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HOUSE BILL 243

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Marian Matthews and Gail Armstrong

AN ACT

RELATING TO LICENSURE; ENACTING THE INTERSTATE MEDICAL  
LICENSURE COMPACT; PROVIDING FOR THE APPOINTMENT OF NEW MEXICO  
COMPACT COMMISSIONERS; REQUIRING THE FILING OF INTERSTATE  
COMMISSION BYLAWS AND RULES WITH THE STATE RECORDS  
ADMINISTRATOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Interstate Medical Licensure Compact".

SECTION 2. [NEW MATERIAL] INTERSTATE MEDICAL LICENSURE  
COMPACT ENTERED INTO.--The "Interstate Medical Licensure  
Compact" is enacted into law and entered into on behalf of New  
Mexico with any and all other states legally joining therein in  
a form substantially as follows:

"INTERSTATE MEDICAL LICENSURE COMPACT

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ARTICLE 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, provides a streamlined process that allows physicians to become licensed in multiple states, enhances the portability of a medical license and ensures 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.

ARTICLE 2 - Definitions

In the Interstate Medical Licensure Compact:

A. "bylaws" means those bylaws established by the interstate commission;

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1           B. "commissioner" means the voting representative  
2 appointed by each member board;

3           C. "conviction" means a finding by a court that a  
4 person is guilty of a criminal offense through adjudication or  
5 entry of a plea of guilt or no contest to the charge by the  
6 offender. Evidence of an entry of a conviction of a criminal  
7 offense by the court shall be considered final for purposes of  
8 disciplinary action by a member board;

9           D. "expedited license" means a full and  
10 unrestricted medical license granted by a member state to an  
11 eligible physician through the process set forth in the  
12 Interstate Medical Licensure Compact;

13           E. "interstate commission" means the interstate  
14 medical licensure compact commission;

15           F. "license" means authorization by a member state  
16 for a physician to engage in the practice of medicine, which  
17 would be unlawful without authorization;

18           G. "medical practice act" means laws and rules  
19 governing the practice of allopathic and osteopathic medicine  
20 within a member state;

21           H. "member board" means a state agency in a member  
22 state that acts in the sovereign interests of the state by  
23 protecting the public through licensure, regulation and  
24 education of physicians as directed by the state government;

25           I. "member state" means a state that has enacted

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1 the Interstate Medical Licensure Compact;

2 J. "offense" means a felony or gross misdemeanor;

3 K. "physician" means a person who:

4 (1) is a graduate of a medical school  
5 accredited by the liaison committee on medical education, the  
6 commission on osteopathic college accreditation or a medical  
7 school listed in the *World Directory of Medical Schools* or its  
8 equivalent;

9 (2) passed each component of the United States  
10 medical licensing examination or the comprehensive osteopathic  
11 medical licensing examination of the United States within three  
12 attempts, or any of its predecessor examinations accepted by a  
13 state medical board as an equivalent examination for licensure  
14 purposes;

15 (3) successfully completed graduate medical  
16 education approved by the accreditation council for graduate  
17 medical education or the American osteopathic association;

18 (4) holds specialty certification or a time-  
19 unlimited specialty certificate recognized by the American  
20 board of medical specialties or the American osteopathic  
21 association bureau of osteopathic specialists;

22 (5) possesses a full and unrestricted license  
23 to engage in the practice of medicine issued by a member board;

24 (6) has never been convicted or received  
25 adjudication, deferred adjudication, community supervision or

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1 deferred disposition for any offense by a court of appropriate  
2 jurisdiction;

3 (7) has never held a license authorizing the  
4 practice of medicine subjected to discipline by a licensing  
5 agency in any state, federal or foreign jurisdiction, excluding  
6 any action related to nonpayment of fees related to a license;

7 (8) has never had a controlled substance  
8 license or permit suspended or revoked by a state or the United  
9 States drug enforcement administration; and

10 (9) is not under active investigation by a  
11 licensing agency or law enforcement authority in any state,  
12 federal or foreign jurisdiction;

13 L. "practice of medicine" means that clinical  
14 prevention, diagnosis or treatment of human disease, injury or  
15 condition requiring a physician to obtain and maintain a  
16 license in compliance with the medical practice act of a member  
17 state;

18 M. "rule" means a written statement by the  
19 interstate commission promulgated pursuant to Article 12 of the  
20 Interstate Medical Licensure Compact that is of general  
21 applicability, implements, interprets or prescribes a policy or  
22 provision of the compact, or is an organizational, procedural  
23 or practice requirement of the interstate commission, and has  
24 the force and effect of statutory law in a member state and  
25 includes the amendment, repeal or suspension of an existing

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1 rule;

2 N. "state" means any state, commonwealth, district  
3 or territory of the United States; and

4 O. "state of principal license" means a member  
5 state in which a physician holds a license to practice medicine  
6 and that has been designated as such by the physician for  
7 purposes of registration and participation in the Interstate  
8 Medical Licensure Compact.

9 ARTICLE 3 - Eligibility

10 A. A physician must meet the eligibility  
11 requirements as defined in Subsection K of Article 2 of the  
12 Interstate Medical Licensure Compact to receive an expedited  
13 license under the terms and provisions of that compact.

14 B. A physician who does not meet the requirements  
15 of Subsection K of Article 2 of the Interstate Medical  
16 Licensure Compact may obtain a license to practice medicine in  
17 a member state if the person complies with all laws and  
18 requirements other than that compact relating to the issuance  
19 of a license to practice medicine in that state.

20 ARTICLE 4 - Designation of State of Principal License

21 A. A physician shall designate a member state as  
22 the state of principal license for purposes of registration for  
23 expedited licensure through the Interstate Medical Licensure  
24 Compact if the physician possesses a full and unrestricted  
25 license to practice medicine in that state, and the state is:

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1 (1) the state of principal residence for the  
2 physician;

3 (2) the state in which at least twenty-five  
4 percent of the physician's practice of medicine occurs;

5 (3) the location of the physician's employer;  
6 or

7 (4) the state designated as state of residence  
8 for the purpose of federal income tax if a state does not  
9 qualify under Paragraph (1), (2) or (3) of this subsection.

10 B. A physician may redesignate a member state as a  
11 state of principal license at any time if the state meets the  
12 requirements of Subsection A of this article.

13 C. The interstate commission is authorized to  
14 develop rules to facilitate redesignation of another member  
15 state as the state of principal license.

16 ARTICLE 5 - Application and Issuance of Expedited Licensure

17 A. A physician seeking licensure through the  
18 Interstate Medical Licensure Compact shall file an application  
19 for an expedited license with the member board of the state  
20 selected by the physician as the state of principal license.

21 B. Upon receipt of an application for an expedited  
22 license, the member board within the state of principal license  
23 shall evaluate whether the physician is eligible for expedited  
24 licensure and issue a letter of qualification, verifying or  
25 denying the physician's eligibility, to the interstate

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1 commission.

2 (1) Static qualifications, which include  
3 verification of medical education, graduate medical education,  
4 results of any medical or licensing examination and other  
5 qualifications as determined by the interstate commission  
6 through rule, shall not be subject to additional primary-source  
7 verification if primary-source verification has been conducted  
8 by the state of principal license.

9 (2) The member board of the state of principal  
10 license shall, in the course of verifying eligibility, perform  
11 a criminal background check of an applicant, including the use  
12 of the results of fingerprint or other biometric data checks  
13 compliant with the requirements of the federal bureau of  
14 investigation, with the exception of federal employees who have  
15 suitability determination in accordance with 5 Code of Federal  
16 Register Section 731.202.

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

20 C. Upon verification pursuant to Subsection B of  
21 this article, physicians eligible for an expedited license  
22 shall complete the registration process established by the  
23 interstate commission to receive a license in a member state  
24 selected pursuant to Subsection A of this article, including  
25 the payment of applicable fees.

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1           D. After receiving verification of eligibility  
2 pursuant to Subsection B of this article and payment of fees  
3 pursuant to Subsection C of this article, a member board shall  
4 issue an expedited license to the physician. This license  
5 shall authorize the physician to practice medicine in the  
6 issuing state consistent with the medical practice act and all  
7 applicable laws and rules of the issuing member board and  
8 member state.

9           E. An expedited license shall be valid for a period  
10 consistent with the licensure period in the member state and in  
11 the same manner as required for other physicians holding a full  
12 and unrestricted license within the member state.

13           F. An expedited license obtained through the  
14 Interstate Medical Licensure Compact shall be terminated if a  
15 physician fails to maintain the license in the state of  
16 principal licensure for a non-disciplinary reason, without  
17 redesignation of a new state of principal licensure.

18           G. The interstate commission is authorized to  
19 develop rules regarding the application process, including  
20 payment of any applicable fees, and the issuance of an  
21 expedited license.

#### 22           ARTICLE 6 - Fees for Expedited Licensure

23           A. A member state issuing an expedited license  
24 authorizing the practice of medicine in that state may impose a  
25 fee for a license issued or renewed through the Interstate

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1 Medical Licensure Compact.

2 B. The interstate commission is authorized to  
3 develop rules regarding fees for expedited licenses.

4 ARTICLE 7 - Renewal and Continued Participation

5 A. A physician seeking to renew an expedited  
6 license granted in a member state shall complete a renewal  
7 process with the interstate commission if the physician:

8 (1) maintains a full and unrestricted license  
9 in the state of principal license;

10 (2) has not been convicted, received  
11 adjudication, deferred adjudication, community supervision or  
12 deferred disposition for an offense by a court of appropriate  
13 jurisdiction;

14 (3) has not had a license authorizing the  
15 practice of medicine subject to discipline by a licensing  
16 agency in any state, federal or foreign jurisdiction, excluding  
17 any action related to nonpayment of fees related to a license;  
18 and

19 (4) has not had a controlled substance license  
20 or permit suspended or revoked by a state or the United States  
21 drug enforcement administration.

22 B. Physicians shall comply with all continuing  
23 professional development or continuing medical education  
24 requirements for renewal of a license issued by a member state.

25 C. The interstate commission shall collect the

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1 renewal fees charged for the renewal of a license and  
2 distribute the fees to the applicable member board.

3 D. Upon receipt of the renewal fees collected in  
4 Subsection C of this article, a member board shall renew the  
5 physician's license.

6 E. Physician information collected by the  
7 interstate commission during the renewal process will be  
8 distributed to all member boards.

9 F. The interstate commission is authorized to  
10 develop rules to address renewal of licenses obtained through  
11 the Interstate Medical Licensure Compact.

12 ARTICLE 8 - Coordinated Information System

13 A. The interstate commission shall establish a  
14 database of all physicians licensed, or who have applied for  
15 licensure, pursuant to Article 5 of the Interstate Medical  
16 Licensure Compact.

17 B. Notwithstanding any other provision of law,  
18 member boards shall report to the interstate commission any  
19 public action or complaint against a licensed physician who has  
20 applied or received an expedited license through the Interstate  
21 Medical Licensure Compact.

22 C. Member boards shall report disciplinary or  
23 investigatory information determined as necessary and proper by  
24 rule of the interstate commission.

25 D. Member boards may report any nonpublic

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1 complaint, disciplinary or investigatory information not  
2 required by Subsection C of this article to the interstate  
3 commission.

4 E. Member boards shall share complaint or  
5 disciplinary information about a physician upon request of  
6 another member board.

7 F. All information provided to the interstate  
8 commission or distributed by member boards shall be  
9 confidential, filed under seal and used only for investigatory  
10 or disciplinary matters.

11 G. The interstate commission is authorized to  
12 develop rules for mandated or discretionary sharing of  
13 information by member boards.

14 ARTICLE 9 - Joint Investigations

15 A. Licensure and disciplinary records of physicians  
16 are deemed investigative.

17 B. In addition to the authority granted to a member  
18 board by its respective medical practice act or other  
19 applicable state law, a member board may participate with other  
20 member boards in joint investigations of physicians licensed by  
21 the member boards.

22 C. A subpoena issued by a member state shall be  
23 enforceable in other member states, but only to the extent that  
24 both states agree to and are participating in a joint  
25 investigation pursuant to the Interstate Medical Licensure

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1 Compact.

2 D. Member boards may share investigative,  
3 litigation or compliance materials in furtherance of any joint  
4 or individual investigation initiated under the Interstate  
5 Medical Licensure Compact.

6 E. A member state may investigate actual or alleged  
7 violations of the statutes authorizing the practice of medicine  
8 in any other member state in which a physician holds a license  
9 to practice medicine.

10 ARTICLE 10 - Disciplinary Actions

11 A. A disciplinary action taken by a member board  
12 against a physician licensed through the Interstate Medical  
13 Licensure Compact shall be deemed unprofessional conduct that  
14 may be subject to discipline by other member boards, in  
15 addition to a violation of the medical practice act or rules in  
16 that state.

17 B. If a license granted to a physician by the  
18 member board in the state of principal license is revoked,  
19 surrendered or relinquished in lieu of discipline or suspended,  
20 then all licenses issued to the physician by member boards  
21 shall automatically be placed, without further action necessary  
22 by any member board, on the same status. If the member board  
23 in the state of principal license subsequently reinstates the  
24 physician's license, a license issued to the physician by any  
25 other member board shall remain encumbered until that

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1        respective member board takes action to reinstate the license  
2        in a manner consistent with the medical practice act of that  
3        state.

4                C. If disciplinary action is taken against a  
5        physician by a member board not in the state of principal  
6        license, any other member board may deem the action conclusive  
7        as to matter of law and fact decided and:

8                        (1) impose the same or lesser sanctions  
9        against the physician so long as such sanctions are consistent  
10       with the medical practice act of that state; or

11                        (2) pursue separate disciplinary action  
12       against the physician under that state's respective medical  
13       practice act, regardless of the action taken in other member  
14       states.

15                D. If a license granted to a physician by a member  
16       board is revoked, surrendered or relinquished in lieu of  
17       discipline or suspended, then any licenses issued to the  
18       physician by other member boards shall be suspended,  
19       automatically and immediately without further action necessary  
20       by the other member boards, for ninety days upon entry of the  
21       order by the disciplining board, to permit the member boards to  
22       investigate the basis for the action under the medical practice  
23       act of that state. A member board may terminate the automatic  
24       suspension of the license the member board issued prior to the  
25       completion of the ninety-day suspension period in a manner

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1 consistent with the medical practice act of that state.

2 E. A license, certification or authorization that  
3 is automatically suspended or revoked pursuant to this article  
4 shall be immediately reinstated if the suspension or revocation  
5 is solely on the basis that a health care practitioner  
6 performed, recommended or provided reproductive health services  
7 or gender-affirming care as authorized in Article 1 of the  
8 Interstate Medical Licensure Compact.

9 ARTICLE 11 - Interstate Medical Licensure Compact Commission

10 A. The "interstate medical licensure compact  
11 commission" is created by the member states in accordance with  
12 the provisions of this article.

13 B. The purpose of the interstate commission is the  
14 administration of the Interstate Medical Licensure Compact,  
15 which is a discretionary state function.

16 C. The interstate commission shall be a body  
17 corporate and joint agency of the member states and shall have  
18 all the responsibilities, powers and duties set forth in the  
19 Interstate Medical Licensure Compact and such additional powers  
20 as may be conferred upon it by a subsequent concurrent action  
21 of the respective legislatures of the member states in  
22 accordance with the terms of the compact.

23 D. The interstate commission shall consist of two  
24 voting representatives appointed by each member state who shall  
25 serve as commissioners. In states where allopathic and

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1 osteopathic physicians are regulated by separate member boards  
2 or if the licensing and disciplinary authority is split between  
3 separate member boards or if the licensing and disciplinary  
4 authority is split between multiple member boards within a  
5 member state, the member state shall appoint one representative  
6 from each member board. A commissioner shall be:

7 (1) an allopathic or osteopathic physician  
8 appointed to a member board;

9 (2) an executive director, executive secretary  
10 or similar executive of a member board; or

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

13 E. The interstate commission shall meet at least  
14 once each calendar year. A portion of this meeting shall be a  
15 business meeting to address such matters as may properly come  
16 before the commission, including the election of officers. The  
17 chair may call additional meetings and shall call for a meeting  
18 upon the request of a majority of the member states.

19 F. The bylaws may provide for meetings of the  
20 interstate commission to be conducted by telecommunication or  
21 electronic communication.

22 G. Each commissioner participating at a meeting of  
23 the interstate commission is entitled to one vote. A majority  
24 of commissioners shall constitute a quorum for the transaction  
25 of business unless a larger quorum is required by the bylaws of

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1 the interstate commission. A commissioner shall not delegate a  
2 vote to another commissioner. In the absence of a member  
3 state's commissioner, the member state may delegate voting  
4 authority for a specified meeting to another person from that  
5 state who shall meet the requirements of Subsection D of this  
6 article.

7 H. The interstate commission shall provide public  
8 notice of all meetings, and all meetings shall be open to the  
9 public. The interstate commission may close a meeting, in full  
10 or in portion, where the interstate commission determines by a  
11 two-thirds' vote of the commissioners present that an open  
12 meeting would be likely to:

13 (1) relate solely to the internal personnel  
14 practice and procedures of the interstate commission;

15 (2) discuss matters specifically exempted from  
16 disclosure by federal statute;

17 (3) discuss trade secrets or commercial or  
18 financial information that is privileged or confidential;

19 (4) involve accusing a person of a crime or  
20 formally censuring a person;

21 (5) discuss information of a personal nature,  
22 in which disclosure would constitute a clearly unwarranted  
23 invasion of personal privacy;

24 (6) discuss investigative records compiled for  
25 law enforcement purposes; or

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1 (7) specifically relate to the participation  
2 in a civil action or other legal proceeding.

3 I. The interstate commission shall keep minutes  
4 that shall fully describe all matters discussed in a meeting  
5 and shall provide a full and accurate summary of actions taken,  
6 including record of any roll call votes.

7 J. The interstate commission shall make its  
8 information and official records, to the extent not otherwise  
9 designated in the Interstate Medical Licensure Compact or by  
10 its rules, available to the public for inspection.

11 K. The interstate commission shall establish an  
12 executive committee that shall include officers, members and  
13 others as determined by the bylaws. The executive committee  
14 shall have the power to act on behalf of the interstate  
15 commission, with the exception of rulemaking, during periods  
16 when the interstate commission is not in session. When acting  
17 on behalf of the interstate commission, the executive committee  
18 shall oversee the administration of the Interstate Medical  
19 Licensure Compact, including enforcement and compliance with  
20 the provisions of the compact, its bylaws and rules and other  
21 such duties as necessary.

22 L. The interstate commission shall establish other  
23 committees for governance and administration of the Interstate  
24 Medical Licensure Compact.

25 ARTICLE 12 - Powers and Duties of the Interstate Commission

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1           The interstate commission shall have the duty and power  
2 to:

3           A. oversee and maintain the administration of the  
4 Interstate Medical Licensure Compact;

5           B. promulgate rules that shall be binding to the  
6 extent and in the manner provided for in the Interstate Medical  
7 Licensure Compact;

8           C. issue, upon the request of a member state or  
9 member board, advisory opinions concerning the meaning or  
10 interpretation of the Interstate Medical Licensure Compact, its  
11 bylaws, rules and actions;

12           D. enforce compliance with Interstate Medical  
13 Licensure Compact provisions, the rules promulgated by the  
14 interstate commission and the bylaws, using all necessary and  
15 proper means, including the use of judicial process;

16           E. establish and appoint committees, including an  
17 executive committee as required by Article 11 of the Interstate  
18 Medical Licensure Compact, which shall have the power to act on  
19 behalf of the interstate commission in carrying out the  
20 interstate commission's powers and duties;

21           F. pay, or provide for the payment of, the expenses  
22 related to the establishment, organization and ongoing  
23 activities of the interstate commission;

24           G. establish and maintain one or more offices;

25           H. borrow, accept, hire or contract for services of

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1 personnel;

2 I. purchase and maintain insurance and bonds;

3 J. employ an executive director who shall have such  
4 powers to employ, select or appoint employees, agents or  
5 consultants and to determine their qualifications, define their  
6 duties and fix their compensation;

7 K. establish personnel policies and programs  
8 relating to conflicts of interest, rates of compensation and  
9 qualifications of personnel;

10 L. accept donations and grants of money, equipment,  
11 supplies, materials and services and to receive, utilize and  
12 dispose of donations and grants of money, equipment, supplies,  
13 materials and services in a manner consistent with the conflict  
14 of interest policies established by the interstate commission;

15 M. lease, purchase, accept contributions or  
16 donations of or otherwise to own, hold, improve or use any  
17 property, real, personal or mixed;

18 N. sell, convey, mortgage, pledge, lease, exchange,  
19 abandon or otherwise dispose of any property, real, personal or  
20 mixed;

21 O. establish a budget and make expenditures;

22 P. adopt a seal and bylaws governing the management  
23 and operation of the interstate commission;

24 Q. report annually to the legislatures and  
25 governors of the member states concerning the activities of the

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1 interstate commission during the preceding year. Such reports  
2 shall also include reports of financial audits and any  
3 recommendations that may have been adopted by the interstate  
4 commission;

5 R. coordinate education, training and public  
6 awareness regarding the Interstate Medical Licensure Compact,  
7 its implementation and its operation;

8 S. maintain records in accordance with the bylaws;

9 T. seek and obtain trademarks, copyrights and  
10 patents; and

11 U. perform such functions as may be necessary or  
12 appropriate to achieve the purpose of the Interstate Medical  
13 Licensure Compact.

#### 14 ARTICLE 13 - Finance Powers

15 A. The interstate commission may levy on and  
16 collect an annual assessment from each member state to cover  
17 the cost of the operations and activities of the interstate  
18 commission and its staff. The total assessment must be  
19 sufficient to cover the annual budget approved each year for  
20 which revenue is not provided by other sources. The aggregate  
21 annual assessment amount shall be allocated upon a formula to  
22 be determined by the interstate commission, which shall  
23 promulgate a rule binding upon all member states.

24 B. The interstate commission shall not incur  
25 obligations of any kind prior to securing the funds adequate to

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1 meet the same.

2 C. The interstate commission shall not pledge the  
3 credit of any of the member states, except by, and with the  
4 authority of, the member state.

5 D. The interstate commission shall be subject to a  
6 yearly financial audit conducted by a certified or licensed  
7 accountant, and the report of the audit shall be included in  
8 the annual report of the interstate commission.

9 ARTICLE 14 - Organization and Operation of the Interstate  
10 Commission

11 A. The interstate commission shall, by a majority  
12 of commissioners present and voting, adopt bylaws to govern the  
13 interstate commission's conduct as may be necessary or  
14 appropriate to carry out the purposes of the Interstate Medical  
15 Licensure Compact within twelve months of the first interstate  
16 commission meeting.

17 B. The interstate commission shall elect or appoint  
18 annually from among its commissioners a chair, a vice chair and  
19 a treasurer, each of whom shall have such authority and duties  
20 as may be specified in the bylaws. The chair or, in the  
21 chair's absence or disability, the vice chair, shall preside at  
22 all meetings of the interstate commission.

23 C. Officers selected pursuant to Subsection B of  
24 this article shall serve without remuneration from the  
25 interstate commission.

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1           D. The officers and employees of the interstate  
2 commission shall be immune from suit and liability, either  
3 personally or in their official capacity, for a claim for  
4 damage to or loss of property or personal injury or other civil  
5 liability caused or arising out of, or relating to, an actual  
6 or alleged act, error or omission that occurred, or that such  
7 person had a reasonable basis for believing occurred, within  
8 the scope of interstate commission employment, duties or  
9 responsibilities; provided that such person shall not be  
10 protected from suit or liability for damage, loss, injury or  
11 liability caused by the intentional or willful and wanton  
12 misconduct of such person.

13           E. The liability of the executive director and  
14 employees of the interstate commission or representatives of  
15 the interstate commission, acting within the scope of such  
16 person's employment or duties for acts, errors or omissions  
17 occurring within such person's state, may not exceed the limits  
18 of liability set forth under the constitution and laws of that  
19 state for state officials, employees and agents. The  
20 interstate commission is considered to be an instrumentality of  
21 the states for the purpose of any such action. Nothing in this  
22 subsection shall be construed to protect such person from suit  
23 or liability for damage, loss, injury or liability caused by  
24 the intentional or willful and wanton misconduct of such  
25 person.

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1           F. The interstate commission shall defend the  
2 executive director and its employees, and, subject to the  
3 approval of the attorney general or other appropriate legal  
4 counsel of the member state represented by an interstate  
5 commission representative, shall defend such interstate  
6 commission representative in any civil action seeking to impose  
7 liability arising out of an actual or alleged act, error or  
8 omission that occurred within the scope of interstate  
9 commission employment, duties or responsibilities, or that the  
10 defendant had a reasonable basis for believing occurred within  
11 the scope of interstate commission employment, duties or  
12 responsibilities; provided that the actual or alleged act,  
13 error or omission did not result from intentional or willful  
14 and wanton misconduct on the part of such person.

15           G. To the extent not covered by the state involved,  
16 member state or the interstate commission, the representatives  
17 or employees of the interstate commission shall be held  
18 harmless in the amount of a settlement or judgment, including  
19 attorney fees and costs, obtained against such persons arising  
20 out of an actual or alleged act, error or omission that  
21 occurred within the scope of the interstate commission  
22 employment, duties or responsibilities, or that such persons  
23 had a reasonable basis for believing occurred within the scope  
24 of interstate commission employment, duties or  
25 responsibilities; provided that the actual or alleged act,

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1 error or omission did not result from intentional or willful  
2 and wanton misconduct on the part of such person.

3 ARTICLE 15 - Rulemaking Functions of the Interstate Commission

4 A. The interstate commission shall promulgate  
5 reasonable rules to effectively and efficiently achieve the  
6 purpose of the Interstate Medical Licensure Compact; provided  
7 that in the event the interstate commission exercises  
8 rulemaking authority in a manner that is beyond the scope of  
9 the purposes of that compact or the powers granted by that  
10 compact, then such an action by the interstate commission shall  
11 be invalid and have no force or effect.

12 B. Rules deemed appropriate for the operations of  
13 the interstate commission shall be made pursuant to a  
14 rulemaking process that substantially conforms to the model  
15 state administrative procedure act of 2010 and subsequent  
16 amendments to that act.

17 C. No later than thirty days after a rule is  
18 promulgated, a person may file a petition for judicial review  
19 of the rule in the United States district court for the  
20 District of Columbia or the federal district where the  
21 interstate commission has its principal offices; provided that  
22 the filing of such a petition shall not stay or otherwise  
23 prevent the rule from becoming effective unless the court finds  
24 that the petitioner has a substantial likelihood of success.  
25 The court shall give deference to the actions of the interstate

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1 commission consistent with applicable law and shall not find  
2 the rule to be unlawful if the rule represents a reasonable  
3 exercise of the authority granted to the interstate commission.

4 ARTICLE 16 - Oversight of Interstate Medical Licensure Compact

5 A. The executive, legislative and judicial branches  
6 of state government in each member state shall enforce the  
7 Interstate Medical Licensure Compact and shall take all actions  
8 necessary and appropriate to effectuate the compact's purposes  
9 and intent. The provisions of that compact and the rules  
10 promulgated pursuant to that compact shall have standing as  
11 statutory law but shall not override existing state authority  
12 to regulate the practice of medicine.

13 B. All courts shall take judicial notice of the  
14 Interstate Medical Licensure Compact and rules promulgated  
15 pursuant to that compact in any judicial or administrative  
16 proceeding in a member state pertaining to the subject matter  
17 of that compact that may affect the powers, responsibilities or  
18 actions of the interstate commission.

19 C. The interstate commission shall be entitled to  
20 receive all services of process in such proceeding and shall  
21 have standing to intervene in the proceeding for all purposes.  
22 Failure to provide service of process to the interstate  
23 commission shall render a judgment or order void as to the  
24 interstate commission, the Interstate Medical Licensure Compact  
25 or promulgated rules.

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1 Licensure Compact or the rules and bylaws of the interstate  
2 commission promulgated pursuant to that compact.

3 B. If the interstate commission determines that a  
4 member state has defaulted in the performance of the member  
5 state's obligations or responsibilities under the Interstate  
6 Medical Licensure Compact, or the bylaws or promulgated rules,  
7 the interstate commission shall:

8 (1) provide written notice to the defaulting  
9 state and other member states of the nature of the default, the  
10 means of curing the default and any action taken by the  
11 interstate commission. The interstate commission shall specify  
12 the conditions by which the defaulting state must cure its  
13 default; and

14 (2) provide remedial training and specific  
15 technical assistance regarding the default.

16 C. If the defaulting state fails to cure the  
17 default, the defaulting state shall be terminated from the  
18 Interstate Medical Licensure Compact upon an affirmative vote  
19 of a majority of the commissioners, and all rights, privileges  
20 and benefits conferred by the compact shall terminate on the  
21 effective date of termination. A cure of the default does not  
22 relieve the offending state of obligations or liabilities  
23 incurred during the period of the default.

24 D. Termination of membership in the Interstate  
25 Medical Licensure Compact shall be imposed only after all other

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1 means of securing compliance have been exhausted. Notice of  
2 intent to terminate shall be given by the interstate commission  
3 to the governor, the majority and minority leaders of the  
4 defaulting state's legislature and each of the member states.

5 E. The interstate commission shall establish rules  
6 and procedures to address licenses and physicians that are  
7 materially impacted by the termination of a member state or the  
8 withdrawal of a member state.

9 F. The member state that has been terminated is  
10 responsible for all dues, obligations and liabilities incurred  
11 through the effective date of termination, including  
12 obligations, the performance of which extend beyond the  
13 effective date of termination.

14 G. The interstate commission shall not bear any  
15 costs relating to any state that has been found to be in  
16 default or that has been terminated from the Interstate Medical  
17 Licensure Compact unless otherwise mutually agreed upon in  
18 writing between the interstate commission and the defaulting  
19 state.

20 H. The defaulting state may appeal the action of  
21 the interstate commission by petitioning the United States  
22 district court for the District of Columbia or the federal  
23 district where the interstate commission has its principal  
24 offices. The prevailing party shall be awarded all costs of  
25 such litigation, including reasonable attorney fees.

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ARTICLE 19 - Dispute Resolution

A. The interstate commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the Interstate Medical Licensure Compact and that may arise among member states or member boards.

B. The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

ARTICLE 20 - Member States, Effective Date and Amendment

A. Any state is eligible to become a member of the Interstate Medical Licensure Compact.

B. The Interstate Medical Licensure Compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

C. The governors of nonmember states, or the governors' designees, shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the Interstate Medical Licensure Compact by all states.

D. The interstate commission may propose amendments to the Interstate Medical Licensure Compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states

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1 unless and until the amendment is enacted into law by unanimous  
2 consent of the member states.

3 ARTICLE 21 - Withdrawal

4 A. Once effective, the Interstate Medical Licensure  
5 Compact shall continue in force and remain binding upon each  
6 member state; provided that a member state may withdraw from  
7 the compact by specifically repealing the statute that enacted  
8 the compact into law.

9 B. Withdrawal from the Interstate Medical Licensure  
10 Compact shall be by the enactment of a statute repealing the  
11 compact, but shall not take effect until one year after the  
12 effective date of that law and until written notice of the  
13 withdrawal has been given by the withdrawing state to the  
14 governor of each other member state.

15 C. The withdrawing state shall immediately notify  
16 the chair of the interstate commission in writing upon the  
17 introduction of legislation to repeal the Interstate Medical  
18 Licensure Compact in the withdrawing state.

19 D. The interstate commission shall notify the other  
20 member states of the withdrawing state's intent to withdraw  
21 within sixty days of receipt of notice provided under  
22 Subsection C of this article.

23 E. The withdrawing state is responsible for all  
24 dues, obligations and liabilities incurred through the  
25 effective date of withdrawal, including obligations, the

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1 performance of which extend beyond the effective date of  
2 withdrawal.

3 F. Reinstatement following withdrawal of a member  
4 state shall occur upon the withdrawing state reenacting the  
5 Interstate Medical Licensure Compact or upon such later date as  
6 determined by the interstate commission.

7 G. The interstate commission is authorized to  
8 develop rules to address the impact of the withdrawal of a  
9 member state on licenses granted in other member states to  
10 physicians who designated the withdrawing member state as the  
11 state of principal license.

12 ARTICLE 22 - Dissolution

13 A. The Interstate Medical Licensure Compact shall  
14 dissolve effective upon the date of the withdrawal or default  
15 of the member state that reduces the membership of the compact  
16 to one member state.

17 B. Upon the dissolution of the Interstate Medical  
18 Licensure Compact, the compact becomes void and shall be of no  
19 further force, and the business and affairs of the interstate  
20 commission shall be concluded and surplus funds shall be  
21 distributed in accordance with the bylaws.

22 ARTICLE 23 - Severability and Construction

23 A. The provisions of the Interstate Medical  
24 Licensure Compact shall be severable, and if any phrase,  
25 clause, sentence or provision is deemed unenforceable, the

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1 remaining provisions of the compact shall be enforceable.

2 B. The provisions of the Interstate Medical  
3 Licensure Compact shall be liberally construed to effectuate  
4 the purposes of that compact.

5 C. Nothing in the Interstate Medical Licensure  
6 Compact shall be construed to prohibit the applicability of  
7 other interstate compacts to which the member states are  
8 members.

9 ARTICLE 24 - Binding Effect of the Interstate Medical Licensure  
10 Compact and Other Laws

11 A. Nothing in the Interstate Medical Licensure  
12 Compact prevents the enforcement of any other law of a member  
13 state that is not inconsistent with that compact.

14 B. All laws in a member state in conflict with the  
15 Interstate Medical Licensure Compact are superseded to the  
16 extent of the conflict.

17 C. All lawful actions of the interstate commission,  
18 including all rules and bylaws promulgated by the interstate  
19 commission, are binding upon the member states.

20 D. All agreements between the interstate commission  
21 and the member states are binding in accordance with their  
22 terms.

23 E. In the event any provision of the Interstate  
24 Medical Licensure Compact exceeds the constitutional limits  
25 imposed on the legislature of any member state, such provision

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1 shall be ineffective to the extent of the conflict with the  
2 constitutional provision in question in that member state.".

3 SECTION 3. [NEW MATERIAL] APPOINTMENT OF COMMISSIONERS.--

4 A. The governor shall appoint two members of the  
5 New Mexico medical board who are licensed physicians to serve  
6 as commissioners. One member shall be a medical doctor and one  
7 member shall be an osteopathic physician. A member shall serve  
8 until the member's successor has been appointed and qualified.  
9 Each member serves at the pleasure of the governor or until the  
10 member is no longer a member of the New Mexico medical board.  
11 If a position is vacated, the position shall be filled by  
12 appointment by the governor of a medical board member who meets  
13 the qualification of the vacating member.

14 B. The governor may appoint an alternative  
15 commissioner who meets the qualifications of Subsection D of  
16 Article 11 of the Interstate Medical Licensure Compact to serve  
17 in the absence of a regular commissioner and who has voting  
18 authority only for a specified meeting of the interstate  
19 commission.

20 SECTION 4. [NEW MATERIAL] RULES OF INTERSTATE  
21 COMMISSION.--The interstate commission shall file copies of its  
22 current bylaws and rules with the state records administrator  
23 in accordance with the State Rules Act.