

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 119

4
5 By: Senator C. Penzo
6
7

For An Act To Be Entitled

8
9 AN ACT TO ESTABLISH THE INTERSTATE MEDICAL LICENSURE
10 COMPACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO ESTABLISH THE INTERSTATE MEDICAL
14 LICENSURE COMPACT.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 17, Chapter 95, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 12 – Interstate Medical Licensure Compact
22

23 17-95-1201. Text of compact.

24 The Interstate Medical Licensure Compact is enacted into law and
25 entered into by this state with all states legally joining therein and in the
26 form substantially as follows:

27 INTERSTATE MEDICAL LICENSURE COMPACT
28

29 SECTION 1. PURPOSE

30 In order to strengthen access to health care, and in recognition of the
31 advances in the delivery of health care, the member states of the Interstate
32 Medical Licensure Compact have allied in common purpose to develop a
33 comprehensive process that complements the existing licensing and regulatory
34 authority of state medical boards, provides a streamlined process that allows
35 physicians to become licensed in multiple states, thereby enhancing the
36 portability of a medical license and ensuring the safety of patients. The



1 Compact creates another pathway for licensure and does not otherwise change a
2 state's existing Medical Practice Act. The Compact also adopts the prevailing
3 standard for licensure and affirms that the practice of medicine occurs where
4 the patient is located at the time of the physician-patient encounter, and
5 therefore, requires the physician to be under the jurisdiction of the state
6 medical board where the patient is located. State medical boards that
7 participate in the Compact retain the jurisdiction to impose an adverse
8 action against a license to practice medicine in that state issued to a
9 physician through the procedures in the Compact.

10
11 SECTION 2. DEFINITIONS

12 In this compact:

13 (a) "Bylaws" means those bylaws established by the Interstate
14 Commission pursuant to Section 11.

15 (b) "Commissioner" means the voting representative appointed by each
16 member board pursuant to Section 11.

17 (c) "Conviction" means a finding by a court that an individual is
18 guilty of a criminal offense through adjudication, or entry of a plea of
19 guilt or no contest to the charge by the offender. Evidence of an entry of a
20 conviction of a criminal offense by the court shall be considered final for
21 purposes of disciplinary action by a member board.

22 (d) "Expedited License" means a full and unrestricted medical license
23 granted by a member state to an eligible physician through the process set
24 forth in the Compact.

25 (e) "Interstate Commission" means the interstate commission created
26 pursuant to Section 11.

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

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

32 (h) "Member Board" means a state agency in a member state that acts in
33 the sovereign interests of the state by protecting the public through
34 licensure, regulation, and education of physicians as directed by the state
35 government.

36 (i) "Member State" means a state that has enacted the Compact.

1 (j) “Practice of Medicine” means that clinical prevention, diagnosis,
2 or treatment of human disease, injury, or condition requiring a physician to
3 obtain and maintain a license in compliance with the Medical Practice Act of
4 a member state.

5 (k) “Physician” means any person who:

6 (1) Is a graduate of a medical school accredited by the Liaison
7 Committee on Medical Education, the Commission on Osteopathic College
8 Accreditation, or a medical school listed in the International Medical
9 Education Directory or its equivalent;

10 (2) Passed each component of the United State Medical Licensing
11 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing
12 Examination (COMLEX-USA) within three attempts, or any of its predecessor
13 examinations accepted by a state medical board as an equivalent examination
14 for licensure purposes;

15 (3) Successfully completed graduate medical education approved
16 by the Accreditation Council for Graduate Medical Education or the American
17 Osteopathic Association;

18 (4) Holds specialty certification or a time-unlimited specialty
19 certificate recognized by the American Board of Medical Specialties or the
20 American Osteopathic Association’s Bureau of Osteopathic Specialists;

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

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

26 (7) Has never held a license authorizing the practice of
27 medicine subjected to discipline by a licensing agency in any state, federal,
28 or foreign jurisdiction, excluding any action related to non-payment of fees
29 related to a license;

30 (8) Has never had a controlled substance license or permit
31 suspended or revoked by a state or the United States Drug Enforcement
32 Administration; and

33 (9) Is not under active investigation by a licensing agency or
34 law enforcement authority in any state, federal, or foreign jurisdiction.

35 (l) “Offense” means a felony, gross misdemeanor, or crime of moral
36 turpitude.

1 (m) "Rule" means a written statement by the Interstate Commission
2 promulgated pursuant to Section 12 of the Compact that is of general
3 applicability, implements, interprets, or prescribes a policy or provision of
4 the Compact, or an organizational, procedural, or practice requirement of the
5 Interstate Commission, and has the force and effect of statutory law in a
6 member state, and includes the amendment, repeal, or suspension of an
7 existing rule.

8 (n) "State" means any state, commonwealth, district, or territory of
9 the United States.

10 (o) "State of Principal License" means a member state where a
11 physician holds a license to practice medicine and which has been designated
12 as such by the physician for purposes of registration and participation in
13 the Compact.

14

15 SECTION 3. ELIGIBILITY

16 (a) A physician must meet the eligibility requirements as defined in
17 Section 2(k) to receive an expedited license under the terms and provisions
18 of the Compact.

19 (b) A physician who does not meet the requirements of Section 2(k) may
20 obtain a license to practice medicine in a member state if the individual
21 complies with all laws and requirements, other than the Compact, relating to
22 the issuance of a license to practice medicine in that state.

23

24 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

25 (a) A physician shall designate a member state as the state of
26 principal license for purposes of registration for expedited licensure
27 through the Compact if the physician possesses a full and unrestricted
28 license to practice medicine in that state, and the state is:

29 (1) The state of principal residence for the physician, or

30 (2) The state where at least 25% of the practice of medicine
31 occurs, or

32 (3) The location of the physician's employer, or

33 (4) If no state qualifies under subsection (1), subsection (2),
34 or subsection (3), the state designated as state of residence for purpose of
35 federal income tax.

36 (b) A physician may redesignate a member state as state of principal

1 license at any time, as long as the state meets the requirements of
2 subsection (a).

3 (c) The Interstate Commission is authorized to develop rules to
4 facilitate redesignation of another member state as the state of principal
5 license.

6
7 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

8 (a) A physician seeking licensure through the Compact shall file an
9 application for an expedited license with the member board of the state
10 selected by the physician as the state of principal license.

11 (b) Upon receipt of an application for an expedited license, the
12 member board within the state selected as the state of principal license
13 shall evaluate whether the physician is eligible for expedited licensure and
14 issue a letter of qualification, verifying or denying the physician's
15 eligibility, to the Interstate Commission.

16 (1) Static qualifications, which include verification of medical
17 education, graduate medical education, results of any medical or licensing
18 examination, and other qualifications as determined by the Interstate
19 Commission through rule, shall not be subject to additional primary source
20 verification where already primary source verified by the state of principal
21 license.

22 (2) The member board within the state selected as the state of
23 principal license shall, in the course of verifying eligibility, perform a
24 criminal background check of an applicant, including the use of the results
25 of fingerprint or other biometric data checks compliant with the requirements
26 of the Federal Bureau of Investigation, with the exception of federal
27 employees who have suitability determination in accordance with 5 C.F.R. §
28 731.202.

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

32 (c) Upon verification in subsection (b), physicians eligible for an
33 expedited license shall complete the registration process established by the
34 Interstate Commission to receive a license in a member state selected
35 pursuant to subsection (a), including the payment of any applicable fees.

36 (d) After receiving verification of eligibility under subsection (b)

1 and any fees under subsection (c), a member board shall issue an expedited
2 license to the physician. This license shall authorize the physician to
3 practice medicine in the issuing state consistent with the Medical Practice
4 Act and all applicable laws and regulations of the issuing member board and
5 member state.

6 (e) An expedited license shall be valid for a period consistent with
7 the licensure period in the member state and in the same manner as required
8 for other physicians holding a full and unrestricted license within the
9 member state.

10 (f) An expedited license obtained through the Compact shall be
11 terminated if a physician fails to maintain a license in the state of
12 principal licensure for a non-disciplinary reason, without redesignation of a
13 new state of principal licensure.

14 (g) The Interstate Commission is authorized to develop rules regarding
15 the application process, including payment of any applicable fees, and the
16 issuance of an expedited license.

17

18 SECTION 6. FEES FOR EXPEDITED LICENSURE

19 (a) A member state issuing an expedited license authorizing the
20 practice of medicine in that state may impose a fee for a license issued or
21 renewed through the Compact.

22 (b) The Interstate Commission is authorized to develop rules regarding
23 fees for expedited licenses.

24

25 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

26 (a) A physician seeking to renew an expedited license granted in a
27 member state shall complete a renewal process with the Interstate Commission
28 if the physician:

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

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

34 (3) Has not had a license authorizing the practice of medicine
35 subject to discipline by a licensing agency in any state, federal, or foreign
36 jurisdiction, excluding any action related to non-payment of fees related to

1 a license; and

2 4) Has not had a controlled substance license or permit
3 suspended or revoked by a state or the United States Drug Enforcement
4 Administration.

5 (b) Physicians shall comply with all continuing professional
6 development or continuing medical education requirements for renewal of a
7 license issued by a member state.

8 (c) The Interstate Commission shall collect any renewal fees charged
9 for the renewal of a license and distribute the fees to the applicable member
10 board.

11 (d) Upon receipt of any renewal fees collected in subsection (c), a
12 member board shall renew the physician's license.

13 (e) Physician information collected by the Interstate Commission
14 during the renewal process will be distributed to all member boards.

15 (f) The Interstate Commission is authorized to develop rules to
16 address renewal of licenses obtained through the Compact.

17
18 SECTION 8. COORDINATED INFORMATION SYSTEM

19 (a) The Interstate Commission shall establish a database of all
20 physicians licensed, or who have applied for licensure, under Section 5.

21 (b) Notwithstanding any other provision of law, member boards shall
22 report to the Interstate Commission any public action or complaints against a
23 licensed physician who has applied or received an expedited license through
24 the Compact.

25 (c) Member boards shall report disciplinary or investigatory
26 information determined as necessary and proper by rule of the Interstate
27 Commission.

28 (d) Member boards may report any non-public complaint, disciplinary,
29 or investigatory information not required by subsection (c) to the Interstate
30 Commission.

31 (e) Member boards shall share complaint or disciplinary information
32 about a physician upon request of another member board.

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

36 (g) The Interstate Commission is authorized to develop rules for

1 mandated or discretionary sharing of information by member boards.

2
3 SECTION 9. JOINT INVESTIGATIONS

4 (a) Licensure and disciplinary records of physicians are deemed
5 investigative.

6 (b) In addition to the authority granted to a member board by its
7 respective Medical Practice Act or other applicable state law, a member board
8 may participate with other member boards in joint investigations of
9 physicians licensed by the member boards.

10 (c) A subpoena issued by a member state shall be enforceable in other
11 member states.

12 (d) Member boards may share any investigative, litigation, or
13 compliance materials in furtherance of any joint or individual investigation
14 initiate under the Compact.

15 (e) Any member state may investigate actual or alleged violations of
16 the statutes authorizing the practice of medicine in any other member state
17 in which a physician holds a license to practice medicine.

18
19 SECTION 10. DISCIPLINARY ACTIONS

20 (a) Any disciplinary action taken by any member board against a
21 physician licensed through the Compact shall be deemed unprofessional conduct
22 which may be subject to discipline by other member boards, in addition to any
23 violation of the Medical Practice Act or regulations in that state.

24 (b) If a license granted to a physician by the member board in the
25 state of principal license is revoked, surrendered or relinquished in lieu of
26 discipline, or suspended, then all licenses issued to the physician by member
27 boards shall automatically be placed, without further action necessary by any
28 member board, on the same status. If the member board in the state of
29 principal license subsequently reinstates the physician's license, a license
30 issued to the physician by any other member board shall remain encumbered
31 until that respective member board takes action to reinstate the license in a
32 manner consistent with the Medical Practice Act of that state.

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

36 (1) Impose the same or lesser sanction(s) against the physician

1 so long as such sanctions are consistent with the Medical Practice Act of
2 that state; or

3 (2) Pursue separate disciplinary action against the physician
4 under its respective Medical Practice Act, regardless of the action taken in
5 other member states.

6 (d) If a license granted to a physician by a member board is revoked,
7 surrendered or relinquished in lieu of discipline, or suspended, then any
8 license(s) issued to the physician by any other member board(s) shall be
9 suspended, automatically and immediately without further action necessary by
10 the other member board(s), for ninety (90) days upon entry of the order by
11 the disciplining board, to permit the member board(s) to investigate the
12 basis for the action under the Medical Practice Act of that state. A member
13 board may terminate the automatic suspension of the license it issued prior
14 to the completion of the ninety (90) day suspension period in a manner
15 consistent with the Medical Practice Act of that state.

16
17 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

18 (a) The member states hereby create the "Interstate Medical Licensure
19 Compact Commission".

20 (b) The purpose of the Interstate Commission is the administration of
21 the Interstate Medical Licensure Compact, which is a discretionary state
22 function.

23 (c) The Interstate Commission shall be a body corporate and joint
24 agency of the member states and shall have all the responsibilities, powers,
25 and duties set forth in the Compact, and such additional powers as may be
26 conferred upon it by a subsequent concurrent action of the respective
27 legislatures of the member states in accordance with the terms of the
28 Compact.

29 (d) The Interstate Commission shall consist of two voting
30 representatives appointed by each member state who shall serve as
31 Commissioners. In states where allopathic and osteopathic physicians are
32 regulated by separate member boards, or if the licensing and disciplinary
33 authority is split between separate member boards, or if the licensing and
34 disciplinary authority is split between multiple member boards within a
35 member state, the member state shall appoint one representative from each
36 member board. A Commissioner shall be a(n):

1 (1) Allopathic or osteopathic physician appointed to a member
2 board;

3 (2) Executive director, executive secretary, or similar
4 executive of a member board; or

5 (3) Member of the public appointed to a member board.

6 (e) The Interstate Commission shall meet at least once each calendar
7 year. A portion of this meeting shall be a business meeting to address such
8 matters as may properly come before the Commission, including the election of
9 officers. The chairperson may call additional meetings and shall call for a
10 meeting upon the request of a majority of the member states.

11 (f) The bylaws may provide for meetings of the Interstate Commission
12 to be conducted by telecommunication or electronic communication.

13 (g) Each Commissioner participating at a meeting of the Interstate
14 Commission is entitled to one vote. A majority of Commissioners shall
15 constitute a quorum for the transaction of business, unless a larger quorum
16 is required by the bylaws of the Interstate Commission. A Commissioner shall
17 not delegate a vote to another Commissioner. In the absence of its
18 Commissioner, a member state may delegate voting authority for a specified
19 meeting to another person from that state who shall meet the requirements of
20 subsection (d).

21 (h) The Interstate Commission shall provide public notice of all
22 meetings and all meetings shall be open to the public. The Interstate
23 Commission may close a meeting, in full or in portion, where it determines by
24 a two-thirds vote of the Commissioners present that an open meeting would be
25 likely to:

26 (1) Relate solely to the internal personnel practice and
27 procedures of the Interstate Commission;

28 (2) Discuss matters specifically exempted from disclosure by
29 federal statute;

30 (3) Discuss trade secrets, commercial, or financial information
31 that is privileged or confidential;

32 (4) Involve accusing a person of a crime, or formally censuring
33 a person;

34 (5) Discuss information of a personal nature where disclosure
35 would constitute a clearly unwarranted invasion of personal privacy;

36 (6) Discuss investigative records compiled for law enforcement

1 purposes; or

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

4 (i) The Interstate Commission shall keep minutes which shall fully
5 describe all matters discussed in a meeting and shall provide a full and
6 accurate summary of actions taken, including record of any roll call votes.

7 (j) The Interstate Commission shall make its information and official
8 records, to the extent not otherwise designated in the Compact or by its
9 rules, available to the public for inspection.

10 (k) The Interstate Commission shall establish an executive committee,
11 which shall include officers, members, and others as determined by the
12 bylaws. The executive committee shall have the power to act on behalf of the
13 Interstate Commission, with the exception of rulemaking, during periods when
14 the Interstate Commission is not in session. When acting on behalf of the
15 Interstate Commission, the executive committee shall oversee the
16 administration of the Compact including enforcement and compliance with the
17 provisions of the Compact, its bylaws and rules, and other such duties as
18 necessary.

19 (l) The Interstate Commission shall establish other committees for
20 governance and administration of the Compact.

21
22 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

23 (a) Oversee and maintain the administration of the Compact;

24 (b) Promulgate rules which shall be binding to the extent and in the
25 manner provided for in the Compact;

26 (c) Issue, upon the request of a member state or member board,
27 advisory opinions concerning the meaning or interpretation of the Compact,
28 its bylaws, rules, and actions;

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

32 (e) Establish and appoint committees including, but not limited to, an
33 executive committee as required by Section 11, which shall have the power to
34 act on behalf of the Interstate Commission in carrying out its powers and
35 duties;

36 (f) Pay, or provide for the payment of the expenses related to the

1 establishment, organization, and ongoing activities of the Interstate
2 Commission;

3 (g) Establish and maintain one or more offices;

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

5 (i) Purchase and maintain insurance and bonds;

6 (j) Employ an executive director who shall have such powers to employ,
7 select or appoint employees, agents, or consultants, and to determine their
8 qualifications, define their duties, and fix their compensation;

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

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

15 (m) Lease, purchase, accept contributions or donations of, or
16 otherwise to own, hold, improve or use, any property, real, personal, or
17 mixed;

18 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
19 otherwise dispose of any property, real, personal, or mixed;

20 (o) Establish a budget and make expenditures;

21 (p) Adopt a seal and bylaws governing the management and operation of
22 the Interstate Commission;

23 (q) Report annually to the legislatures and governors of the member
24 states concerning the activities of the Interstate Commission during the
25 preceding year. Such reports shall also include reports of financial audits
26 and any recommendations that may have been adopted by the Interstate
27 Commission;

28 (r) Coordinate education, training, and public awareness regarding the
29 Compact, its implementation, and its operation;

30 (s) Maintain records in accordance with the bylaws;

31 (t) Seek and obtain trademarks, copyrights, and patents; and

32 (u) Perform such functions as may be necessary or appropriate to
33 achieve the purpose of the Compact.

34
35 SECTION 13. FINANCE POWERS

36 (a) The Interstate Commission may levy on and collect an annual

1 assessment from each member state to cover the cost of the operations and
2 activities of the Interstate Commission and its staff. The total assessment
3 must be sufficient to cover the annual budget approved each year for which
4 revenue is not provided by other sources. The aggregate annual assessment
5 amount shall be allocated upon a formula to be determined by the Interstate
6 Commission, which shall promulgate a rule binding upon all member states.

7 (b) The Interstate Commission shall not incur obligations of any kind
8 prior to securing the funds adequate to meet the same.

9 (c) The Interstate Commission shall not pledge the credit of any of
10 the member states, except by, and with the authority of, the member state.

11 (d) The Interstate Commission shall be subject to a yearly financial
12 audit conducted by a certified or licensed accountant and the report of the
13 audit shall be included in the annual report of the Interstate Commission.

14
15 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

16 (a) The Interstate Commission shall, by a majority of Commissioners
17 present and voting, adopt bylaws to govern its conduct as may be necessary or
18 appropriate to carry out the purposes of the Compact within twelve (12)
19 months of the first Interstate Commission meeting.

20 (b) The Interstate Commission shall elect or appoint annually from
21 among its Commissioners a chairperson, a vice-chairperson, and a treasurer,
22 each of whom shall have such authority and duties as may be specified in the
23 bylaws. The chairperson, or in the chairperson's absence or disability, the
24 vice-chairperson, shall preside at all meetings of the Interstate Commission.

25 (c) Officers selected in subsection (b) shall serve without
26 remuneration for the Interstate Commission.

27 (d) The officers and employees of the Interstate Commission shall be
28 immune from suit and liability, either personally or in their official
29 capacity, for a claim for damage to or loss of property or personal injury or
30 other civil liability caused or arising out of, or relating to, an actual or
31 alleged act, error, or omission that occurred, or that such person had a
32 reasonable basis for believing occurred, within the scope of Interstate
33 Commission employment, duties, or responsibilities; provided that such person
34 shall not be protected from suit or liability for damage, loss, injury, or
35 liability caused by the intentional or willful and wanton misconduct of such
36 person.

1 (e) The liability of the executive director and employees of the
2 Interstate Commission or representatives of the Interstate Commission, acting
3 within the scope of such person's employment or duties for acts, errors, or
4 omissions occurring within such person's state, may not exceed the limits of
5 liability set forth under the constitution and laws of that state for state
6 officials, employees, and agents. The Interstate Commission is considered to
7 be an instrumentality of the states for the purpose of any such action.
8 Nothing in this subsection shall be construed to protect such person from
9 suit or liability for damage, loss, injury, or liability caused by the
10 intentional or willful and wanton misconduct of such person.

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

22 (g) To the extent not covered by the state involved, member state, or
23 the Interstate Commission, the representatives or employees of the Interstate
24 Commission shall be held harmless in the amount of a settlement or judgement,
25 including attorney's fees and costs, obtained against such persons arising
26 out of an actual or alleged act, error, or omission that occurred within the
27 scope of the Interstate Commission employment, duties, or responsibilities,
28 or that such persons had a reasonable basis for believing occurred within the
29 scope of Interstate Commission employment, duties, or responsibilities,
30 provided that the actual or alleged act, error, or omission did not result
31 from intentional or willful and wanton misconduct on the part of such person.

32
33 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

34 (a) The Interstate Commission shall promulgate reasonable rules in
35 order to effectively and efficiently achieve the purpose of the Compact.
36 Notwithstanding the foregoing, in the event the Interstate Commission

1 exercises its rulemaking authority in a manner that is beyond the scope of
2 the purposes of the Compact, or the powers granted hereunder, then such an
3 action by the Interstate Commission shall be invalid and have no force or
4 effect.

5 (b) Rules deemed appropriate for the operations of the Interstate
6 Commission shall be made pursuant to a rulemaking process that substantially
7 conforms to the “Model State Administrative Procedure Act” of 2010, and
8 subsequent amendments thereto.

9 (c) Not later than thirty (30) days after a rule is promulgated, any
10 person may file a petition for judicial review of the rule in the United
11 States District Court for the District of Columbia or the federal district
12 where the Interstate Commission has its principal offices, provided that the
13 filing of such a petition shall not stay or otherwise prevent the rule from
14 becoming effective unless the court finds that the petitioner has a
15 substantial likelihood of success. The court shall give deference to the
16 actions of the Interstate Commission consistent with applicable law and shall
17 not find the rule to be unlawful if the rule represents a reasonable exercise
18 of the authority granted to the Interstate Commission.

19
20 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

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

27 (b) All courts shall take judicial notice of the Compact and the rules
28 in any judicial or administrative proceeding in a member state pertaining to
29 the subject matter of the Compact which may affect the powers,
30 responsibilities or actions of the Interstate Commission.

31 (c) The Interstate Commission shall be entitled to receive all
32 services of process in any such proceeding, and shall have standing to
33 intervene in the proceeding for all purposes. Failure to provide service of
34 process to the Interstate Commission shall render a judgment or order void as
35 to the Interstate Commission, the Compact, or promulgated rules.

36

1 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

2 (a) The Interstate Commission, in the reasonable exercise of its
3 discretion, shall enforce the provisions and rules of the Compact.

4 (b) The Interstate Commission may, by majority vote of the
5 Commissioners, initiate legal action in the United States District Court for
6 the District of Columbia, or, at the discretion of the Interstate Commission,
7 in the federal district where the Interstate Commission has its principal
8 offices, to enforce compliance with the provisions of the Compact, and its
9 promulgated rules and bylaws, against a member state in default. The relief
10 sought may including both injunctive relief and damages. In the event
11 judicial enforcement is necessary, the prevailing party shall be awarded all
12 costs of such litigation including reasonable attorney's fees.

13 (c) The remedies herein shall not be the exclusive remedies of the
14 Interstate Commission. The Interstate Commission may avail itself of any
15 other remedies available under state law or regulation of a profession.

16
17 SECTION 18. DEFAULT PROCEDURES

18 (a) The grounds for default include, but are not limited to, failure
19 of a member state to perform such obligations or responsibilities imposed
20 upon it by the Compact, or the rules and bylaws of the Interstate Commission
21 promulgated under the Compact.

22 (b) If the Interstate Commission determines that a member state has
23 defaulted in the performance of its obligations or responsibilities under the
24 Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

25 (1) Provide written notice to the defaulting state and other
26 member states, of the nature of the default, the means of curing the default,
27 and any action taken by the Interstate Commission. The Interstate Commission
28 shall specify the conditions by which the defaulting state must cure its
29 default; and

30 (2) Provide remedial training and specific technical assistance
31 regarding the default.

32 (c) If the defaulting state fails to cure the default, the defaulting
33 state shall be terminated from the Compact upon an affirmative vote of a
34 majority of the Commissioners and all rights, privileges, and benefits
35 conferred by the Compact shall terminate on the effective date of
36 termination. A cure of the default does not relieve the offending state of

1 obligations or liabilities incurred during the period of the default.

2 (d) Termination of membership in the Compact shall be imposed only
3 after all other means of securing compliance have been exhausted. Notice of
4 intent to terminate shall be given by the Interstate Commission to the
5 governor, the majority and minority leaders of the defaulting state's
6 legislature, and each of the member states.

7 (e) The Interstate Commission shall establish rules and procedures to
8 address licenses and physicians that are materially impacted by the
9 termination of a member state, or the withdrawal of a member state.

10 (f) The member state which has been terminated is responsible for all
11 dues, obligations, and liabilities incurred through the effective date of
12 termination including obligations, the performance of which extends beyond
13 the effective date of termination.

14 (g) The Interstate Commission shall not bear any costs relating to any
15 state that has been found to be in default or which has been terminated from
16 the Compact, unless otherwise mutually agreed upon in writing between the
17 Interstate Commission and the defaulting state.

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

23
24 SECTION 19. DISPUTE RESOLUTION

25 (a) The Interstate Commission shall attempt, upon the request of a
26 member state, to resolve disputes which are subject to the Compact and which
27 may arise among member states or member boards.

28 (b) The Interstate Commission shall promulgate rules providing for
29 both mediation and binding dispute resolution as appropriate.

30
31 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

32 (a) Any state is eligible to become a member of the Compact.

33 (b) The Compact shall become effective and binding upon legislative
34 enactment of the Compact into law by no less than seven (7) states.
35 Thereafter, it shall become effective and binding on a state upon enactment
36 of the Compact into law by that state.

1 (c) The governors of non-member states, or their designees, shall be
2 invited to participate in the activities of the Interstate Commission on a
3 non-voting basis prior to adoption of the Compact by all states.

4 (d) The Interstate Commission may propose amendments to the Compact
5 for enactment by the member states. No amendment shall become effective and
6 binding upon the Interstate Commission and the member states unless and until
7 it is enacted into law by unanimous consent of the member states.

8
9 SECTION 21. WITHDRAWAL

10 (a) Once effective, the Compact shall continue in force and remain
11 binding upon each and every member state; provided that a member state may
12 withdraw from the Compact by specifically repealing the statute which enacted
13 the Compact into law.

14 (b) Withdrawal from the Compact shall be by the enactment of a statute
15 repealing the same, but shall not take effect until one (1) year after the
16 effective date of such statute and until written notice of the withdrawal has
17 been given by the withdrawing state to the governor of each other member
18 state.

19 (c) The withdrawing state shall immediately notify the chairperson of
20 the Interstate Commission in writing upon the introduction of legislation
21 repealing the Compact in the withdrawing state.

22 (d) The Interstate Commission shall notify the other member states of
23 the withdrawing state's intent to withdraw within sixty (60) days of its
24 receipt of notice provided under subsection (c).

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

29 (f) Reinstatement following withdrawal of a member state shall occur
30 upon the withdrawing date reenacting the Compact or upon such later date as
31 determined by the Interstate Commission.

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

36

1 SECTION 22. DISSOLUTION

2 (a) The Compact shall dissolve effective upon the date of the
3 withdrawal or default of the member state which reduces the membership of the
4 Compact to one (1) member state.

5 (b) Upon the dissolution of the Compact, the Compact becomes null and
6 void and shall be of no further force or effect, and the business and affairs
7 of the Interstate Commission shall be concluded, and surplus funds shall be
8 distributed in accordance with the bylaws.

9
10 SECTION 23. SEVERABILITY AND CONSTRUCTION

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

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

16 (c) Nothing in the Compact shall be construed to prohibit the
17 applicability of other interstate compacts to which the member states are
18 members.

19
20 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

21 (a) Nothing herein prevents the enforcement of any other law of a
22 member state that is not inconsistent with the Compact.

23 (b) All laws in a member state in conflict with the Compact are
24 superseded to the extent of the conflict.

25 (c) All lawful actions of the Interstate Commission, including all
26 rules and bylaws promulgated by the Commission, are binding upon the member
27 states.

28 (d) All agreements between the Interstate Commission and the member
29 states are binding in accordance with their terms.

30 (e) In the event any provision of the Compact exceeds the
31 constitutional limits imposed on the legislature of any member state, such
32 provision shall be ineffective to the extent of the conflict with the
33 constitutional provision in question in that member state.

34
35 17-95-1202. Administration of compact – Rules.

36 (a) The Arkansas State Medical Board is the Interstate Medical

1 Licensure Compact administrator for this state.

2 (b)(1) The board shall promulgate rules necessary to implement this
3 subchapter.

4 (2) Rules promulgated by the board under subdivision (b)(1) of
5 this section shall be consistent with the Interstate Medical Licensure
6 Compact necessary to implement this subchapter.

7 (c) The board is not required to adopt the rules of the Interstate
8 Medical Licensure Compact Commission for those rules to be effective in this
9 state.

10
11 SECTION 2. Arkansas Code § 17-95-107(c)(1), concerning credentialing
12 information submitted to the Arkansas State Medical Board by board-licensed
13 physicians, is amended to read as follows:

14 (c)(1)(A)(i) All physicians licensed by the board shall submit such
15 credentialing information as the board may request so that the board may
16 verify the information by the primary source verification procedure in order
17 to make the information available to credentialing organizations.

18 (ii) If the physician should fail to submit the
19 information as the board requests within a period of thirty (30) days, the
20 failure can result in the suspension of the physician's license to practice
21 medicine in the State of Arkansas after the matter is presented to the full
22 board for a hearing pursuant to the Arkansas Administrative Procedure Act, §
23 25-15-201 et seq.

24 (B) Upon entering the Interstate Medical Licensure
25 Compact, the board shall verify credentials either through:

26 (i)(a) The Federal Credentials Verification Service.

27 (b) As used in subdivision (c)(1)(B)(i) of
28 this section, "Federal Credentials Verification Service" means a system that
29 is used by the Federation of State Medical Boards to streamline licensure
30 across states; or

31 (ii) The state credentials verification service that
32 has been modified to align with the compact.

33
34 SECTION 3. Arkansas Code § 17-95-306, concerning criminal background
35 checks for a license or renewal of a license issued by the Arkansas State
36 Medical Board, is amended to add an additional subsection to read as follows:

1 (d) Upon entering the Interstate Medical Licensure Compact, the board
2 shall require that every applicant for a compact licensure shall provide
3 written authorization to the board to allow the Division of Arkansas State
4 Police to release the results of a state and federal criminal history
5 background check report to the board as provided in this section.

6
7 SECTION 4. DO NOT CODIFY. Initial rules.

8 (a) The Arkansas State Medical Board shall promulgate rules necessary
9 to implement this act.

10 (b) When adopting the initial rules to implement this act, the final
11 rules shall be filed with the Secretary of State for adoption under § 25-15-
12 204(f):

13 (1) On or before January 1, 2026; or

14 (2) If approval under § 10-3-309 has not occurred by January 1,
15 2026, as soon as practicable after approval under § 10-3-309.

16 (c) The board shall file the proposed rule with the Legislative
17 Council under § 10-3-309(c) sufficiently in advance of January 1, 2026, so
18 that the Legislative Council may consider the rule for approval before
19 January 1, 2026.

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