of any of the
571 member states, except by, and with the authority of, the member
572 state.

573 (4) The commission shall maintain financial records in
574 accordance with the bylaws, including profit and loss statements
575 and balance sheet reports, which must be included in the annual
576 report of the commission.

577

578 ARTICLE XIV

579 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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581 (1) The commission shall, by a majority of commissioners
582 present and voting, adopt bylaws to govern its conduct as may be
583 necessary or appropriate to carry out the purposes of the
584 compact within 12 months after the first commission meeting.

585 (2) The commission shall elect or appoint annually from
586 among its commissioners a chair, a vice chair, and a treasurer,
587 each of whom shall have such authority and duties as may be
588 specified in the bylaws. The chair or, in the chair's absence or
589 disability, the vice chair shall preside at all meetings of the
590 commission.

591 (3) Officers selected in subsection (2) shall serve without
592 remuneration from the commission.

593 (4) The officers and employees of the commission shall be
594 immune from suit and liability, either personally or in their
595 official capacity, for a claim for damage to or loss of property
596 or personal injury or other civil liability caused by or arising
597 out of, or relating to, an actual or alleged act, error, or
598 omission that occurred, or that such person had a reasonable
599 basis for believing occurred, within the scope of the commission
600 employment, duties, or responsibilities; provided that such
601 person may not be protected from suit or liability for damage,
602 loss, injury, or liability caused by the intentional or willful
603 and wanton misconduct of such person.

604 (5) The liability of the executive director and employees
605 of the commission or representatives of the commission, acting
606 within the scope of their employment or duties for acts, errors,
607 or omissions occurring within their state, may not exceed the
608 limits of liability set forth under the constitution and laws of
609 that state for state officials, employees, and agents. The

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610 commission is considered to be an instrumentality of the states
611 for the purpose of such action. This subsection does not protect
612 such persons from suit or liability for damages, losses, injury,
613 or liability caused by the intentional or willful and wanton
614 misconduct of such persons.

615 (6) The commission shall defend the executive director and
616 its employees, and subject to the approval of the attorney
617 general or other appropriate legal counsel of the member state
618 represented by the commission representative, shall defend such
619 commission representative in any civil action seeking to impose
620 liability arising out of an actual or alleged act, error, or
621 omission that occurred within the scope of commission
622 employment, duties, or responsibilities, or that the defendant
623 had a reasonable basis for believing occurred within the scope
624 of the commission employment, duties, or responsibilities,
625 provided that the actual or alleged act, error, or omission did
626 not result from intentional or willful and wanton misconduct on
627 the part of such person.

628 (7) To the extent not covered by the state involved, member
629 state, or the commission, the representatives or employees of
630 the commission shall be held harmless in the amount of a
631 settlement or judgment, including attorney fees and costs,
632 obtained against such persons arising out of an actual or
633 alleged act, error, or omission that occurred within the scope
634 of the commission employment, duties, or responsibilities, or
635 that such persons had a reasonable basis for believing occurred
636 within the scope of commission employment, duties, or
637 responsibilities, provided that the actual or alleged act,
638 error, or omission did not result from intentional or willful

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639 and wanton misconduct on the part of such person.

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641 ARTICLE XV

642 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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644 (1) The commission shall adopt rules in order to
645 effectively and efficiently achieve the purpose of the compact.
646 In the event the commission exercises its rulemaking authority
647 in a manner beyond the scope of the purposes of the compact, or
648 the powers granted hereunder, such action by the commission
649 shall be invalid and have no force or effect.

650 (2) Rules deemed appropriate for the operations of the
651 commission shall be made pursuant to the rulemaking process that
652 substantially conforms to the Model State Administrative
653 Procedure Act of 2010, and subsequent amendments thereto.

654 (3) No later than 30 days after a rule is adopted, a person
655 may file a petition for judicial review of the rule in the
656 United States District Court for the District of Columbia or the
657 federal district where the commission has its principal offices,
658 provided that the filing of such a petition does not stay or
659 otherwise prevent the rule from becoming effective, unless the
660 court finds that the petitioner has a substantial likelihood of
661 success. The court shall give deference to the actions of the
662 commission consistent with applicable law and may not find the
663 rule to be unlawful if the rule represents a reasonable exercise
664 of the authority granted to the commission.

665

666 ARTICLE XVI

667 OVERSIGHT OF INTERSTATE COMPACT

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668

669 (1) The executive, legislative, and judicial branches of
670 state government in each member state shall enforce the compact
671 and shall take all actions necessary and appropriate to
672 effectuate the compact's purposes and intent. The provisions of
673 the compact and the rules adopted hereunder shall have standing
674 as statutory law but may not override existing state authority
675 to regulate the practice of podiatric medicine.

676 (2) All courts shall take judicial notice of the compact
677 and the rules in any judicial or administrative proceeding in a
678 member state pertaining to the subject matter of the compact
679 which may affect the powers, responsibilities, or actions of the
680 commission.

681 (3) The commission shall be entitled to receive all
682 services of process in any such proceeding, and shall have
683 standing to intervene in the proceeding for all purposes.
684 Failure to provide service of process to the commission shall
685 render a judgment or order void as to the commission, the
686 compact, or adopted rules.

687

ARTICLE XVII

ENFORCEMENT OF INTERSTATE COMPACT

692 discretion, shall enforce the provisions and rules of the
693 compact.

694 (2) The commission may, by majority vote of the
695 commissioners present and voting, initiate legal action in the
696 United States Court for the District of Columbia or, at the

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697 discretion of the commission, in the federal district where the
698 commission has its principal offices, to enforce compliance with
699 the provisions of the compact, and its adopted rules and
700 commission bylaws, against a member state in default. The relief
701 sought may include both injunctive relief and damages. In the
702 event judicial enforcement is necessary, the prevailing party
703 shall be awarded all costs of such litigation, including
704 reasonable attorney fees.

705 (3) The remedies herein may not be the exclusive remedies
706 of the commission. The commission may avail itself of any other
707 remedy available under state law or regulation of a profession.

ARTICLE XVIII

DEFAULT PROCEDURES

712 (1) The grounds for default include, but are not limited
713 to, failure of a member board to perform such obligations or
714 responsibilities imposed upon it by the compact or the rules and
715 bylaws of the commission adopted under the compact.

716 (2) If the commission determines that a member state has
717 defaulted in the performance of its obligations or
718 responsibilities under the compact, the bylaws, or adopted
719 rules, the commission must:

720 (a) Provide written notice to the defaulting state and
721 other member states of the nature of the default, the means of
722 curing the default, and any action taken by the commission. The
723 commission shall specify the conditions by which the defaulting
724 state must cure its default; and

725 (b) Provide remedial training and specific technical

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726 assistance regarding the default.

727 (3) If the defaulting state fails to cure the default, the
728 defaulting state must be terminated from the compact upon an
729 affirmative vote of the majority of the commissioners present
730 and voting, and all rights, privileges, and benefits conferred
731 by the compact shall terminate on the effective date of
732 termination. A cure of the default does not relieve the
733 offending state of obligations or liabilities incurred during
734 the period of default.

735 (4) Termination of membership in the compact may be imposed
736 only after all other means of securing compliance have been
737 exhausted. Notice of intent to terminate shall be given by the
738 commission to the Governor, the Majority and Minority Leaders of
739 the defaulting state's legislature, and each of the member
740 states.

741 (5) The commission shall establish rules and procedures to
742 address licenses and podiatric physicians that are materially
743 impacted by the termination of a member state or the withdrawal
744 of a member state.

745 (6) The member state that has been terminated is
746 responsible for all dues, obligations, and liabilities incurred
747 through the effective date of termination, including obligations
748 the performance of which extend beyond the effective date of
749 termination.

750 (7) The commission may not bear any costs relating to any
751 state that has been found to be in default or that has been
752 terminated from the compact, unless otherwise mutually agreed
753 upon in writing between the commission and the defaulting state.

754 (8) The defaulting state may appeal the action of the

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755 commission by petitioning the United States District Court for
756 the District of Columbia or the federal district where the
757 commission has its principal offices. The prevailing party shall
758 be awarded all costs of litigation, including reasonable
759 attorney fees.

760

761 ARTICLE XIX
762 DISPUTE RESOLUTION

763
764 (1) The commission shall attempt, upon the request of a
765 member state, to resolve disputes that are subject to the
766 compact and that arise among member states or member boards.

767 (2) The commission shall adopt rules providing for both
768 mediation and binding dispute resolution, as appropriate.

769

770 ARTICLE XX

771 MEMBERSHIP, EFFECTIVE DATE, AND AMENDMENT

772

773 (1) Any state is eligible to become a member of the
774 compact.

775 (2) The compact shall become effective and binding upon
776 legislative enactment of the compact into law by at least four
777 states. Thereafter, it shall become effective and binding on a
778 state upon enactment of the compact into law by that state.

779 (3) The governors of nonmember states, or their designees,
780 are welcome to participate in the activities of the commission
781 on a nonvoting basis before adoption of the compact by all
782 states.

783 (4) The commission may propose amendments to the compact

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784 for enactment by the member states. An amendment may not become
785 effective and binding upon the commission and other member
786 states unless and until it is enacted into law by unanimous
787 consent of the member states.

788

789 ARTICLE XXI
790 WITHDRAWAL

791

792 (1) Once effective, the compact shall continue in force and
793 remain binding upon each member state; however, a member state
794 may withdraw from the compact by specifically repealing the
795 statute that enacted the compact into law.

796 (2) Withdrawal from the compact shall be by the enactment
797 of a statute repealing the same, but may not take effect until 1
798 year after the effective date of such statute and until written
799 notice of the withdrawal has been given by the withdrawing state
800 to the governor of each other member state.

801 (3) The withdrawing state shall immediately notify the
802 chair of the commission in writing upon the introduction of
803 legislation repealing the compact in the withdrawing state.

804 (4) The commission shall notify the other member states of
805 the withdrawing state's intent to withdraw within 60 days after
806 its receipt of notice provided under subsection (3).

807 (5) The withdrawing state is responsible for all dues,
808 obligations, and liabilities incurred through the effective date
809 of withdrawal, including obligations the performance of which
810 extend beyond the effective date of withdrawal.

811 (6) Reinstatement following withdrawal of a member state
812 shall occur upon the withdrawing date reenacting the compact or

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813 upon such later date as determined by the commission.

814 (7) The commission is authorized to develop rules to
815 address the impact of the withdrawal of a member state on
816 licenses granted in other member states to podiatric physicians
817 who designated the withdrawing member state as the state of
818 principal license.

819

820 ARTICLE XXII

821 DISSOLUTION

822

823 (1) The compact shall be dissolved effective upon the date
824 of the withdrawal or default of the member state which reduces
825 the membership of the compact to one member state.

826 (2) Upon the dissolution of the compact, the compact
827 becomes null and void and shall have no further force or effect,
828 the business and affairs of the commission shall be concluded,
829 and surplus funds shall be distributed in accordance with the
830 bylaws.

831

832 ARTICLE XXIII

833 SEVERABILITY AND CONSTRUCTION

834

835 (1) The provisions of the compact shall be severable, and
836 if any phrase, clause, sentence, or provision is deemed
837 unenforceable, the remaining provisions of the compact shall be
838 enforceable.

839 (2) The provisions of the compact shall be liberally
840 construed to effectuate its purposes.

841 (3) The compact does not prohibit the applicability of

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842 other interstate compacts to which the member states are
843 members.

844

845 ARTICLE XXIV

846 BINDING EFFECT OF COMPACT AND OTHER LAWS

847

848 (1) Nothing herein prevents the enforcement of any other
849 law of a member state which is not inconsistent with the
850 compact.

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

853 (3) All lawful actions of the commission, including all
854 rules and bylaws adopted by the commission, are binding upon all
855 member states.

856 (4) All agreements between the commission and the member
857 states are binding in accordance with their terms.

858 (5) In the event any provision of the compact exceeds the
859 constitutional limits imposed on the legislature of any member
860 state, such provision is ineffective to the extent of the
861 conflict with the constitutional provision in question in that
862 member state.

863 Section 2. This act shall take effect July 1, 2026.