



INTERSTATE COMPACTS


 The Council of State Governments
 Sharing capital ideas.

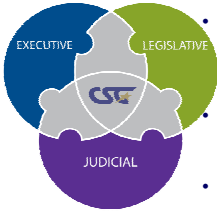
Who is CSG?




- Only non-partisan organization serving all three branches of state government
- Regional strength, national reach, global impact
- Fosters the exchange of public policy insights and ideas
- Facilitates cooperative state action in the field of interstate compacts



What Is the National Center for Interstate Compacts?



- Founded in 2005
- State adoption of approximately 160 CSG sponsored interstate compacts in the last decade.
- Testified before state legislatures over 100 times in the last 10 years
- Convened over a dozen national legislative briefings in the last decade



WHAT IS AN INTERSTATE COMPACT?



WHAT IS AN INTERSTATE COMPACT?

- Simple, versatile and proven tool
- Effective means of cooperatively addressing common problems
- Responds to national priorities with one voice
- Retains collective state sovereignty over issues belonging to the states



3 PRIMARY USES

1. Used to resolve boundary disputes.
2. Used to manage shared natural resources.
3. Used to create administrative agencies which have jurisdiction over a wide variety of state concerns:
 - ✓ State transportation
 - ✓ Taxation
 - ✓ Environmental matters
 - ✓ Regulation
 - ✓ Education
 - ✓ Corrections
 - ✓ Public safety
 - ✓ Licensure



EVOLVING COMPACT LANDSCAPE

- Threat of a federally mandated solution.
- Advances in technology.
- Increasingly mobile world.
- Distrust of Washington.
- Proven track record.



CONGRESSIONAL CONSENT

Compacts between States are authorized under Art. I, Sec. 10, Cl. 3 of the U. S. Constitution

No State shall, without the Consent of Congress . . . enter into any Agreement Compact with another State . . . " U.S. Supreme Court holds, in effect, that "any" doesn't mean "all" and consent isn't required unless the compact infringes on the federal supremacy.

[See U.S. Steel Corp. v. Multi-State Tax Commission, 434 U.S. 452 (1978)]



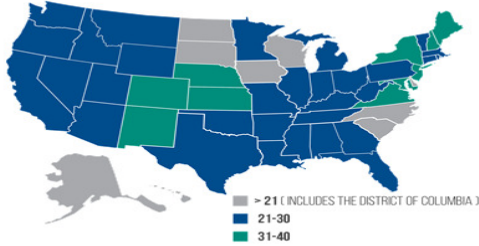
COMPACTS TODAY

- Approximately 215 active compacts
- On average, each state is a member of 25 compacts
- Precedence for international participation
- Port Authority of NY & NJ (1922) signaled a new era in regulatory compacts.



COMPACTS TODAY

STATE-BY-STATE INTERSTATE COMPACT MEMBERSHIP



BENEFITS OF THE INTERSTATE COMPACT



INTERSTATE COMPACTS – KEY BENEFITS

- EFFECTIVENESS AND EFFICIENCY**
 - Economies of scale*
- FLEXIBILITY AND AUTONOMY COMPARED TO NATIONAL POLICY**
 - “One size does not fit all”*
- DISPUTE RESOLUTION AMONG THE STATES**
- STATE AND FEDERAL PARTNERSHIP**
- COOPERATIVE BEHAVIORS LEADING TO “WIN-WIN” SITUATIONS**



INTERSTATE COMPACTS – OPERATIONAL

BENEFITS

- NATIONAL DATA & INFORMATION SHARING SYSTEMS
- UNIFORM COMPACT LANGUAGE AND RULES
- PROVEN GOVERNANCE STRUCTURES
- NATIONAL INTERFACE WITH EXTERNAL STAKEHOLDERS / NATIONAL ORGANIZATIONS
- COORDINATION WITH OTHER INTERSTATE COMPACTS
- NATIONAL OFFICE AND STAFF (IF NECESSARY)



DEVELOPING AN INTERSTATE COMPACT



INTERSTATE COMPACTS –

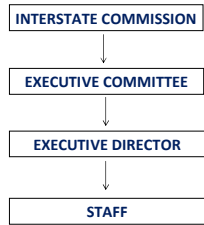
ADVISORY PHASE <i>4-6 MONTHS</i>	DRAFTING PHASE <i>8-12 Months</i>	EDUCATION AND ENACTMENT <i>18 months 2 legislative sessions</i>
<ul style="list-style-type: none">• Composed of state officials, stakeholders, & issue experts• Examine the issues and current policy spectrum• Examine best practices and alternative structures• Establish recommendations as to the content of an interstate compact• Examine the need for Congressional Consent	<ul style="list-style-type: none">• Composed of 5-8 state officials, stakeholders, issue experts (typically some overlap w/ Advisory)• Craft interstate compact solution based on Advisory Group recommendations• Circulate draft compact to specific states and relevant stakeholder groups for comment	<ul style="list-style-type: none">• Drafting team considers comments and incorporates into compact• Final product circulated to Advisory Group• Released to states for consideration



INTERSTATE COMPACT GOVERNANCE



TYPICAL COMPACT GOVERNANCE STRUCTURE



COMPACT COMMISSION

- FORMS WHEN THE THRESHOLD OF JURISDICTIONS PASS COMPACT LEGISLATION
- IS USUALLY A QUASI-GOVERNMENTAL ENTITY
- ESTABLISHES RULES, BYLAWS, AND OPERATING PROCEDURES TO GOVERN COMPACT
- MAY HIRE STAFF AND DETERMINE PHYSICAL PRESENCE



INTERSTATE COMPACTS
ROLE AND AUTHORITY OF THE
COMMISSION

- THE MEMBER STATES TYPICALLY CREATE AN INTERSTATE COMMISSION, WHICH FUNCTIONS AS A BODY CORPORATE AND A JOINT AGENCY OF THE MEMBER STATES.
- IT IS GRANTED THE AUTHORITY TO PROMULGATE RULES, PASS BYLAWS, ESTABLISH COMMITTEES, HIRE STAFF, ETC.
- THOSE POWERS ARE NOT UNIQUE. SIMILAR AUTHORITY HAS BEEN GRANTED TO AT LEAST 3 OTHER COMPACT COMMISSIONS THAT HAVE EXPANDED TO 50 STATES.



INTERSTATE COMPACTS
TYPICAL GOVERNANCE STRUCTURE

- THE COMMISSION IS COMPRISED OF VOTING REPRESENTATIVES FROM EACH MEMBER STATE AND IS RESPONSIBLE FOR KEY DECISIONS WITH RESPECT TO THE COMPACT.
 - THE COMMISSION CAN FORM COMMITTEES, INCLUDING AN EXECUTIVE COMMITTEE THAT IS RESPONSIBLE FOR MAKING DAY-TO-DAY DECISIONS.
 - COMPACT COMMISSIONS ARE FREQUENTLY GRANTED THE AUTHORITY TO HIRE STAFF, WHICH IS RESPONSIBLE FOR IMPLEMENTING THE POLICIES AND PROCEDURES ESTABLISHED BY THE COMMISSION
- COMMISSIONS SERVE AGENCIES OF THE MEMBER STATES AND ARE TASKED WITH ACTING ON THEIR BEHALF AND NOT ON THE BEHALF OF PARTICULAR GROUPS OR ORGANIZATIONS.



HEALTH CARE LICENSE RECIPROCITY



NOTABLE MEDICAL AND LICENSING

COMPACTS

- **NURSE LICENSURE COMPACT** – 25 States
- **ENHANCED NURSE LICENSURE COMPACT**
- **COMPACT ON MENTAL HEALTH** – 45 states
- **EMERGENCY MANAGEMENT ASSISTANCE COMPACT** – 50 states
- **EMS LICENSURE COMPACT** – 7 states
- **MEDICAL LICENSURE COMPACT** – 18 states
- **PHYSICAL THERAPY COMPACT** – 4 states



HEALTH CARE LICENSE RECIPROCITY

DEFINING THE ISSUE



HEALTH CARE LICENSE RECIPROCITY

WHY?

- **MOBILE SOCIETY (PATIENTS AND PRACTITIONERS)**
- **TECHNOLOGICAL ADVANCEMENTS**
- **RISING POPULATION; DEFICIT OF HEALTH CARE PROFESSIONALS**
- **PRACTICAL ADVANCEMENT FOR CURRENT AND FUTURE GENERATIONS OF PRACTITIONERS**



HEALTH CARE LICENSE RECIPROCITY

SIMILAR PARAMETERS

- INCREASE PUBLIC ACCESS TO HEALTH CARE SERVICES;
- ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND SAFETY;
- SUPPORT OF SPOUSES OF RELOCATING MILITARY MEMBERS;
- ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATORY, AND DISCIPLINARY INFORMATION BETWEEN MEMBER STATES.



HEALTH CARE LICENSE RECIPROCITY

SIMILAR PARAMETERS-DEFINITIONS

COMPACT COMMISSION

Administrative body whose membership consists of all states that have enacted the Compact

HOME STATE

The member state that is the licensee's primary state of residence.



Health Care License Reciprocity

SIMILAR PARAMETERS-DEFINITIONS

- **REMOTE/PRACTICE STATE**
A member state other than the home state, where a licensee is seeking to practice.
- **MEMBER STATE**
A state that is participating in the compact



HEALTH CARE LICENSURE COMPACTS
F.A.Q.



Health Care License Reciprocity

ISSUE # 1

**“I WOULD LOVE TO BE SUPPORTIVE BUT THIS SOUNDS
LIKE A TAKE OVER OF STATE LICENSING.”**

OR

**“I WOULD LOVE TO BE SUPPORTIVE BUT THIS
SOUNDS LIKE A FEDERAL GOVERNMENT PROGRAM.”**



Health Care License Reciprocity

IT IS NOT A TAKEOVER OF STATE LICENSING;

IT IS A WAY TO MINIMIZE/PREEMPT FEDERAL

INTERVENTION

Compacts are a State-based approach to multi-state licensure that uses a vehicle for interstate collaboration that is provided for in the U.S. Constitution

- State licensure processes remain in place
- Licensees voluntarily become part of Compact
- **STATE PRACTICE ACTS NOT IMPACTED**



Health Care License Reciprocity

ISSUE # 2

“I WOULD LOVE TO BE SUPPORTIVE BUT THIS SOUNDS LIKE A SCHEME BY OUTSIDE ORGANIZATIONS.”



Health Care License Reciprocity

IT IS NOT OWNED OR CONTROLLED BY ANY ORGANIZATION

It is an instrument of interstate cooperation governed by appointed representatives of the adopting states.

Commission Members are Appointed By and Representative of the Member State.



Health Care License Reciprocity

ISSUE # 3

“IN OUR STATE YOU CANNOT HAVE AN OUTSIDE ORGANIZATION WRITE RULES FOR THE STATE.”



Health Care License Reciprocity

RULES WRITTEN BY COMMISSION APPLY TO THE COMPACT AND HOW IT RUNS

- Rules would not change the state practice act.
- Rules are specific to the Compact only.
- Each Member State has a seat at the table to craft rules, bylaws, and other administrative functions of the compact.



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