A BILL ENTITLED

AN ACT concerning

Medical Excellence Zone Compact

FOR the purpose of entering into the Medical Excellence Zone Compact for the purpose of authorizing licensed physicians to practice medicine through telehealth in other compact states; establishing the Medical Excellence Zone Commission; providing for withdrawal from the Compact; and generally relating to the Medical Excellence Zone Compact.

BY adding to

Article – Health Occupations
Section 14–3B–01 to be under the new subtitle “Subtitle 3B. Medical Excellence Zone Compact”
Annotated Code of Maryland
(2021 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

Subtitle 3B. Medical Excellence Zone Compact.

14–3B–01.

ARTICLE I. DEFINITIONS.

(A) “Bylaws” means those bylaws established by the Commission pursuant to Article VII for its governance, or for directing and controlling its actions and conduct.
(B) "Commissioner" means the voting representative appointed by each member board pursuant to Article VII.

(C) "Compact" means the Medical Excellence Zone Compact.

(D) "Conviction" means a finding by a court that an individual 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.

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

(F) "Medical Excellence Zone Commission" or "Commission" means the Medical Excellence Zone Commission created pursuant to Article VII.

(G) "Medical Practice Act" means the laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(H) "Member Board" means an agency in a state or jurisdiction that acts in the sovereign interests of the state or jurisdiction by protecting the public through licensure, regulation, and education of physicians as directed by the state or jurisdictional government.

(I) "Member State" means a state that has enacted this Compact.

(J) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

(K) "Physician" means any individual 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 International Medical Education Directory or its equivalent;

(2) passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (OMPLEX–USA) 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) POSSESES A FULL AND UNRESTRICTED LICENSE TO ENGAGE IN THE PRACTICE OF MEDICINE ISSUED BY A MEMBER BOARD;

(5) HAS NEVER BEEN CONVICTED OF OR RECEIVED ADJUDICATION, DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION FOR ANY OFFENSE BY A COURT OF APPROPRIATE JURISDICTION;

(6) HAS NEVER HAD 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;

(7) HAS NEVER HAD A CONTROLLED SUBSTANCE LICENSE OR PERMIT SUSPENDED OR REVOKED BY A STATE OR THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION; AND

(8) 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 THE 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) "PRIVILEGE TO PRACTICE" MEANS A LEGAL AUTHORIZATION, THAT IS EQUIVALENT TO A LICENSE, PERMITTING THE PRACTICE OF MEDICINE THROUGH TELEHEALTH IN A REMOTE STATE.

(N) "REMOTE STATE" MEANS A MEMBER STATE THAT HAS ENACTED THE COMPACT.

(O) "RULE" MEANS A WRITTEN STATEMENT BY THE COMMISSION PROMULGATED PURSUANT TO ARTICLE VIII THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF
THE 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.

(P) “State” means any state, commonwealth, district, or territory of the United States.

(Q) (1) “Telehealth” means a mode of delivering health care services through the use of telecommunications technology by a physician to a patient at a different physical location than the physician.

(2) “Telehealth” includes synchronous and asynchronous interaction.

(3) “Telehealth” does not include the provision of health care services solely through audio–only calls, e–mail messages, or facsimile transmissions.

(R) “State of principal license” means a member state where 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 Compact.

ARTICLE II. PRIVILEGE TO PRACTICE.

(A) To exercise the privilege to practice telehealth under the terms and provisions of the Compact, the licensee shall:

(1) Hold a license in the home state;

(2) Have a valid United States Social Security number or National Practitioner Identifier;

(3) Be eligible for a privilege to practice in any member state in accordance with this article;

(4) Have not had any encumbrance or restriction against any license or privilege to practice within the previous 2 years;

(5) Notify the Commission that the licensee is seeking the privilege to practice within a remote state or remote states;
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(6) Pay any applicable fees, including any state fee, for the privilege to practice;

(7) Meet any continuing competence or education requirements established by the home state;

(8) Meet any jurisprudence requirements established by the remote state or remote states in which the licensee is seeking a privilege to practice; and

(9) Report to the Commission any adverse action, encumbrance, or restriction on license taken by any nonmember state within 30 days from the date the action is taken.

(B) The privilege to practice is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection (A) of this article to maintain the privilege to practice in the remote state.

(C) A licensee practicing medicine through telehealth in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

(D) A licensee practicing medicine through telehealth in a remote state is subject to the remote state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s privilege to practice in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a privilege to practice in any member state until the specific time for removal has passed and all fines are paid.

(E) If a home state license is encumbered, the licensee shall lose the privilege to practice in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous 2 years.

(F) Once an encumbered license in the home state is restored to
GOOD STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS ARTICLE TO OBTAIN A PRIVILEGE TO PRACTICE IN ANY REMOTE STATE.

(G) IF A LICENSEE’S PRIVILEGE TO PRACTICE IN ANY REMOTE STATE IS REMOVED, THE INDIVIDUAL MAY LOSE THE PRIVILEGE TO PRACTICE IN ALL OTHER REMOTE STATES UNTIL THE FOLLOWING OCCUR:

1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE PRIVILEGE TO PRACTICE WAS REMOVED HAS ENDED;

2. ALL FINES HAVE BEEN PAID; AND

3. THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS 2 YEARS.

(H) ONCE THE REQUIREMENTS OF SUBSECTION (G) OF THIS ARTICLE HAVE BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN SUBSECTION (A) OF THIS ARTICLE TO OBTAIN A PRIVILEGE TO PRACTICE IN A REMOTE STATE.

ARTICLE III. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

(A) A PHYSICIAN SHALL DESIGNATE A MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE TO EXERCISE A PRIVILEGE TO PRACTICE THROUGH THE COMPACT IF THE PHYSICIAN POSSESSES A FULL AND UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN THAT STATE, AND THE STATE IS:

1. THE STATE OF PRIMARY RESIDENCE FOR THE PHYSICIAN;

2. WHERE AT LEAST 25% OF THE PRACTICE OF MEDICINE OCCURS;

3. THE LOCATION OF THE PHYSICIAN’S EMPLOYER; OR

4. IF NO STATE QUALIFIES UNDER ITEM (1), (2), OR (3) OF THIS SUBSECTION, THE STATE DESIGNATED AS STATE OF RESIDENCE FOR THE PURPOSE OF FEDERAL INCOME TAX.

(B) A PHYSICIAN MAY REDESIGNATE A MEMBER STATE AS THE STATE OF PRINCIPAL LICENSE AT ANY TIME, AS LONG AS THE STATE MEETS THE REQUIREMENTS IN SUBSECTION (A) OF THIS ARTICLE.

(C) THE COMMISSION IS AUTHORIZED TO DEVELOP RULES TO FACILITATE REDESIGNATION OF ANOTHER MEMBER STATE AS THE STATE OF PRINCIPAL
LICENSE.

**Article IV. Coordinated Information System.**

(A) **The Commission shall establish a database of all physicians licensed and shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.**

(B) **Notwithstanding any other provision of law, member boards shall report to the Commission any public action or complaints against a licensed physician who has applied for or received a privilege to practice through the Compact.**

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

(D) **Member boards may report any nonpublic complaint, disciplinary, or investigatory information not required by subsection (C) of this article to the Commission.**

(E) **Member boards shall share complaint or disciplinary information about a physician on request of another member board.**

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

(G) **The Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.**

**Article V. 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 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.

(D) MEMBER BOARDS MAY SHARE ANY INVESTIGATIVE, LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

(E) ANY 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 VI. ADVERSE ACTION.

(A) IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE PROCESS LAW, TO:

(1) TAKE ADVERSE ACTION AGAINST A LICENSED PHYSICIAN’S PRIVILEGE TO PRACTICE MEDICINE THROUGH TELEHEALTH WITHIN THAT MEMBER STATE; AND

(2) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

(3) ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION AGAINST A LICENSED PHYSICIAN’S LICENSE ISSUED BY THE HOME STATE.

(B) FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.
(C) The home state shall complete any pending investigations of a licensed physician who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(D) A member state, if otherwise permitted by state law, may recover from the affected licensed physician the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensed physician.

(E) A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

(F) (1) In addition to the authority granted to a member state by its respective Medical Practice Act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigatory, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(G) If adverse action is taken by the home state against the license of a licensed physician, the licensed physician’s privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a licensed physician shall include a statement that the licensed physician’s privilege to practice is deactivated in all member states during the pendency of the order.

(H) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(I) Nothing in this Compact shall override a member state’s
DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE ACTION.

ARTICLE VII. MEDICAL EXCELLENCE ZONE COMMISSION.

(A) THE MEMBER STATES HEREBY CREATE THE MEDICAL EXCELLENCE ZONE COMMISSION.

(B) THE PURPOSE OF THE COMMISSION IS THE ADMINISTRATION OF THE MEDICAL EXCELLENCE ZONE COMPACT, WHICH IS A DISCRETIONARY STATE FUNCTION.

(C) THE COMMISSION SHALL BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES SET FORTH IN THE COMPACT, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED ON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF THE COMPACT.

(D) THE COMMISSION SHALL CONSIST OF ONE VOTING REPRESENTATIVE APPOINTED BY EACH MEMBER STATE WHO SHALL SERVE AS A COMMISSIONER.

(E) THE 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 CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND SHALL CALL FOR A MEETING ON THE REQUEST OF A MAJORITY OF THE MEMBER STATES.

(F) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

(G) EACH COMMISSIONER PARTICIPATING AT A MEETING OF THE 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 COMMISSION. A COMMISSIONER MAY NOT DELEGATE A VOTE TO ANOTHER COMMISSIONER. IN THE ABSENCE OF ITS COMMISSIONER, A MEMBER STATE MAY DELEGATE VOTING AUTHORITY FOR A SPECIFIED MEETING TO ANOTHER PERSON FROM THAT STATE.

(H) THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC. THE COMMISSION MAY CLOSE A MEETING, IN FULL OR IN PORTION, WHERE IT 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 PRACTICES AND PROCEDURES OF THE 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;

(4) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY CENSURING A PERSON;

(5) DISCUSS INFORMATION OF A PERSONAL NATURE WHERE 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 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 COMMISSION SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS, TO THE EXTENT NOT OTHERWISE DESIGNATED IN THE COMPACT OR BY ITS RULES, AVAILABLE TO THE PUBLIC FOR INSPECTION.

(K) THE COMMISSION MAY ESTABLISH OTHER COMMITTEES FOR GOVERNANCE AND ADMINISTRATION OF THE COMPACT.

ARTICLE VIII. POWERS AND DUTIES OF THE COMMISSION.

THE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

(1) OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT;
(2) Promulgate rules that shall be binding to the extent and in the manner provided for in the Compact;

(3) Issue, on the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;

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

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

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

(7) Establish and maintain one or more offices;

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

(9) Purchase and maintain insurance and bonds;

(10) 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;

(11) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

(12) Accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Commission;

(13) Lease, purchase, accept contributions or donations of,
OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL, OR MIXED;

(14) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;

(15) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

(16) ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION OF THE COMMISSION;

(17) REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF FINANCIAL AUDITS AND ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE COMMISSION;

(18) COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION;

(19) MAINTAIN RECORDS IN ACCORDANCE WITH THE BYLAWS;

(20) SEEK AND OBTAIN TRADEMARKS, COPYRIGHTS, AND PATENTS; AND

(21) PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THE COMPACT.

**ARTICLE IX. FINANCE POWERS.**

(A) THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF. THE TOTAL ASSESSMENT MUST BE 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 ON A FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER STATES.

(B) THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME.

(C) THE COMMISSION MAY NOT PLEDGE THE CREDIT OF ANY OF THE
MEMBER STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, THE MEMBER STATE.

(D) THE COMMISSION SHALL BE SUBJECT TO A YEARLY FINANCIAL AUDIT CONDUCTED BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE COMMISSION.

ARTICLE X. ORGANIZATION AND OPERATION OF THE COMMISSION.

(A) THE COMMISSION SHALL, BY A MAJORITY OF COMMISSIONERS PRESENT AND VOTING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT WITHIN 12 MONTHS OF THE FIRST COMMISSION MEETING.

(B) THE COMMISSION SHALL ELECT OR APPOINT ANNUALLY FROM AMONG ITS COMMISSIONERS A CHAIRPERSON, A VICE–CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE CHAIRPERSON, OR IN THE CHAIRPERSON’S ABSENCE OR DISABILITY, THE VICE–CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE COMMISSION.

(C) OFFICERS SELECTED IN SUBSECTION (B) OF THIS ARTICLE SHALL SERVE WITHOUT REMUNERATION FROM THE COMMISSION.

(D) (1) THE OFFICERS AND EMPLOYEES OF THE 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 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT SUCH PERSON MAY 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.

(2) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND EMPLOYEES OF THE COMMISSION OR REPRESENTATIVES OF THE 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 CONSTITUTION AND LAWS OF THAT STATE FOR STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES 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.

(3) THE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR, ITS
EMPLOYEES, AND SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR
OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY
AN COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH COMMISSION
REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT
OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN
THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR
THAT THE DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED
WITHIN THE SCOPE OF 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.

(4) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER
STATE, OR THE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE
COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR
JUDGMENT, INCLUDING ATTORNEY’S FEES AND COSTS, OBTAINED AGAINST SUCH
PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR
BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,
OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
MISCONDUCT ON THE PART OF SUCH PERSONS.

ARTICLE XI. RULEMAKING FUNCTION OF THE COMMISSION.

(A) THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER
TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT.
NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE COMMISSION EXERCISES
ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE
PURPOSES OF THE COMPACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH
AN ACTION BY THE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR
EFFECT.

(B) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE
COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT
SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE
ACT OF 2010, AND ANY SUBSEQUENT AMENDMENTS.
(C) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices, provided that the filing of such a petition may not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and may not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Commission.

Article XII. Oversight of Interstate Compact.

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

(B) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact that may affect the powers, responsibilities, or actions of the Commission.

(C) The Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or an order void as to the Commission, the Compact, or promulgated rules.

Article XIII. Enforcement of Interstate Compact.

(A) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.

(B) The 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 Commission, in the federal district where the Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default.
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’S
FEES.

(C) THE REMEDIES HEREIN MAY NOT BE THE EXCLUSIVE REMEDIES OF THE
COMMISSION. THE COMMISSION MAY AVOID ITSELF OF ANY OTHER REMEDIES
AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

ARTICLE XIV. DEFAULT PROCEDURES.

(A) THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO,
FAILURE OF A MEMBER STATE TO PERFORM SUCH OBLIGATIONS OR
RESPONSIBILITIES IMPOSED ON IT BY THE COMPACT, OR THE RULES AND BYLAWS
OF THE COMMISSION PROMULGATED UNDER THE COMPACT.

(B) IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
UNDER THE COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE
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 COMMISSION. THE 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 COMPACT ON AN
AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS,
PRIVES, 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 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
COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE
DEFAULTING STATE’S LEGISLATURE, AND EACH OF THE MEMBER STATES.
(E) The 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 extends beyond the effective date of termination.

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

(H) The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.

**Article XV. Dispute Resolution.**

(A) The Commission shall attempt, on the request of a member state, to resolve disputes that are subject to the Compact and that may arise among member states or member boards.

(B) The Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

**Article XVI. Member States, Effective Date, and Amendment.**

(A) The District of Columbia, Maryland, and Virginia are eligible to become member states of the Compact.

(B) The Compact shall become effective and binding on legislative enactment of the Compact into law by one (1) state. Thereafter, it shall become effective and binding on a state on enactment of the Compact into law by that state.

(C) The governors of nonmember states, or their designees, shall be invited to participate in the activities of the Commission on a nonvoting basis prior to adoption of the Compact by all states.
(D) The Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding on the Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

Article XVII. Withdrawal.

(A) Once effective, the Compact shall continue in force and remain binding on each and every 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 Compact shall be by the enactment of a statute repealing the same, but may not take effect until 1 year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(C) The withdrawing state shall immediately notify the chairperson of the Commission in writing on the introduction of legislation repealing the Compact in the withdrawing state.

(D) The Commission shall notify the other member states of the withdrawing state’s intent to withdraw within 60 days of its 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 on the withdrawing state reenacting the Compact or on such later date as determined by the Commission.

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

Article XVIII. Dissolution.
(A) The Compact shall dissolve effective on the date of the withdrawal or default of the Member State that reduces the membership in the Compact to one member state.

(B) On the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XIX. SEVERABILITY AND CONSTRUCTION.

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

(B) The provisions of the Compact shall be liberally construed to effectuate its purposes.

(C) Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the States are members.

ARTICLE XX. BINDING EFFECT OF COMPACT AND OTHER LAWS.

(A) Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

(B) All laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

(C) All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding on the Member States.

(D) All agreements between the Commission and the Member States are binding in accordance with their terms.

(E) In the event any provision of the 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 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the
enacting of substantially similar legislation in one other state. The Maryland Department of Health shall notify the Department of Legislative Services within 10 days after one state has enacted legislation that is substantially similar to this Act, and the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, 2022.