

Agreement Among the States to Create an Interstate Medical Excellence Zone

WHEREAS Digital technology is giving providers new tools to care for patients;

WHEREAS Digital technology is giving patients new tools to access care;

WHEREAS Digital technology can help patients throughout the region, regardless of where they are located;

WHEREAS Digital technology can help build capacity for in underserved areas;

WHEREAS the COVID-19 pandemic has exposed the barriers posed by the fragmentation of state practice laws;

WHEREAS all physicians in the U.S. must pass the three-part United States Medical Licensing Examination and are required to complete annual Continuing Medical Education;

WHEREAS America's armed forces and veterans are treated by physicians across the country regardless of location;

WHEREAS federal pre-emption of state licensure laws could limit the integrity of and ongoing oversight by state clinical occupational boards;

WHEREAS a voluntary regional licensure portability compact would maintain state authority and ability to protect public safety while allowing greater access to care for patients;

WHEREAS the ability for licensed, credentialed clinical providers to provide patient care throughout the region regardless of licensure with ease would benefit patients and providers;

Be it enacted:

(1) The [Designated state department] shall establish an Interstate Medical Excellence Zone Program to expand access to qualified clinical care providers in the region.

(2) The Medical Excellence Zone shall enable eligible practitioners licensed in any one of the participating jurisdictions to practice telehealth in the other jurisdictions. The Medical Excellence Zone will be effective when there are two or more state participants.

(3) Practitioners wishing to practice within the Zone must register and be verified by a central regional registrar.

(4) The [designated state department] shall ensure regulations establishing the Medical Excellence Zone Program cover, at a minimum, the following areas:

- (a) Definition of telemedicine, including asynchronous care, remote patient monitoring and store and forward.
- (b) Requirements for participation and responsibilities of participating states;
- (c) Eligibility rules for Medical Excellence Zone Program participation for clinical practitioners;

- (d) Guidelines on facilitation of exchange of information between participant states in the areas of regulation, investigation and adverse actions;
- (e) Rules related to the establishment of practice in State of Principal License to avoid establishment of practice in a state where a practitioner does not have a license;
- (f) Governance structure of the Medical Excellence Zone Program, including draft bylaws and details of powers and duty of overseeing body;
- (g) Guidelines around prescribing across state lines;
- (h) Guidelines for resolving differing scope of practice rules and regulations for the various health professionals
- (i) Guidelines for establishing jurisdiction and resolving conflict of laws issues for administrative, civil, criminal or other disputes which may arise, including, but not limited to malpractice lawsuits.
- (j) Guidelines for establishing malpractice and other insurance coverage requirements.
- (k) Responsibilities of participating practitioners to understand the laws of the states in which they are practicing; and
- (l) Rules on dispute resolution including clear instructions for

(5) (a) [Designated department] shall include, at a minimum, the following practitioner types in the Medical Excellence Zone Program:

- (i) Physicians, MDs and DOs
- (ii) Advance Practice Nurses
- (iii) Physician Assistants
- (iv) Physical Therapists
- (v) Occupational Therapists
- (vi) Speech Language Pathologists
- (vii) Dentists and dental hygienists
- (viii) Those who provide mental health and substance use disorders treatment
- (ix) other practitioners that the members of the Medical Excellence Zone deem appropriate.

(6) [Designated department] shall ensure, at a minimum, that the following eligibility criteria for individual practitioners covered by the Medical Excellence Zone Program:

- (a) Meets State of Principal Licensure qualifications for licensure or renewal of licensure, as well as, all other applicable state laws;
- (b) Has submitted, in connection with an application for initial licensure, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;
- (c) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;
- (d) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense as determined on a case-by-case basis;
- (e) Is subject to self-disclosure requirements regarding current participation in an alternative program;
- (f) Maintains sufficient malpractice and other liability insurance coverage to meet the minimum coverage requirements for each member of the Medical Excellence Zone.
- (g) Has a valid United States Social Security number; and

(h) Attests to commitment to understanding the state laws in which they will be practicing.

(7) [Designated department] shall have the authority to exempt areas of clinical practice. Practitioners shall not provide clinical services or prescribe a drug a treatment that would be illegal in the state where the patient is located.

(8) PATIENT CONSENT: The [designated department] shall promulgate regulations that require, at the outset of the telehealth visit, patient consent to be treated by an out of state provider. It shall be made clear to the patient that should the telehealth visit result in the need for future disciplinary action against the provider, the action will be undertaken by the state where the provider is located. The Secretary shall develop a process for coordination between states where patients are located and states where providers are being disciplined.

(9) The [Designated department] shall engage in a robust stakeholder engagement process in developing regulations implementing the Medical Excellence Zone Program and provide opportunity for public comment.

(10) The legislature shall appropriate such sums as necessary to develop, implement and maintain the Interstate Medical Excellence Zone as described.