

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

40-01680-26

20261312__

information public record; requiring the commission to establish an executive committee for certain purposes; providing powers and duties, including financial powers, of the commission; providing for organization and operation, rulemaking authority, and oversight of the commission; providing for qualified immunity, defense, and indemnification of the commission and its employees; providing for the enforcement and default procedures of the compact; providing for dispute resolution procedures of the commission; providing for membership, effective date, amendment, withdrawal, and dissolution of the compact; providing for severability and construction; providing for binding effect of the compact and other laws; providing an effective date.

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

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

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

INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT

ARTICLE I

PURPOSE

40-01680-26

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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.

40-01680-26

20261312__

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

40-01680-26

20261312__

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

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

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

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

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

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

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

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

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

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

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

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

40-01680-26

20261312__

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.

40-01680-26

20261312__

ARTICLE IIIELIGIBILITY

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

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

ARTICLE IVDESIGNATION OF STATE OF PRINCIPAL LICENSE

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

(a) The state of principal residence for the podiatric physician;

(b) The state where at least 25 percent of his or her practice of podiatric medicine occurs;

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

(d) If a state does not qualify under paragraph (a), paragraph (b), or paragraph (c), the state designated as the

40-01680-26

20261312__

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

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

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

ARTICLE V

ISSUANCE OF EXPEDITED LICENSURE

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

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

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

40-01680-26

20261312__

principal license.

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

1. Communication between a member board and the commission and communication between member boards regarding the verification of eligibility in Article III through the compact may not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member board under Pub. L. No. 92-544, including federal criminal records check information.

2. Federal Bureau of Investigation information obtained by a member board may not be shared with the commission.

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

(3) Upon verification in paragraph (2)(b), a podiatric physician shall complete the registration process established by the commission to receive a license in a member state selected pursuant to subsection (1), including the payment of all applicable fees.

(4) After receiving verification of eligibility under subsection (2) and the payment of all applicable fees under subsection (3), a member board shall issue an expedited license

40-01680-26

20261312__

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

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

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

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

ARTICLE VI

FEES FOR EXPEDITED LICENSURE

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

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

ARTICLE VII

40-01680-26

20261312__

RENEWAL AND CONTINUED PARTICIPATION

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

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

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

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

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

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

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

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

40-01680-26

20261312__

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

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

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326 ARTICLE VIII

327 COORDINATED INFORMATION SYSTEM
328

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

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

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

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

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

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

40-01680-26

20261312__

349 disciplinary matters.

350 (7) The commission is authorized to develop rules for
351 mandated or discretionary sharing of information by member
352 boards.

354 ARTICLE IX

355 JOINT INVESTIGATIONS

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.

373 ARTICLE X

374 DISCIPLINARY ACTIONS

376 (1) Any disciplinary action taken by any member board
377 against a podiatric physician licensed through the compact shall

40-01680-26

20261312__

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

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

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

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

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

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

40-01680-26

20261312__

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

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

ARTICLE XI

INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT COMMISSION

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

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

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

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

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

40-01680-26

20261312__

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

40-01680-26

20261312__

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

40-01680-26

20261312__

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

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

ARTICLE XII

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall:

(1) Oversee and maintain the administration of the compact;

(2) Adopt rules that shall be binding to the extent and in
the manner provided for in the compact;

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

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

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

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

(7) Establish and maintain one or more offices;

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

40-01680-26

20261312__

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;

40-01680-26

20261312__

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
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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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40-01680-26

20261312__

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

40-01680-26

20261312__

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

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

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

40-01680-26

20261312__

and wanton misconduct on the part of such person.

ARTICLE XV

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

ARTICLE XVI

OVERSIGHT OF INTERSTATE COMPACT

40-01680-26

20261312__

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

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

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

ARTICLE XVII

ENFORCEMENT OF INTERSTATE COMPACT

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

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

40-01680-26

20261312__

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

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

ARTICLE XVIII

DEFAULT PROCEDURES

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

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

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

(b) Provide remedial training and specific technical

40-01680-26

20261312__

assistance regarding the default.

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

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

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

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

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

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

40-01680-26

20261312__

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

ARTICLE XIX
DISPUTE RESOLUTION

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

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

ARTICLE XX
MEMBERSHIP, EFFECTIVE DATE, AND AMENDMENT

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

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

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

(4) The commission may propose amendments to the compact

40-01680-26

20261312__

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

ARTICLE XXI

WITHDRAWAL

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

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

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

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

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

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

40-01680-26

20261312__

upon such later date as determined by the commission.

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

ARTICLE XXII

DISSOLUTION

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

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

ARTICLE XXIII

SEVERABILITY AND CONSTRUCTION

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

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

(3) The compact does not prohibit the applicability of

40-01680-26

20261312__

other interstate compacts to which the member states are
members.

ARTICLE XXIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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