WHAT IS AN INTERSTATE COMPACT?
WHAT IS AN INTERSTATE COMPACT?

➢ Simple, versatile and proven tool

➢ Effective means of cooperatively addressing common problems

➢ Allows states to respond to national priorities with one voice

➢ Retains collective state sovereignty over issues belonging to the states
THREE 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
   - Occupational Licensure
EVOLVING COMPACT LANDSCAPE

➢ Threat of a federally mandated solution
➢ Advances in technology
➢ Increasingly mobile world
➢ Distrust of federal government
➢ 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

STATE-BY-STATE INTERSTATE COMPACT MEMBERSHIP

> 21
(Includes the District of Columbia)

21–30

31-40
COMPACTS TODAY

➢ Approximately 215 active compacts

➢ Precedence for international participation

➢ On average states are members of about 25 compacts

➢ Port Authority of NY & NJ (1922) signaled a new era in regulatory compacts
BENEFITS OF THE INTERSTATE COMPACT
INTERSTATE COMPACTS – KEY BENEFITS

1. Effectiveness and efficiency
   • Economies of scale

2. Flexibility and autonomy compared to national policy
   • “One size does not fit all”

3. Dispute resolution among the states

4. State and federal partnership

5. Cooperative behaviors leading to “win-win” situations
INTERSTATE COMPACTS – OTHER BENEFITS

1. Agreement on Uniform Licensure Requirements

2. A data system adequate to allow electronic processing of interstate licensure

3. Disciplinary issues related to interstate licensure

4. FBI Fingerprint Based Criminal Background Checks

5. Compact governance issues:
   I. Legal status of interstate compact governing agency
   II. Rulemaking and other authority
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—DEVELOPMENT

<table>
<thead>
<tr>
<th>Phase I Development</th>
<th>Phase II Education and Enactment</th>
<th>Phase III Transition and Operation</th>
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<tr>
<td><strong>ADVISORY GROUP</strong></td>
<td><strong>EDUCATION</strong></td>
<td><strong>TRANSITION</strong></td>
</tr>
<tr>
<td>Composed of approx. 20 state officials, stakeholders and issue experts</td>
<td>Develop comprehensive legislative resource kit</td>
<td>Enactment threshold met</td>
</tr>
<tr>
<td>Examines issues, current policy, best practices and alternative structures</td>
<td>Develop informational internet site with state-by-state tracking and support documents</td>
<td>State notification</td>
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<tr>
<td>Establishes recommendations as to the content of an interstate compact</td>
<td>Convene “National Briefing” to educate legislators and key state officials</td>
<td>Interim Executive Board appointed</td>
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<tr>
<td><strong>DRAFTING TEAM</strong></td>
<td><strong>STATE SUPPORT</strong></td>
<td><strong>OPERATION</strong></td>
</tr>
<tr>
<td>Composed of 5 to 8 state officials, stakeholders, and issue experts</td>
<td>Develop network of “champions”</td>
<td>Ongoing state control and governance</td>
</tr>
<tr>
<td>Crafts compact based on recommendations</td>
<td>Provide on-site technical support and assistance</td>
<td>Staff support</td>
</tr>
<tr>
<td>Circulates draft compact to states and stakeholder groups for comment</td>
<td>Provide informational testimony to legislative committees</td>
<td>Annual assessment, if necessary</td>
</tr>
<tr>
<td><strong>FINAL PRODUCT</strong></td>
<td><strong>STATE ENACTMENTS</strong></td>
<td><strong>Information system oversight</strong></td>
</tr>
<tr>
<td>Drafting team considers comments and incorporates into compact</td>
<td>Track and support state enactments</td>
<td>(maintenance, security, training, etc.)</td>
</tr>
<tr>
<td>Final product sent to advisory group</td>
<td>Prepare for transition and implementation of compact</td>
<td><strong>LONG-TERM ENHANCEMENTS / UP-GRADES</strong></td>
</tr>
<tr>
<td>Released to states for consideration</td>
<td>Provide requested support as needed</td>
<td></td>
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INTERSTATE COMPACT GOVERNANCE
COMPACT COMMISSION

- Forms when the threshold of jurisdictions pass compact legislation
- Is typically a quasi-governmental entity
- Supra-state, sub-federal nature
- May hire staff and determine physical presence
TYPICAL COMPACT GOVERNANCE STRUCTURE

- Interstate Commission
- Executive Committee
- Executive Director
- Staff
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.
NOTABLE MEDICAL AND LICENSURE COMPACTS

➢ Nurse Licensure Compact – 25 states (expired)
➢ Enhanced Nurse Licensure Compact – 34 states (25)
➢ Compact on Mental Health – 45 states
➢ Emergency Management Assistance Compact – 50 states
➢ EMS Licensure Compact (REPLICA) – 18 states (10)
➢ Medical Licensure Compact – 29 states (7)
➢ Physical Therapy Compact – 25 states (10)
➢ PsyPact – 12 states (7 state threshold)
WHY HEALTH CARE LICENSE RECIPROCITY?

➢ Mobile society (patients and practitioners)

➢ Technological advancements

➢ Rising population

➢ Deficit of health care professionals, especially serving rural areas

➢ 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.
Myth 1:

Interstate compacts are a takeover of state licensing
HEALTH CARE LICENSE RECIPROCITY

Fact:
Compacts **are not** a takeover of state licensing;

But…
May serve as a way to preserve state control over health professional licensure and minimize/preempt federal intervention.
HEALTH CARE LICENSE RECIPROCITY

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 a Compact
- State practice acts are not impacted
Myth 2:
Interstate compacts are owned or controlled by an outside organization.
HEALTH CARE LICENSE RECIPROCITY

Fact:

Compacts are not owned or controlled by any organization and are governed by a statutorily created governing ‘infrastructure’ as determined by the member states through the terms of the compact.
Compacts are an instrument of interstate cooperation governed by appointed representatives of the adopting states.

Commission members are appointed by and represent the member state.
Myth 3:
Commission rules and bylaws thwart state sovereignty.
Fact:
Rules written by compact commission apply only to the specific compact procedures implementing the interstate extension of member state authority across state lines.
HEALTH CARE LICENSE RECIPROCITY

- Rules do not change the state practice act
- Rules are specific to the implementation of the Compact’s extension of professional licensure across state lines
- Each Member State has a seat at the table to craft rules, bylaws, and other administrative functions of the compact
CONTACT INFORMATION

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