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**SENATE BILL 5221**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By Senator Fain; by request of Washington State Medical Commission**

1 AN ACT Relating to the interstate medical licensure compact;  
2 amending RCW 43.70.250; adding a new section to chapter 42.56 RCW;  
3 adding a new chapter to Title 18 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** PURPOSE. In order to strengthen access to  
6 health care, and in recognition of the advances in the delivery of  
7 health care, the member states of the interstate medical licensure  
8 compact have allied in common purpose to develop a comprehensive  
9 process that complements the existing licensing and regulatory  
10 authority of state medical boards, provides a streamlined process  
11 that allows physicians to become licensed in multiple states, thereby  
12 enhancing the portability of a medical license and ensuring the  
13 safety of patients. The compact creates another pathway for licensure  
14 and does not otherwise change a state's existing medical practice  
15 act. The compact also adopts the prevailing standard for licensure  
16 and affirms that the practice of medicine occurs where the patient is  
17 located at the time of the physician-patient encounter, and  
18 therefore, requires the physician to be under the jurisdiction of the  
19 state medical board where the patient is located. State medical  
20 boards that participate in the compact retain the jurisdiction to  
21 impose an adverse action against a license to practice medicine in

1 that state issued to a physician through the procedures in the  
2 compact.

3 NEW SECTION. **Sec. 2.** DEFINITIONS. In this compact:

4 (1) "Bylaws" means those bylaws established by the interstate  
5 commission pursuant to section 11 of this act for its governance, or  
6 for directing and controlling its actions and conduct.

7 (2) "Commissioner" means the voting representative appointed by  
8 each member board pursuant to section 11 of this act.

9 (3) "Conviction" means a finding by a court that an individual is  
10 guilty of a criminal offense through adjudication, or entry of a plea  
11 of guilt or no contest to the charge by the offender. Evidence of an  
12 entry of a conviction of a criminal offense by the court shall be  
13 considered final for purposes of disciplinary action by a member  
14 board.

15 (4) "Expedited license" means a full and unrestricted medical  
16 license granted by a member state to an eligible physician through  
17 the process set forth in the compact.

18 (5) "Interstate commission" means the interstate commission  
19 created pursuant to section 11 of this act.

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

23 (7) "Medical practice act" means laws and regulations governing  
24 the practice of allopathic and osteopathic medicine within a member  
25 state.

26 (8) "Member board" means a state agency in a member state that  
27 acts in the sovereign interests of the state by protecting the public  
28 through licensure, regulation, and education of physicians as  
29 directed by the state government.

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

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

33 (11) "Physician" means any person who:

34 (a) Is a graduate of a medical school accredited by the liaison  
35 committee on medical education, the commission on osteopathic college  
36 accreditation, or a medical school listed in the international  
37 medical education directory or its equivalent;

38 (b) Passed each component of the United States medical licensing  
39 examination (USMLE) or the comprehensive osteopathic medical

1 licensing examination (COMLEX-USA) within three attempts, or any of  
2 its predecessor examinations accepted by a state medical board as an  
3 equivalent examination for licensure purposes;

4 (c) Successfully completed graduate medical education approved by  
5 the accreditation council for graduate medical education or the  
6 American osteopathic association;

7 (d) Holds specialty certification or a time-unlimited specialty  
8 certificate recognized by the American board of medical specialties  
9 or the American osteopathic association bureau of osteopathic  
10 specialists;

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

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

16 (g) Has never held a license authorizing the practice of medicine  
17 subjected to discipline by a licensing agency in any state, federal,  
18 or foreign jurisdiction, excluding any action related to nonpayment  
19 of fees related to a license;

20 (h) Has never had a controlled substance license or permit  
21 suspended or revoked by a state or the United States drug enforcement  
22 administration; and

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

26 (12) "Practice of medicine" means the clinical prevention,  
27 diagnosis, or treatment of human disease, injury, or condition  
28 requiring a physician to obtain and maintain a license in compliance  
29 with the medical practice act of a member state.

30 (13) "Rule" means a written statement by the interstate  
31 commission promulgated pursuant to section 12 of this act that is of  
32 general applicability, implements, interprets, or prescribes a policy  
33 or provision of the compact, or an organizational, procedural, or  
34 practice requirement of the interstate commission, and has the force  
35 and effect of statutory law in a member state, and includes the  
36 amendment, repeal, or suspension of an existing rule.

37 (14) "State" means any state, commonwealth, district, or  
38 territory of the United States.

39 (15) "State of principal license" means a member state where a  
40 physician holds a license to practice medicine and which has been

1 designated as such by the physician for purposes of registration and  
2 participation in the compact.

3 NEW SECTION. **Sec. 3.** ELIGIBILITY. (1) A physician must meet the  
4 eligibility requirements as defined in section 2(11) of this act to  
5 receive an expedited license under the terms and provisions of the  
6 compact.

7 (2) A physician who does not meet the requirements of section  
8 2(11) of this act may obtain a license to practice medicine in a  
9 member state if the individual complies with all laws and  
10 requirements, other than the compact, relating to the issuance of a  
11 license to practice medicine in that state.

12 NEW SECTION. **Sec. 4.** DESIGNATION OF STATE OF PRINCIPAL LICENSE.

13 (1) A physician shall designate a member state as the state of  
14 principal license for purposes of registration for expedited  
15 licensure through the compact if the physician possesses a full and  
16 unrestricted license to practice medicine in that state, and the  
17 state is:

- 18 (a) The state of primary residence for the physician; or  
19 (b) The state where at least twenty-five percent of the practice  
20 of medicine occurs; or  
21 (c) The location of the physician's employer; or  
22 (d) If no state qualifies under (a), (b), or (c) of this  
23 subsection, the state designated as state of residence for purpose of  
24 federal income tax.

25 (2) A physician may redesignate a member state as state of  
26 principal license at any time, as long as the state meets the  
27 requirements in subsection (1) of this section.

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

31 NEW SECTION. **Sec. 5.** APPLICATION AND ISSUANCE OF EXPEDITED  
32 LICENSURE. (1) A physician seeking licensure through the compact  
33 shall file an application for an expedited license with the member  
34 board of the state selected by the physician as the state of  
35 principal license.

36 (2) Upon receipt of an application for an expedited license, the  
37 member board within the state selected as the state of principal

1 license shall evaluate whether the physician is eligible for  
2 expedited licensure and issue a letter of qualification, verifying or  
3 denying the physician's eligibility, to the interstate commission.

4 (a) Static qualifications which include verification of medical  
5 education, graduate medical education, results of any medical or  
6 licensing examination, and other qualifications as determined by the  
7 interstate commission through rule, shall not be subject to  
8 additional primary source verification where already primary source  
9 verified by the state of principal license.

10 (b) The member board within the state selected as the state of  
11 principal license shall, in the course of verifying eligibility,  
12 perform a criminal background check of an applicant, including the  
13 use of the results of fingerprint or other biometric data checks  
14 compliant with the requirements of the federal bureau of  
15 investigation, with the exception of federal employees who have  
16 suitability determination in accordance United States 5 C.F.R. §  
17 731.202.

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

21 (3) Upon verification in subsection (2) of this section,  
22 physicians eligible for an expedited license shall complete the  
23 registration process established by the interstate commission to  
24 receive a license in a member state selected pursuant to subsection  
25 (1) of this section, including the payment of any applicable fees.

26 (4) After receiving verification of eligibility under subsection  
27 (2) of this section and any fees under subsection (3) of this  
28 section, a member board shall issue an expedited license to the  
29 physician. This license shall authorize the physician to practice  
30 medicine in the issuing state consistent with the medical practice  
31 act and all applicable laws and regulations of the issuing member  
32 board and member state.

33 (5) An expedited license shall be valid for a period consistent  
34 with the licensure period in the member state and in the same manner  
35 as required for other physicians holding a full and unrestricted  
36 license within the member state.

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

1 (7) The interstate commission is authorized to develop rules  
2 regarding the application process, including payment of any  
3 applicable fees, and the issuance of an expedited license.

4 NEW SECTION. **Sec. 6.** FEES FOR EXPEDITED LICENSURE. (1) A member  
5 state issuing an expedited license authorizing the practice of  
6 medicine in that state may impose a fee for a license issued or  
7 renewed through the compact.

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

10 NEW SECTION. **Sec. 7.** RENEWAL AND CONTINUED PARTICIPATION. (1) A  
11 physician seeking to renew an expedited license granted in a member  
12 state shall complete a renewal process with the interstate commission  
13 if the physician:

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

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

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

23 (d) Has not had a controlled substance license or permit  
24 suspended or revoked by a state or the United States drug enforcement  
25 administration.

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

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

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

34 (5) Physician information collected by the interstate commission  
35 during the renewal process will be distributed to all member boards.

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

1        NEW SECTION.    **Sec. 8.**    COORDINATED INFORMATION SYSTEM. (1) The  
2 interstate commission shall establish a database of all physicians  
3 licensed, or who have applied for licensure, under section 5 of this  
4 act.

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

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

12        (4) Member boards may report any nonpublic complaint,  
13 disciplinary, or investigatory information not required by subsection  
14 (3) of this section to the interstate commission.

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

17        (6) All information provided to the interstate commission or  
18 distributed by member boards shall be confidential, filed under seal,  
19 and used only for investigatory or disciplinary matters.

20        (7) The interstate commission is authorized to develop rules for  
21 mandated or discretionary sharing of information by member boards.

22        NEW SECTION.    **Sec. 9.**    JOINT INVESTIGATIONS. (1) Licensure and  
23 disciplinary records of physicians are deemed investigative.

24        (2) In addition to the authority granted to a member board by its  
25 respective medical practice act or other applicable state law, a  
26 member board may participate with other member boards in joint  
27 investigations of physicians licensed by the member boards.

28        (3) A subpoena issued by a member state shall be enforceable in  
29 other member states.

30        (4) Member boards may share any investigative, litigation, or  
31 compliance materials in furtherance of any joint or individual  
32 investigation initiated under the compact.

33        (5) Any member state may investigate actual or alleged violations  
34 of the statutes authorizing the practice of medicine in any other  
35 member state in which a physician holds a license to practice  
36 medicine.

37        NEW SECTION.    **Sec. 10.**    DISCIPLINARY ACTIONS. (1) Any  
38 disciplinary action taken by any member board against a physician

1 licensed through the compact shall be deemed unprofessional conduct  
2 which may be subject to discipline by other member boards, in  
3 addition to any violation of the medical practice act or regulations  
4 in that state.

5 (2) If a license granted to a physician by the member board in  
6 the state of principal license is revoked, surrendered or  
7 relinquished in lieu of discipline, or suspended, then all licenses  
8 issued to the physician by member boards shall automatically be  
9 placed, without further action necessary by any member board, on the  
10 same status. If the member board in the state of principal license  
11 subsequently reinstates the physician's license, a license issued to  
12 the physician by any other member board shall remain encumbered until  
13 that respective member board takes action to reinstate the license in  
14 a manner consistent with the medical practice act of that state.

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

19 (a) Impose the same or lesser sanctions against the physician so  
20 long as such sanctions are consistent with the medical practice act  
21 of that state; or

22 (b) Pursue separate disciplinary action against the physician  
23 under its respective medical practice act, regardless of the action  
24 taken in other member states.

25 (4) If a license granted to a physician by a member board is  
26 revoked, surrendered or relinquished in lieu of discipline, or  
27 suspended, then any licenses issued to the physician by any other  
28 member boards shall be suspended, automatically and immediately  
29 without further action necessary by the other member boards, for  
30 ninety days upon entry of the order by the disciplining board, to  
31 permit the member boards to investigate the basis for the action  
32 under the medical practice act of that state. A member board may  
33 terminate the automatic suspension of the license it issued prior to  
34 the completion of the ninety day suspension period in a manner  
35 consistent with the medical practice act of that state.

36 NEW SECTION. **Sec. 11.** INTERSTATE MEDICAL LICENSURE COMPACT  
37 COMMISSION. (1) The member states hereby create the "interstate  
38 medical licensure compact commission."



1 (2) The purpose of the interstate commission is the  
2 administration of the interstate medical licensure compact, which is  
3 a discretionary state function.

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

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

17 (a) An allopathic or osteopathic physician appointed to a member  
18 board;

19 (b) An executive director, executive secretary, or similar  
20 executive of a member board; or

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

22 (5) The interstate commission shall meet at least once each  
23 calendar year. A portion of this meeting shall be a business meeting  
24 to address such matters as may properly come before the commission,  
25 including the election of officers. The chairperson may call  
26 additional meetings and shall call for a meeting upon the request of  
27 a majority of the member states.

28 (6) The bylaws may provide for meetings of the interstate  
29 commission to be conducted by telecommunication or electronic  
30 communication.

31 (7) Each commissioner participating at a meeting of the  
32 interstate commission is entitled to one vote. A majority of  
33 commissioners shall constitute a quorum for the transaction of  
34 business, unless a larger quorum is required by the bylaws of the  
35 interstate commission. A commissioner shall not delegate a vote to  
36 another commissioner. In the absence of its commissioner, a member  
37 state may delegate voting authority for a specified meeting to  
38 another person from that state who shall meet the requirements of  
39 subsection (4) of this section.

1 (8) The interstate commission shall provide public notice of all  
2 meetings and all meetings shall be open to the public. The interstate  
3 commission may close a meeting, in full or in portion, where it  
4 determines by a two-thirds vote of the commissioners present that an  
5 open meeting would be likely to:

6 (a) Relate solely to the internal personnel practices and  
7 procedures of the interstate commission;

8 (b) Discuss matters specifically exempted from disclosure by  
9 federal statute;

10 (c) Discuss trade secrets, commercial, or financial information  
11 that is privileged or confidential;

12 (d) Involve accusing a person of a crime, or formally censuring a  
13 person;

14 (e) Discuss information of a personal nature where disclosure  
15 would constitute a clearly unwarranted invasion of personal privacy;

16 (f) Discuss investigative records compiled for law enforcement  
17 purposes; or

18 (g) Specifically relate to the participation in a civil action or  
19 other legal proceeding.

20 (9) The interstate commission shall keep minutes which shall  
21 fully describe all matters discussed in a meeting and shall provide a  
22 full and accurate summary of actions taken, including record of any  
23 roll call votes.

24 (10) The interstate commission shall make its information and  
25 official records, to the extent not otherwise designated in the  
26 compact or by its rules, available to the public for inspection.

27 (11) The interstate commission shall establish an executive  
28 committee, which shall include officers, members, and others as  
29 determined by the bylaws. The executive committee shall have the  
30 power to act on behalf of the interstate commission, with the  
31 exception of rule making, during periods when the interstate  
32 commission is not in session. When acting on behalf of the interstate  
33 commission, the executive committee shall oversee the administration  
34 of the compact including enforcement and compliance with the  
35 provisions of the compact, its bylaws and rules, and other such  
36 duties as necessary.

37 (12) The interstate commission may establish other committees for  
38 governance and administration of the compact.

1        NEW SECTION.        **Sec. 12.**        POWERS AND DUTIES OF THE INTERSTATE  
2 COMMISSION. The interstate commission shall have the duty and power  
3 to:

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

5        (2) Promulgate rules which shall be binding to the extent and in  
6 the manner provided for in the compact;

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

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

14       (5) Establish and appoint committees including, but not limited  
15 to, an executive committee as required by section 11 of this act,  
16 which shall have the power to act on behalf of the interstate  
17 commission in carrying out its powers and duties;

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

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

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

23       (9) Purchase and maintain insurance and bonds;

24       (10) Employ an executive director who shall have such powers to  
25 employ, select or appoint employees, agents, or consultants, and to  
26 determine their qualifications define their duties, and fix their  
27 compensation;

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

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

35       (13) Lease, purchase, accept contributions or donations of, or  
36 otherwise to own, hold, improve or use, any property, real, personal,  
37 or mixed;

38       (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
39 otherwise dispose of any property, real, personal, or mixed;

40       (15) Establish a budget and make expenditures;

1 (16) Adopt a seal and bylaws governing the management and  
2 operation of the interstate commission;

3 (17) Report annually to the legislatures and governors of the  
4 member states concerning the activities of the interstate commission  
5 during the preceding year. Such reports shall also include reports of  
6 financial audits and any recommendations that may have been adopted  
7 by the interstate commission;

8 (18) Coordinate education, training, and public awareness  
9 regarding the compact, its implementation, and its operation;

10 (19) Maintain records in accordance with the bylaws;

11 (20) Seek and obtain trademarks, copyrights, and patents; and

12 (21) Perform such functions as may be necessary or appropriate to  
13 achieve the purposes of the compact.

14 NEW SECTION. **Sec. 13.** FINANCE POWERS. (1) The interstate  
15 commission may levy on and collect an annual assessment from each  
16 member state to cover the cost of the operations and activities of  
17 the interstate commission and its staff. The total assessment must be  
18 sufficient to cover the annual budget approved each year for which  
19 revenue is not provided by other sources. The aggregate annual  
20 assessment amount shall be allocated upon a formula to be determined  
21 by the interstate commission, which shall promulgate a rule binding  
22 upon all member states.

23 (2) The interstate commission shall not incur obligations of any  
24 kind prior to securing the funds adequate to meet the same.

25 (3) The interstate commission shall not pledge the credit of any  
26 of the member states, except by, and with the authority of, the  
27 member state.

28 (4) The interstate commission shall be subject to a yearly  
29 financial audit conducted by a certified or licensed public  
30 accountant and the report of the audit shall be included in the  
31 annual report of the interstate commission.

32 NEW SECTION. **Sec. 14.** ORGANIZATION AND OPERATION OF THE  
33 INTERSTATE COMMISSION. (1) The interstate commission shall, by a  
34 majority of commissioners present and voting, adopt bylaws to govern  
35 its conduct as may be necessary or appropriate to carry out the  
36 purposes of the compact within twelve months of the first interstate  
37 commission meeting.

1 (2) The interstate commission shall elect or appoint annually  
2 from among its commissioners a chair, a vice-chair, and a treasurer,  
3 each of whom shall have such authority and duties as may be specified  
4 in the bylaws. The chair, or in the chair's absence or disability,  
5 the vice-chair, shall preside at all meetings of the interstate  
6 commission.

7 (3) Officers selected in subsection (2) of this section shall  
8 serve without remuneration from the interstate commission.

9 (4) The officers and employees of the interstate commission shall  
10 be immune from suit and liability, either personally or in their  
11 official capacity, for a claim for damage to or loss of property or  
12 personal injury or other civil liability caused or arising out of, or  
13 relating to, an actual or alleged act, error, or omission that  
14 occurred, or that such person had a reasonable basis for believing  
15 occurred, within the scope of interstate commission employment,  
16 duties, or responsibilities, provided that such person shall not be  
17 protected from suit or liability for damage, loss, injury, or  
18 liability caused by the intentional or willful and wanton misconduct  
19 of such person.

20 (a) The liability of the executive director and employees of the  
21 interstate commission or representatives of the interstate  
22 commission, acting within the scope of such person's employment or  
23 duties for acts, errors, or omissions occurring within such person's  
24 state, may not exceed the limits of liability set forth under the  
25 Constitution and laws of that state for state officials, employees,  
26 and agents. The interstate commission is considered to be an  
27 instrumentality of the states for the purposes of any such action.  
28 Nothing in this subsection shall be construed to protect such person  
29 from suit or liability for damage, loss, injury, or liability caused  
30 by the intentional or willful and wanton misconduct of such person.

31 (b) The interstate commission shall defend the executive  
32 director, its employees, and subject to the approval of the attorney  
33 general or other appropriate legal counsel of the member state  
34 represented by an interstate commission representative, shall defend  
35 such interstate commission representative in any civil action seeking  
36 to impose liability arising out of an actual or alleged act, error,  
37 or omission that occurred within the scope of interstate commission  
38 employment, duties, or responsibilities, or that the defendant had a  
39 reasonable basis for believing occurred within the scope of  
40 interstate commission employment, duties, or responsibilities,

1 provided that the actual or alleged act, error, or omission did not  
2 result from intentional or willful and wanton misconduct on the part  
3 of such person.

4 (c) To the extent not covered by the state involved, member  
5 state, or the interstate commission, the representatives or employees  
6 of the interstate commission shall be held harmless in the amount of  
7 a settlement or judgment, including attorneys' fees and costs,  
8 obtained against such persons arising out of an actual or alleged  
9 act, error, or omission that occurred within the scope of interstate  
10 commission employment, duties, or responsibilities, or that such  
11 persons had a reasonable basis for believing occurred within the  
12 scope of interstate commission employment, duties, or  
13 responsibilities, provided that the actual or alleged act, error, or  
14 omission did not result from intentional or willful and wanton  
15 misconduct on the part of such persons.

16 NEW SECTION. **Sec. 15.** RULE-MAKING FUNCTIONS OF THE INTERSTATE  
17 COMMISSION. (1) The interstate commission shall promulgate reasonable  
18 rules in order to effectively and efficiently achieve the purposes of  
19 the compact. Notwithstanding the foregoing, in the event the  
20 interstate commission exercises its rule-making authority in a manner  
21 that is beyond the scope of the purposes of the compact, or the  
22 powers granted hereunder, then such an action by the interstate  
23 commission shall be invalid and have no force or effect.

24 (2) Rules deemed appropriate for the operations of the interstate  
25 commission shall be made pursuant to a rule-making process that  
26 substantially conforms to the "model state administrative procedure  
27 act" of 2010, and subsequent amendments thereto.

28 (3) Not later than thirty days after a rule is promulgated, any  
29 person may file a petition for judicial review of the rule in the  
30 United States district court for the District of Columbia or the  
31 federal district where the interstate commission has its principal  
32 offices, provided that the filing of such a petition shall not stay  
33 or otherwise prevent the rule from becoming effective unless the  
34 court finds that the petitioner has a substantial likelihood of  
35 success. The court shall give deference to the actions of the  
36 interstate commission consistent with applicable law and shall not  
37 find the rule to be unlawful if the rule represents a reasonable  
38 exercise of the authority granted to the interstate commission.

1        NEW SECTION.    **Sec. 16.**    OVERSIGHT OF INTERSTATE COMPACT. (1) The  
2 executive, legislative, and judicial branches of state government in  
3 each member state shall enforce the compact and shall take all  
4 actions necessary and appropriate to effectuate the compact's  
5 purposes and intent. The provisions of the compact and the rules  
6 promulgated hereunder shall have standing as statutory law but shall  
7 not override existing state authority to regulate the practice of  
8 medicine.

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

13        (3) The interstate commission shall be entitled to receive all  
14 service of process in any such proceeding, and shall have standing to  
15 intervene in the proceeding for all purposes. Failure to provide  
16 service of process to the interstate commission shall render a  
17 judgment or order void as to the interstate commission, the compact,  
18 or promulgated rules.

19        NEW SECTION.    **Sec. 17.**    ENFORCEMENT OF INTERSTATE COMPACT. (1)  
20 The interstate commission, in the reasonable exercise of its  
21 discretion, shall enforce the provisions and rules of the compact.

22        (2) The interstate commission may, by majority vote of the  
23 commissioners, initiate legal action in the United States district  
24 court for the District of Columbia, or, at the discretion of the  
25 interstate commission, in the federal district where the interstate  
26 commission has its principal offices, to enforce compliance with the  
27 provisions of the compact, and its promulgated rules and bylaws,  
28 against a member state in default. The relief sought may include both  
29 injunctive relief and damages. In the event judicial enforcement is  
30 necessary, the prevailing party shall be awarded all costs of such  
31 litigation including reasonable attorneys' fees.

32        (3) The remedies herein shall not be the exclusive remedies of  
33 the interstate commission. The interstate commission may avail itself  
34 of any other remedies available under state law or the regulation of  
35 a profession.

36        NEW SECTION.    **Sec. 18.**    DEFAULT PROCEDURES. (1) The grounds for  
37 default include, but are not limited to, failure of a member state to  
38 perform such obligations or responsibilities imposed upon it by the

1 compact, or the rules and bylaws of the interstate commission  
2 promulgated under the compact.

3 (2) If the interstate commission determines that a member state  
4 has defaulted in the performance of its obligations or  
5 responsibilities under the compact, or the bylaws or promulgated  
6 rules, the interstate commission shall:

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

12 (b) Provide remedial training and specific technical assistance  
13 regarding the default.

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

21 (4) Termination of membership in the compact shall be imposed  
22 only after all other means of securing compliance have been  
23 exhausted. Notice of intent to terminate shall be given by the  
24 interstate commission to the governor, the majority and minority  
25 leaders of the defaulting state's legislature, and each of the member  
26 states.

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

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

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

39 (8) The defaulting state may appeal the action of the interstate  
40 commission by petitioning the United States district court for the



1 District of Columbia or the federal district where the interstate  
2 commission has its principal offices. The prevailing party shall be  
3 awarded all costs of such litigation including reasonable attorneys'  
4 fees.

5 NEW SECTION. **Sec. 19.** DISPUTE RESOLUTION. (1) The interstate  
6 commission shall attempt, upon the request of a member state, to  
7 resolve disputes which are subject to the compact and which may arise  
8 among member states or member boards.

9 (2) The interstate commission shall promulgate rules providing  
10 for both mediation and binding dispute resolution as appropriate.

11 NEW SECTION. **Sec. 20.** MEMBER STATES, EFFECTIVE DATE, AND  
12 AMENDMENT. (1) Any state is eligible to become a member state of the  
13 compact.

14 (2) The compact shall become effective and binding upon  
15 legislative enactment of the compact into law by no less than seven  
16 states. Thereafter, it shall become effective and binding on a state  
17 upon enactment of the compact into law by that state.

18 (3) The governors of nonmember states, or their designees, shall  
19 be invited to participate in the activities of the interstate  
20 commission on a nonvoting basis prior to adoption of the compact by  
21 all states.

22 (4) The interstate commission may propose amendments to the  
23 compact for enactment by the member states. No amendment shall become  
24 effective and binding upon the interstate commission and the member  
25 states unless and until it is enacted into law by unanimous consent  
26 of the member states.

27 NEW SECTION. **Sec. 21.** WITHDRAWAL. (1) Once effective, the  
28 compact shall continue in force and remain binding upon each and  
29 every member state; provided that a member state may withdraw from  
30 the compact by specifically repealing the statute which enacted the  
31 compact into law.

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

1 (3) The withdrawing state shall immediately notify the  
2 chairperson of the interstate commission in writing upon the  
3 introduction of legislation repealing the compact in the withdrawing  
4 state.

5 (4) The interstate commission shall notify the other member  
6 states of the withdrawing state's intent to withdraw within sixty  
7 days of its receipt of notice provided under subsection (3) of this  
8 section.

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

13 (6) Reinstatement following withdrawal of a member state shall  
14 occur upon the withdrawing state reenacting the compact or upon such  
15 later date as determined by the interstate commission.

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

20 NEW SECTION. **Sec. 22.** DISSOLUTION. (1) The compact shall  
21 dissolve effective upon the date of the withdrawal or default of the  
22 member state which reduces the membership in the compact to one  
23 member state.

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

28 NEW SECTION. **Sec. 23.** SEVERABILITY AND CONSTRUCTION. (1) The  
29 provisions of the compact shall be severable, and if any phrase,  
30 clause, sentence, or provision is deemed unenforceable, the remaining  
31 provisions of the compact shall be enforceable.

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

34 (3) Nothing in the compact shall be construed to prohibit the  
35 applicability of other interstate compacts to which the states are  
36 members.

1        NEW SECTION.    **Sec. 24.**    BINDING EFFECT OF COMPACT AND OTHER LAWS.

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

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

6        (3) All lawful actions of the interstate commission, including  
7 all rules and bylaws promulgated by the commission, are binding upon  
8 the member states.

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

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

15        NEW SECTION.    **Sec. 25.**    A new section is added to chapter 42.56  
16 RCW to read as follows:

17        (1) Information distributed to any Washington health profession  
18 board or commission by an interstate health professions licensure  
19 compact or member boards as described in section 8(6) of this act of  
20 the interstate medical licensure compact is exempt from disclosure  
21 under this chapter. This exemption does not prohibit the requestor  
22 from requesting these documents from the state of origin.

23        (2) This exemption does not pertain to any records created by  
24 Washington health profession boards or commissions from the documents  
25 described in subsection (1) of this section. Records created by  
26 Washington health profession boards or commissions from the documents  
27 described in subsection (1) of this section may be exempt under other  
28 sections of this chapter.

29        **Sec. 26.**    RCW 43.70.250 and 2016 c 146 s 1 are each amended to  
30 read as follows:

31        (1) It shall be the policy of the state of Washington that the  
32 cost of each professional, occupational, or business licensing  
33 program be fully borne by the members of that profession, occupation,  
34 or business.

35        (2) The secretary shall from time to time establish the amount of  
36 all application fees, license fees, registration fees, examination  
37 fees, permit fees, renewal fees, and any other fee associated with  
38 licensing or regulation of professions, occupations, or businesses

1 administered by the department. Any and all fees or assessments, or  
2 both, levied on the state to cover the costs of the operations and  
3 activities of the interstate health professions licensure compacts  
4 with participating authorities listed under chapter 18.130 RCW shall  
5 be borne by the persons who hold licenses issued pursuant to the  
6 authority and procedures established under the compacts. In fixing  
7 said fees, the secretary shall set the fees for each program at a  
8 sufficient level to defray the costs of administering that program  
9 and the cost of regulating licensed volunteer medical workers in  
10 accordance with RCW 18.130.360, except as provided in RCW 18.79.202.  
11 In no case may the secretary increase a licensing fee for an  
12 ambulatory surgical facility licensed under chapter 70.230 RCW prior  
13 to July 1, 2018, nor may he or she commence the adoption of rules to  
14 increase a licensing fee prior to July 1, 2018.

15 (3) All such fees shall be fixed by rule adopted by the secretary  
16 in accordance with the provisions of the administrative procedure  
17 act, chapter 34.05 RCW.

18 NEW SECTION. **Sec. 27.** Sections 1 through 24 of this act  
19 constitute a new chapter in Title 18 RCW.

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