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A bill to be entitled
An act relating to the Interstate Podiatric Medical Licensure Compact; creating s. 461.0181, F.S.; creating the Interstate Podiatric Medical Licensure Compact; providing purpose of the compact; providing definitions; providing eligibility requirements for a podiatric physician to receive an expedited license; providing an exception; providing requirements for a podiatric physician to designate or redesignate a member state as the state of principal license for certain purposes; providing requirements for a podiatric physician to apply for and receive an expedited license in a member state; providing validity, termination, and fee requirements for an expedited license; providing requirements for a podiatric physician to renew an expedited license; requiring the Interstate Podiatric Medical Licensure Compact Commission to collect and distribute any renewal fees in a specified manner; providing that certain information be distributed to member boards; requiring the commission to establish a coordinated information system; providing reporting requirements for such system; authorizing joint investigations of the member boards; providing requirements for such investigations; providing requirements for

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26 disciplinary actions; creating the Interstate
27 Podiatric Medical Licensure Compact Commission;
28 providing for purpose, membership, and meetings of the
29 commission; requiring the commission to make certain
30 information public record; requiring the commission to
31 establish an executive committee for certain purposes;
32 providing powers and duties, including financial
33 powers, of the commission; providing for organization
34 and operation, rulemaking authority, and oversight of
35 the commission; providing for the enforcement and
36 default procedures of the compact; providing for
37 dispute resolution procedures of the commission;
38 providing for membership, effective date, amendment,
39 withdrawal, and dissolution of the compact; providing
40 severability and construction; providing for binding
41 effect of the compact and other laws; providing an
42 effective date.

43
44 Be It Enacted by the Legislature of the state of Florida:

45
46 **Section 1. Section 461.0181, Florida Statutes, is created**
47 **to read:**

48 461.0181 Interstate Podiatric Medical Licensure Compact.—
49 The Interstate Podiatric Medical Licensure Compact is hereby
50 enacted into law and entered into by this state with all other

51 states legally joining therein in the form substantially as
52 follows:

53

54 INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT

55

56 ARTICLE I
57 PURPOSE

58

59 (1) In order to strengthen access to health care, and in
60 recognition of the advances in the delivery in health care, the
61 member states of the Interstate Podiatric Medical Licensure
62 Compact have allied in common purpose to develop a comprehensive
63 process that complements the existing licensing and regulatory
64 authority of state podiatric medical boards and provides a
65 streamlined process that allows podiatric physicians to become
66 licensed in multiple states, enhancing the portability of a
67 podiatric medical license and ensuring the safety of patients.

68 (2) The compact creates another pathway for licensure and
69 does not otherwise change a state's existing Podiatric Medical
70 Practice Act. The compact also adopts the prevailing standard
71 for licensure and affirms that the practice of podiatric
72 medicine occurs where the patient is located at the time of the
73 podiatric physician-patient encounter, and therefore, requires
74 the podiatric physician to be under the jurisdiction of the
75 state podiatric medical board where the patient is located.

76 State podiatric medical boards that participate in the compact
77 retain the jurisdiction to impose an adverse action against a
78 license to practice podiatric medicine in that state issued to a
79 podiatric physician through the procedures in the compact.

80

81 ARTICLE II

82 DEFINITIONS

83

84 As used in this compact, the term:

85 (1) "Bylaws" means those bylaws established by the
86 commission pursuant to Article XI.

87 (2) "Commission" means the Interstate Podiatric Medical
88 Licensure Compact Commission created pursuant to Article XI.

89 (3) "Commissioner" means the voting representative
90 appointed by each member board pursuant to Article XI.

91 (4) "Conviction" means a finding by a court that an
92 individual is guilty of a criminal offense through adjudication,
93 or entry of a plea of guilt or no contest to the charge by the
94 offender. Evidence of an entry of conviction of a criminal
95 offense by the court shall be considered final for purposes of
96 disciplinary action by a member board.

97 (5) "Criminal background check" means that the member
98 board is authorized to obtain a Federal Bureau of Investigation
99 biometric based on a federal criminal records check information
100 report from the authorized state agency for the exclusive

101 purpose of determining eligibility for certification of
102 qualification that would allow for an expedited license.

103 (6) "Expedited license" means a full unrestricted
104 podiatric medical license granted by a member state to an
105 eligible podiatric physician through the process set forth in
106 the compact.

107 (7) "Federal criminal records check information" means any
108 information obtained by a member board from the Federal Bureau
109 of Investigation relating to a federal criminal records check
110 performed by a member board under Public Law 92-544.

111 (8) "License" means authorization by a member state for a
112 podiatric physician to engage in the practice of podiatric
113 medicine, which would be unlawful without authorization.

114 (9) "Member board" means a state agency in a member state
115 that acts in the sovereign interest of the state by protecting
116 the public through licensure, regulation, and education of
117 podiatric physicians as directed by the state government.

118 (10) "Member state" means a state which has enacted the
119 compact.

120 (11) "Offense" means a felony, gross misdemeanor, or a
121 misdemeanor related to the practice of podiatry.

122 (12) "Podiatric Medical Practice Act" means applicable
123 laws and regulations governing the practice of podiatric
124 medicine within a member state.

125 (13) "Podiatric physician" means any person who:

126 (a) Is a graduate of a podiatric medical school accredited
127 by the Council of Podiatric Medical Education.

128 (b) Passed Parts I, II, and III of the National Board of
129 Podiatric Medical Examiners' (NBPME), the American Podiatric
130 Medical Licensing Examination (APMLE), or NBPME or APMLE
131 recognized replacement examinations.

132 (c) Successfully completed a podiatric residency program
133 approved by the Council on Podiatric Medical Education.

134 (d) Holds specialty certification from a specialty board
135 recognized by the Council on Podiatric Medical Education.

136 (e) Possesses a full and unrestricted license to engage in
137 the practice of podiatric medicine issued by a member board.

138 (f) Has never been convicted, received adjudication,
139 deferred adjudication, community supervision, or deferred
140 disposition for any offense by a court of appropriate
141 jurisdiction.

142 (g) Has never held a license authorizing the practice of
143 podiatric medicine subjected to discipline by a licensing agency
144 in any state, federal, or foreign jurisdiction, excluding any
145 action related to the nonpayment of fees related to a license.

146 (h) Has never had a controlled substance license or permit
147 suspended or revoked by a state or the United States Drug
148 Enforcement Administration or voluntarily surrendered such
149 license after notification of investigation.

150 (i) Is not under active investigation by a licensing

151 agency or law enforcement authority in any state, federal, or
152 foreign jurisdiction.

153 (14) "Practice of Podiatric Medicine" means that clinical
154 prevention, diagnosis, or treatment of human disease, injury, or
155 condition requiring a podiatric physician to obtain and maintain
156 a license in compliance with the Podiatric Medical Practice Act
157 of a member state.

158 (15) "Rule" means a written statement by the commission
159 adopted pursuant to Article XII of the compact which is of
160 general applicability; implements, interprets, or prescribes a
161 policy or provision of the compact, or an organizational,
162 procedural, or practice requirement of the commission; and has
163 the force and effect of statutory law in a member state. The
164 term includes the amendment, repeal, or suspension of an
165 existing rule.

166 (16) "State" means any state, commonwealth, district, or
167 territory of the United States.

168 (17) "State of principal license" means a member state
169 where a podiatric physician holds a license to practice
170 podiatric medicine and which has been designated by such a
171 podiatric physician for purposes of registration and
172 participation in the compact.

173
174 ARTICLE III
175 ELIGIBILITY

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(1) A podiatric physician must meet the eligibility requirements as provided in subsection (13) of Article II to receive an expedited licensure under the terms and provisions of the compact.

(2) A podiatric physician who does not meet the requirements in subsection (13) of Article II may obtain a license to practice podiatric medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice podiatric medicine in that state.

ARTICLE IV

DESIGNATION OF STATE OF PRINCIPAL LICENSE

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

(a) The state of principal residence for the podiatric physician;

(b) The state where at least 25 percent of the practice of podiatric medicine occurs;

(c) The location of the podiatric physician's employer; or

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(d) If a state does not qualify under paragraph (a), paragraph (b), or paragraph (c), the state designated as the podiatric physician's state of residence for the purpose of federal income tax.

(2) A podiatric physician may redesignate a member state as state of principal license at any time, as long as the state meets one of the requirements of subsection (1).

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

ARTICLE V

ISSUANCE OF EXPEDITED LICENSURE

(1) A podiatric physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the podiatric physician as the state of principal license.

(2) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the podiatric physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the podiatric physician's eligibility and in the manner established by rule of the commission.

226 (a) Qualification includes verification of podiatric
227 medical education, podiatric graduate medical education, results
228 of any podiatric medical licensing examination, and other
229 qualifications as determined by the commission by rule, and may
230 not be subject to additional primary source verification where a
231 primary source has already been verified by the state of
232 principal license.

233 (b) The member board within the state selected as the
234 state of principal license shall, in the course of verifying
235 eligibility, perform a criminal background check of an
236 applicant, including the use of results of fingerprint or other
237 biometric data checks compliant with the requirements of the
238 Federal Bureau of Investigation with the exception of federal
239 employees who have suitability determination in accordance with
240 5 C.F.R. s. 731.202.

241 1. Communication between a member board and the commission
242 and communication between member boards regarding the
243 verification of eligibility in Article III through the compact
244 may not include any information received from the Federal Bureau
245 of Investigation relating to a federal criminal records check
246 performed by a member board under Public Law 92-544, including
247 federal criminal records check information.

248 2. Federal Bureau of Investigation information obtained by
249 a member board may not be shared with the commission.

250 (c) Appeal of the determination of eligibility shall be

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251 made to the member state where the application was filed and
252 shall be subject to the law of that state.

253 (3) Upon verification in paragraph (2) (b), a podiatric
254 physician's shall complete the registration process established
255 by the commission to receive a license in a member state
256 selected pursuant to subsection (1), including the payment of
257 any applicable fees.

258 (4) After receiving verification of eligibility under
259 subsection (2) and the payment of any fees under subsection (3),
260 a member board shall issue an expedited license to the podiatric
261 physician. This license shall authorize the podiatric physician
262 to practice podiatric medicine in the issuing state consistent
263 with the Podiatric Medical Practice Act and all applicable laws
264 and regulations of the issuing member board and member state.

265 (5) An expedited license shall be valid for a period
266 consistent with the licensure period in the member state and in
267 the same manner as required for other podiatric physicians
268 holding a full and unrestricted license within the member state.

269 (6) An expedited license obtained through the compact
270 shall be terminated if a podiatric physician fails to maintain a
271 license in the state of principal licensure for a
272 nondisciplinary reason, without redesignation of a new state of
273 principal licensure.

274 (7) The commission is authorized to develop rules
275 regarding the application process, including payment of any

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276 applicable fees, and the reporting of the issuance of an
277 expedited license by a member board to the commission.

279 ARTICLE VI

280 FEES FOR EXPEDITED LICENSURE

282 (1) A member state issuing an expedited license
283 authorizing the practice of podiatric medicine in that state may
284 impose a fee for a license issued or renewed through the
285 compact.

286 (2) The commission is authorized to develop rules
287 regarding fees for expedited licenses.

289 ARTICLE VII

290 RENEWAL AND CONTINUED PARTICIPATION

292 (1) A podiatric physician seeking to renew an expedited
293 license granted in a member state shall complete a renewal
294 process with the commission if the podiatric physician:

295 (a) Maintains a full and unrestricted license in a state
296 of principal license;

297 (b) Has not been convicted, received adjudication,
298 deferred adjudication, community supervision, or deferred
299 disposition for any offense by a court of appropriate
300 jurisdiction;

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- (c) Has not had a license authorizing the practice of podiatric medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, or voluntarily surrendered such license in lieu of discipline, excluding any action related to nonpayment of fees related to a license; and
- (d) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration or voluntarily surrendered such license or permit after notification of investigation.

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

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

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

(5) Podiatric physician information collected by the commission during the renewal process will be distributed to all member boards.

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

ARTICLE VIII

326 COORDINATED INFORMATION SYSTEM
327

328 (1) The commission shall establish a coordinated
329 information system of all podiatric physicians who are licensed
330 or who have applied for licensure under Article V.

331 (2) Notwithstanding any other provision of law, member
332 boards shall report to the commission any public action or
333 public complaints against a licensed podiatric physician who has
334 applied or received an expedited license through the compact.

335 (3) Member boards shall report disciplinary or
336 investigatory information determined as necessary and proper by
337 rule of the commission.

338 (4) Member boards may report any nonpublic complaint or
339 any disciplinary or investigatory information not required by
340 subsection (3) to the commission.

341 (5) Member boards shall share complaint or disciplinary or
342 investigatory information about a podiatric physician upon
343 request of another member board.

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

347 (7) The commission is authorized to develop rules for
348 mandated or discretionary sharing of information by member
349 boards.

351 ARTICLE IX352 JOINT INVESTIGATIONS

354 (1) Licensure and disciplinary records of podiatric
355 physicians are deemed investigative.

356 (2) In addition to the authority granted to a member board
357 by its respective Podiatric Medical Practice Act, a member board
358 may participate with other member boards in joint investigations
359 of podiatric physicians licensed by the member boards.

360 (3) A subpoena issued by a member state as part of a joint
361 investigation shall be enforceable in other member states.

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

365 (5) Any member state may investigate actual or alleged
366 violation of the statutes authorizing the practice of podiatric
367 medicine in any other member state in which a podiatric
368 physician holds a license to practice podiatric medicine.

370 ARTICLE X371 DISCIPLINARY ACTIONS

373 (1) Any disciplinary action taken by any member board
374 against a podiatric physician licensed through the compact shall
375 be deemed unprofessional conduct which may be subject to

376 discipline by other member boards, in addition to any violation
377 of the Podiatric Medical Practice Act of that state.

378 (2) If a license granted to a podiatric physician by a
379 member board in the state of principal license is revoked,
380 surrendered, or relinquished in lieu of discipline, or
381 suspended, then all licenses issued to the podiatric physician
382 by member boards shall automatically be placed, without further
383 action necessary by any member board, on the same status. If the
384 member board of the state of principal license subsequently
385 reinstates the podiatric physician's license, a license issued
386 to the podiatric physician by any other member board shall
387 remain encumbered until that respective member board takes
388 action to reinstate the license in a manner consistent with the
389 Podiatric Medical Practice Act of that state.

390 (3) If disciplinary action is taken against a podiatric
391 physician by a member board not in a state of principal license,
392 any other member board may deem the action conclusive as to
393 matter of law and fact decided, and:

394 (a) Impose the same or lesser sanctions against the
395 podiatric physician so long as such sanctions are consistent
396 with the Podiatric Medical Practice Act of that state; or

397 (b) Pursue separate disciplinary action against the
398 podiatric physician under its respective Podiatric Medical
399 Practice Act of that state, regardless of the action taken in
400 other member states.

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(4) If a license granted to a podiatric physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license issued to a podiatric physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the Podiatric Medical Practice Act of that state.

(5) A member board may terminate the automatic provision under subsection (2) or subsection (4) of a license it issued, in a manner consistent with the Podiatric Medical Practice Act of that state.

ARTICLE XI

INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT COMMISSION

(1) The member states hereby create the Interstate Podiatric Medical Licensure Compact Commission.

(2) The purpose of the commission is the administration of the Interstate Podiatric Medical Licensure Compact, which is a discretionary state function.

(3) 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,

426 and such additional powers as may be conferred upon it by a
427 subsequent concurrent action of the respective legislatures of
428 the member states in accordance with the terms of the compact.

429 (4) The commission shall consist of one voting
430 representative appointed by each member state who shall serve as
431 a commissioner. A commissioner shall be:

432 (a) A podiatric physician appointed to a member board;

433 (b) An executive director, executive secretary, or similar
434 executive of a member board; or

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

436 (5) The commission shall meet at least once each calendar
437 year. A portion of this meeting shall be a business meeting to
438 address such matters as may properly come before the commission,
439 including the election of officers. The chairperson may call
440 additional meetings and shall call for a meeting upon the
441 request of a majority of the member states.

442 (6) The bylaws may provide for meetings of the commission
443 to be conducted, in whole or in part, by teleconference, video
444 conference, or other electronic means by which all participants
445 can hear each other simultaneously and participate effectively.
446 Attendance by such electronic means shall constitute presence in
447 person at the meeting.

448 (7) Each commissioner participating at a meeting of the
449 commission is entitled to one vote. A majority of commissioners
450 shall constitute a quorum for the transaction of business,

451 unless a larger quorum is required by commission bylaws. A
452 commissioner may not delegate a vote to another commissioner. In
453 the absence of its commissioner, a member state may delegate
454 voting authority for a specified meeting to another person from
455 that state who shall meet the requirements of subsection (4).

456 (8) The commission shall provide public notice of all
457 meetings and all meetings shall be open to the public. The
458 commission may close a meeting, in full or in portion, where it
459 determines by a two-thirds vote of the commissioners present
460 that any open meeting would be likely to:

461 (a) Relate solely to the internal personnel practices and
462 procedures of the commission;

463 (b) Discuss matters specifically exempted from disclosure
464 by federal statute;

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

467 (d) Involve accusing a person of a crime, or formally
468 censuring a person;

469 (e) Discuss information of a personal nature where
470 disclosure would constitute a clearly unwarranted invasion of
471 personal privacy;

472 (f) Discuss investigative records compiled for law
473 enforcement purposes; or

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

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(9) The commission shall keep minutes that 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.

(10) 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.

(11) The commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the commission, with the exception of rulemaking, during periods when the commission is not in session. When acting on behalf of the commission, the executive committee shall oversee the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary.

(12) The commission shall establish other committees for governance and administration of the compact.

ARTICLE XII

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall:

(1) Oversee and maintain the administration of the

501 compact;

502 (2) Adopt rules which shall be binding to the extent and
503 in the manner provided for in the compact;

504 (3) Issue, upon the request of a member state or member
505 board, advisory opinions concerning the meeting or
506 interpretation of the compact, its bylaws, rules, and actions;

507 (4) Enforce compliance with compact provisions, the rules
508 adopted by the commission, and the bylaws, using all necessary
509 and proper means, including, but not limited to, the use of
510 judicial process;

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

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

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

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

521 (9) Purchase and maintain insurance and bonds;

522 (10) Employ an executive director who shall have the power
523 to employ, select, or appoint employees, agents, or consultants
524 and determine their qualifications, define their duties, and fix
525 their compensation;

526 (11) Establish personnel policies and programs relating to
527 conflicts of interest, rates of compensation, and qualification
528 of personnel;

529 (12) Accept donations and grants of money, equipment,
530 supplies, materials, and services to receive, use, and dispose
531 of it in a manner consistent with the conflict of interest
532 policies established by the commission;

533 (13) Lease, purchase, accept contributions or donations
534 of, or otherwise to own, hold, improve or use, any property,
535 real, personal, or mixed;

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

539 (15) Establish a budget and make expenditures;

540 (16) Adopt a seal and bylaws governing the management and
541 operation of the commission;

542 (17) Report annually to the legislatures and governors of
543 the member states concerning the activities of the commission
544 during the preceding year. Such reports shall also include
545 reports of financial audits, and financial statements, and any
546 recommendations that may have been adopted by the commission;

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

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

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

551 and

552 (21) Perform such functions as may be necessary or
553 appropriate to achieve the purpose of the compact.

555 ARTICLE VIII

556 FINANCIAL POWERS

558 (1) The commission may levy on and collect an annual
559 assessment from each member state to cover the cost of the
560 operations and activities of the commission and its staff. The
561 total assessment must be sufficient to cover the annual budget
562 approved each year for which revenue is not provided by other
563 sources. The aggregate annual assessment amount shall be
564 allocated upon a formula to be determined by the commission,
565 which shall adopt a rule binding upon all member states.

566 (2) The commission may not incur obligations of any kind
567 before securing the funds adequate to meet the same.

568 (3) The commission may not pledge the credit of any of the
569 member states, except by, and with the authority of, the member
570 state.

571 (4) The commission shall maintain financial records in
572 accordance with the bylaws, including profit and loss statements
573 and balance sheet reports, which shall be included in the annual
574 report of the commission.

576 ARTICLE XVI577 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

578
579 (1) The commission shall, by a majority of commissioners
580 present and voting, adopt bylaws to govern its conduct as may be
581 necessary or appropriate to carry out the purposes of the
582 compact within 12 months of the first commission meeting.

583 (2) The commission shall elect or appoint annually from
584 among its commissioners, a chairperson, a vice-chairperson, and
585 a treasurer, each of whom shall have such authority and duties
586 as may be specified in the bylaws. The chairperson, or in the
587 chairperson's absence or disability, the vice chairperson, shall
588 preside at all meetings of the commission.

589 (3) Officers selected in subsection (2) shall serve
590 without remuneration for the commission.

591 (4) The officers and employees of the commission shall be
592 immune from suit and liability, either personally or in their
593 official capacity, for a claim for damage to or loss of property
594 or personal injury or other civil liability caused or arising
595 out of, or relating to, an actual or alleged act, error, or
596 omission that occurred, or that such person had a reasonable
597 basis for believing occurred, within the scope of the commission
598 employment, duties, or responsibilities; provided that such
599 person may not be protected from suit or liability for damage,
600 loss, injury, or liability caused by the intentional or willful

601 and wanton misconduct of such person.

602 (5) The liability of the executive director and employees
603 of the commission or representatives of the commission, acting
604 within the scope of such person's employment or duties for acts,
605 errors, or omissions occurring within such person's state, may
606 not exceed the limits of liability set forth under the
607 constitution and laws of that state for state officials,
608 employees, and agents. The commission is considered to be an
609 instrumentality of the states for the purpose of such action.
610 This subsection does not protect such person from suit or
611 liability for damages, losses, injury, or liability caused by
612 the intentional or willful and wanton misconduct of such person.

613 (6) The commission shall defend the executive director and
614 its employees, and subject to the approval of the attorney
615 general or other appropriate legal counsel of the member state
616 represented by the commission representative, shall defend such
617 commission representative in any civil action seeking to impose
618 liability arising out of an actual or alleged act, error, or
619 omission that occurred within the scope of commission
620 employment, duties, or responsibilities, or that the defendant
621 had a reasonable basis for believing occurred within the scope
622 of the commission employment, duties, or responsibilities,
623 provided that the actual or alleged act, error, or omission did
624 not result from intentional or willful and wanton misconduct on
625 the part of such person.

626 (7) To the extent not covered by the state involved,
627 member state, or the commission, the representatives or
628 employees of the commission shall be held harmless in the amount
629 of a settlement or judgement, including attorney fees and costs,
630 obtained against such persons arising out of an actual or
631 alleged act, error, or omission that occurred within the scope
632 of the commission employment, duties, or responsibilities, or
633 that such persons had a reasonable basis for believing occurred
634 within the scope of commission employment, duties, or
635 responsibilities, provided that the actual or alleged act,
636 error, or omission did not result from intentional or willful
637 and wanton misconduct on the part of such person.

638

ARTICLE XV

639 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

640 (1) The commission shall adopt rules in order to
641 effectively and efficiently achieve the purpose of the compact.
642 In the event the commission exercises its rulemaking authority
643 in a manner that is beyond the scope of the purposes of the
644 compact, or the powers granted hereunder, such action by the
645 commission shall be invalid and have no force or effect.

646 (2) Rules deemed appropriate for the operations of the
647 commission shall be made pursuant to the rulemaking process that
648 substantially conforms to the Model State Administrative

651 Procedure Act of 2010, and subsequent amendments thereto.

652 (3) No later than 30 days after a rule is adopted, a
653 person may file a petition for judicial review of the rule in
654 the United States District Court for the District of Columbia or
655 the federal district where the commission has its principal
656 offices, provided that the filing of such a petition does not
657 stay or otherwise prevent the rule from becoming effective,
658 unless the court finds that the petitioner has a substantial
659 likelihood of success. The court shall give deference to the
660 actions of the commission consistent with applicable law and may
661 not find the rule to be unlawful if the rule represents a
662 reasonable exercise of the authority granted to the commission.

663

664 ARTICLE XVI

665 OVERSIGHT OF INTERSTATE COMPACT

666

667 (1) The executive, legislative, and judicial branches of
668 state government in each member state shall enforce the compact
669 and shall take all actions necessary and appropriate to
670 effectuate the compact's purposes and intent. The provisions of
671 the compact and the rules adopted hereunder shall have standing
672 as statutory law but may not override existing state authority
673 to regulate the practice of podiatric medicine.

674 (2) All courts shall take judicial notice of the compact
675 and the rules in any judicial or administrative proceeding in a

676 member state pertaining to the subject matter of the compact
677 which may affect the powers, responsibilities, or actions of the
678 commission.

679 (3) The commission shall be entitled to receive all
680 services of process in any such proceeding, and shall have
681 standing to intervene in the proceeding for all purposes.
682 Failure to provide service of process to the commission shall
683 render a judgement or order void as to the commission, the
684 compact, or adopted rules.

685

686 ARTICLE XVII

687 ENFORCEMENT OF INTERSTATE COMPACT

688

689 (1) The commission, in the reasonable exercise of its
690 discretion, shall enforce the provisions and rules of the
691 compact.

692 (2) The commission may, by majority vote of the
693 commissioners present and voting, initiate legal action in the
694 United States Court for the District of Columbia or, at the
695 discretion of the commission, in federal district where the
696 commission has its principal offices, to enforce compliance with
697 the provisions of the compact, and its adopted rules and
698 commission bylaws, against a member state in default. The relief
699 sought may include both injunctive relief and damages. In the
700 event judicial enforcement is necessary, the prevailing party

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701 shall be awarded all costs of such litigation, including
702 reasonable attorney fees.

703 (3) The remedies herein may not be the exclusive remedies
704 of the commission. The commission may avail itself of any other
705 remedies available under state law or regulation of a
706 profession.

707

708 ARTICLE XVIII

709 DEFAULT PROCEDURES

710

711 (1) The grounds for default include, but are not limited
712 to, failure of a member board to perform such obligations or
713 responsibilities imposed upon it by the compact or the rules and
714 bylaws of the commission adopted under the compact.

715 (2) If the commission determines that a member state has
716 defaulted in the performance of its obligations or
717 responsibilities under the compact, the bylaws, or adopted
718 rules, the commission shall:

719 (a) Provide written notice to the defaulting state and
720 other member states, of the nature of the default, the means of
721 curing the default, and any action taken by the commission. The
722 commission shall specify the conditions by which the defaulting
723 state must cure its default; and

724 (b) Provide remedial training and specific technical
725 assistance regarding the default.

726 (3) If the defaulting state fails to cure the default, the
727 defaulting state shall be terminated from the compact upon an
728 affirmative vote of the majority of the commissioners present
729 and voting, and all rights, privileges, and benefits conferred
730 by the compact shall terminate on the effective date of
731 termination. A cure of the default does not relieve the
732 offending state of obligations or liabilities incurred during
733 the period of default.

734 (4) Termination of membership in the compact shall be
735 imposed only after all other means of securing compliance have
736 been exhausted. Notice of intent to terminate shall be given by
737 the commission to the Governor, the Majority and Minority
738 Leaders of the defaulting state's legislature, and each of the
739 member states.

740 (5) The commission shall establish rules and procedures to
741 address licenses and podiatric physicians that are materially
742 impacted by the termination of a member state or the withdrawal
743 of a member state.

744 (6) The member state that has been terminated is
745 responsible for all dues, obligations, and liabilities incurred
746 through the effective date of termination, including
747 obligations, the performance of which extend beyond the
748 effective date of termination.

749 (7) The commission may not bear any costs relating to any
750 state that has been found to be in default or which has been

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terminated from the compact, unless otherwise mutually agreed upon in writing between the commission and the defaulting state.

(8) 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 litigation, including reasonable attorney fees.

ARTICLE XIX

DISPUTE RESOLUTION

(1) The commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which arise among member states or member boards.

(2) The commission shall adopt rules providing for both mediation and binding dispute resolution, as appropriate.

ARTICLE XX

MEMBERSHIP, EFFECTIVE DATE, AND AMENDMENT

(1) Any state is eligible to become a member of the compact.

(2) The compact shall become effective and binding upon legislative enactment of the compact into law by at least 4

776 states. Thereafter, it shall become effective and binding on a
777 state upon enactment of the compact into law by that state.

778 (3) The governors of nonmember states, or their designees,
779 are welcome to participate in the activities of the commission
780 on a nonvoting basis before adoption of the compact by all
781 states.

782 (4) The commission may propose amendments to the compact
783 for enactment by the member states. An amendment may not become
784 effective and binding upon the commission and other member
785 states unless and until it is enacted into law by unanimous
786 consent of the member states.

787

788 ARTICLE XXI
789 WITHDRAWAL

790

791 (1) Once effective, the compact shall continue in force
792 and remain binding upon each and every member state; however, a
793 member state may withdraw from the compact by specifically
794 repealing the statute which enacted the compact into law.

795 (2) Withdrawal from the compact shall be by the enactment
796 of a statute repealing the same, but may not take effect until 1
797 year after the effective date of such statute and until written
798 notice of the withdrawal has been given by the withdrawing state
799 to the governor of each other member state.

800 (3) The withdrawing state shall immediately notify the

801 chairperson of the commission in writing upon the introduction
802 of legislation repealing the compact in the withdrawing state.

803 (4) The commission shall notify the other member states of
804 the withdrawing state's intent to withdraw within 60 days of its
805 receipt of notice provided under subsection (3).

806 (5) The withdrawing state is responsible for all dues,
807 obligations, and liabilities incurred throughout the effective
808 date of withdrawal, including obligations, the performance of
809 which extend beyond the effective date of withdrawal.

810 (6) Reinstatement following withdrawal of a member state
811 shall occur upon the withdrawing date reenacting the compact or
812 upon such later date as determined by the commission.

813 (7) The commission is authorized to develop rules to
814 address the impact of the withdrawal of a member state on
815 licenses granted in other member states to podiatric physicians
816 who designated the withdrawing member state as the state of
817 principal license.

818

819 ARTICLE XXII

820 DISSOLUTION

821

822 (1) The compact shall be dissolved effective upon the date
823 of the withdrawal or default of the member state which reduces
824 the membership of the compact to one member state.

825 (2) Upon the dissolution of the compact, the compact

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826 becomes null and void and shall have no further force or effect,
827 the business and affairs of the commission shall be concluded,
828 and surplus funds shall be distributed in accordance with the
829 bylaws.

ARTICLE XXIII

SEVERABILITY AND CONSTRUCTION

(1) 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.

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

(3) The compact does not prohibit the applicability of other interstate compacts to which the member states are members.

ARTICLE XXVI

BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

851 (3) All lawful actions of the commission, including all
852 rules and bylaws adopted by the commission, are binding upon all
853 member states.

854 (4) All agreements between the commission and the member
855 states are binding in accordance with their terms.

856 (5) In the event of any provision of the compact that
857 exceeds the constitutional limits imposed on the legislature of
858 any member state, such provision shall be ineffective to the
859 extent of the conflict with the constitutional provision in
860 question in that member state.

861 **Section 2.** This act shall take effect July 1, 2026.