

SENATE BILL 46

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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

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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

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

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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;

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

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

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

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

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

G. "medical practice act" means laws and rules

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governing the practice of allopathic and osteopathic medicine within a member state;

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

I. "member state" means a state that has enacted the Interstate Medical Licensure Compact;

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

K. "physician" means a person who:

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

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

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

(4) holds specialty certification or a time-

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unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association bureau of osteopathic specialists;

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

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

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

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

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

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

M. "rule" means a written statement by the

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interstate commission promulgated pursuant to Article 12 of the Interstate Medical Licensure Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or is an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state and includes the amendment, repeal or suspension of an existing rule;

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

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

#### ARTICLE 3 - Eligibility

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

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

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of a license to practice medicine in that state.

ARTICLE 4 - Designation of State of Principal License

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

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

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

(3) the location of the physician's employer;

or

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

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

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

ARTICLE 5 - Application and Issuance of Expedited Licensure

A. A physician seeking licensure through the Interstate Medical Licensure Compact shall file an application

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for an expedited license with the member board of the state selected by the physician as the state of principal license.

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

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

(2) The member board of the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the 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 Code of Federal Register Section 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was



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filed and shall be subject to the law of that state.

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

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

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

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

G. The interstate commission is authorized to

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develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

ARTICLE 6 - Fees for Expedited Licensure

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

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

ARTICLE 7 - Renewal and Continued Participation

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

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

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

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

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

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

C. The interstate commission shall collect the renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

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

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

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

#### ARTICLE 8 - Coordinated Information System

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

B. Notwithstanding any other provision of law, member boards shall report to the interstate commission any

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public action or complaint against a licensed physician who has applied or received an expedited license through the Interstate Medical Licensure Compact.

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

D. Member boards may report any nonpublic complaint, disciplinary or investigatory information not required by Subsection C of this article to the interstate commission.

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

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

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

#### ARTICLE 9 - Joint Investigations

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

B. In addition to the authority granted to a member board by its respective medical practice act or other

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applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

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

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

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

#### ARTICLE 10 - Disciplinary Actions

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

B. If a license granted to a physician by the member board in the state of principal license is revoked,

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surrendered or relinquished in lieu of discipline or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

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

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

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

D. If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline or suspended, then any licenses issued to the physician by other member boards shall be suspended,

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automatically and immediately without further action necessary by the other member boards, for ninety days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license the member board issued prior to the completion of the ninety-day suspension period in a manner consistent with the medical practice act of that state.

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

ARTICLE 11 - Interstate Medical Licensure Compact Commission

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

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

C. The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in the

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Interstate Medical Licensure Compact and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

D. The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards or if the licensing and disciplinary authority is split between separate member boards or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be:

- (1) an allopathic or osteopathic physician appointed to a member board;
- (2) an executive director, executive secretary or similar executive of a member board; or
- (3) a member of the public appointed to a member board.

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



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

G. Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of a member state's commissioner, the member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of Subsection D of this article.

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

- (1) relate solely to the internal personnel practice and procedures of the interstate commission;
- (2) discuss matters specifically exempted from disclosure by federal statute;
- (3) discuss trade secrets or commercial or financial information that is privileged or confidential;

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

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

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

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

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

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

K. The interstate commission shall establish an executive committee that shall include officers, members and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the Interstate Medical

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Licensure Compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules and other such duties as necessary.

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

ARTICLE 12 - Powers and Duties of the Interstate Commission

The interstate commission shall have the duty and power to:

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

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

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

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

E. establish and appoint committees, including an executive committee as required by Article 11 of the Interstate Medical Licensure Compact, which shall have the power to act on

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behalf of the interstate commission in carrying out the interstate commission's powers and duties;

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

G. establish and maintain one or more offices;

H. borrow, accept, hire or contract for services of personnel;

I. purchase and maintain insurance and bonds;

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

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

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

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

N. sell, convey, mortgage, pledge, lease, exchange,

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abandon or otherwise dispose of any property, real, personal or mixed;

O. establish a budget and make expenditures;

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

Q. report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission;

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

S. maintain records in accordance with the bylaws;

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

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

#### ARTICLE 13 - Finance Powers

A. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be

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sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

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

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

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

ARTICLE 14 - Organization and Operation of the Interstate  
Commission

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

B. The interstate commission shall elect or appoint annually from among its commissioners a chair, a vice chair and

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a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice chair, shall preside at all meetings of the interstate commission.

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

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

SHPAC→E.←SHPAC SHPAC→D.←SHPAC The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state, may not exceed the limits of liability set forth under the

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constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purpose of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

SHPAC→F.←SHPAC SHPAC→E.←SHPAC The interstate 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 an interstate commission representative, shall defend such interstate 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 interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate 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.

SHPAC→G.←SHPAC SHPAC→F.←SHPAC To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate



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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 interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate 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.

ARTICLE 15 - Rulemaking Functions of the Interstate Commission

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

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

C. No later than thirty days after a rule is

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promulgated, 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 interstate commission has its principal offices; provided that the filing of such a petition shall 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 interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

ARTICLE 16 - Oversight of Interstate Medical Licensure Compact

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

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

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actions of the interstate commission.

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

ARTICLE 17 - Enforcement of Interstate Medical Licensure Compact

A. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Interstate Medical Licensure Compact.

B. The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States district court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the Interstate Medical Licensure Compact, and its promulgated rules and 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.

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C. The remedies provided in this article shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or regulation of a profession.

#### ARTICLE 18 - Default Procedures

A. The grounds for default include failure of a member state to perform such obligations or responsibilities imposed upon the member state by the Interstate Medical Licensure Compact or the rules and bylaws of the interstate commission promulgated pursuant to that compact.

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

(1) 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 interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and

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

C. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the

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Interstate Medical Licensure Compact upon an affirmative vote of a majority of the commissioners, 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 the default.

D. Termination of membership in the Interstate Medical Licensure Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

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

F. 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.

G. The interstate commission shall not bear any costs relating to any state that has been found to be in default or that has been terminated from the Interstate Medical Licensure Compact unless otherwise mutually agreed upon in

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writing between the interstate commission and the defaulting state.

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

#### 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

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

#### ARTICLE 21 - Withdrawal

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

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

C. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation to repeal the Interstate Medical

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Licensure Compact in the withdrawing state.

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

E. 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.

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

G. The interstate 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 physicians who designated the withdrawing member state as the state of principal license.

#### ARTICLE 22 - Dissolution

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

B. Upon the dissolution of the Interstate Medical



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Licensure Compact, the compact becomes void and shall be of no further force, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE 23 - Severability and Construction

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

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

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

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

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

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

C. All lawful actions of the interstate commission,

including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

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

E. In the event any provision of the Interstate Medical Licensure Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state."

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

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

B. The governor may appoint an alternative commissioner who meets the qualifications of Subsection D of Article 11 of the Interstate Medical Licensure Compact to serve in the absence of a regular commissioner and who has voting

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authority only for a specified meeting of the interstate  
commission.

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

- 35 -