

§18519. Default procedures

1. Grounds. The grounds for default under section 18518 include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact or the rules and bylaws of the interstate commission adopted under the compact.

[PL 2017, c. 253, §7 (NEW).]

2. Default. If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact or the bylaws or adopted rules, the interstate commission shall:

A. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and [PL 2017, c. 253, §7 (NEW).]

B. Provide remedial training and specific technical assistance regarding the default. [PL 2017, c. 253, §7 (NEW).]
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3. Termination. If a defaulting state fails to cure the default, the defaulting state must be terminated from the compact in accordance with subsection 4 upon an affirmative vote of a majority of the commissioners and all rights, privileges and benefits conferred by the compact terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

[PL 2017, c. 253, §7 (NEW).]

4. Notice of intent. Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate must be given by the interstate commission to the governor of the defaulting state, the majority and minority leaders of the defaulting state's legislature and each of the member states.

[PL 2017, c. 253, §7 (NEW).]

5. Rules. The interstate commission shall adopt rules pursuant to section 18516 and procedures to address licenses and physicians that are materially affected by the termination of a member state or the withdrawal of a member state.

[PL 2017, c. 253, §7 (NEW).]

6. Obligations. A member state that has been terminated is responsible for all dues, obligations and liabilities incurred through the effective date of termination, including obligations the performance of which extends beyond the effective date of termination.

[PL 2017, c. 253, §7 (NEW).]

7. Costs. The interstate commission may not bear any costs relating to any state that has been found to be in default or that has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

[PL 2017, c. 253, §7 (NEW).]

8. Appeal. A defaulting state may appeal an action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party must be awarded all costs of such litigation including reasonable attorney's fees.

[PL 2017, c. 253, §7 (NEW).]

SECTION HISTORY

PL 2017, c. 253, §7 (NEW).

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