

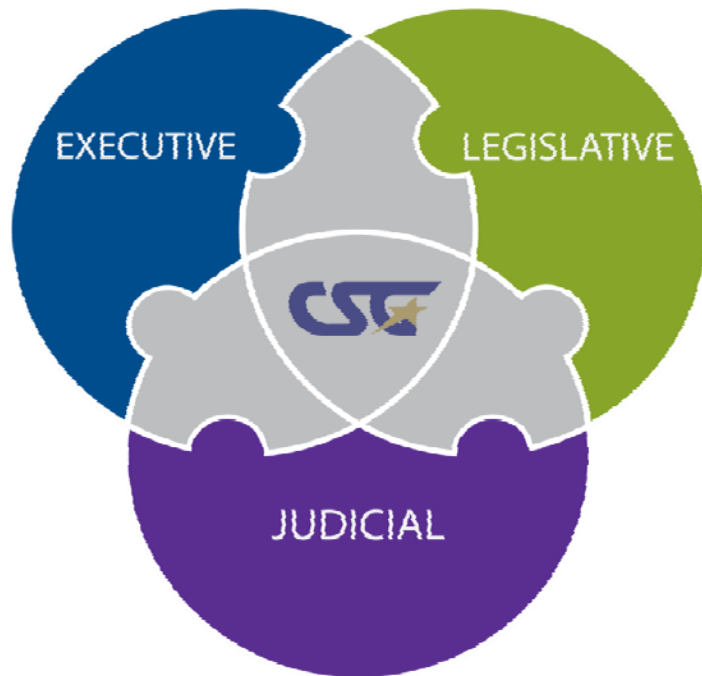


# INTERSTATE COMPACTS



The Council of State Governments  
Sharing capitol ideas.

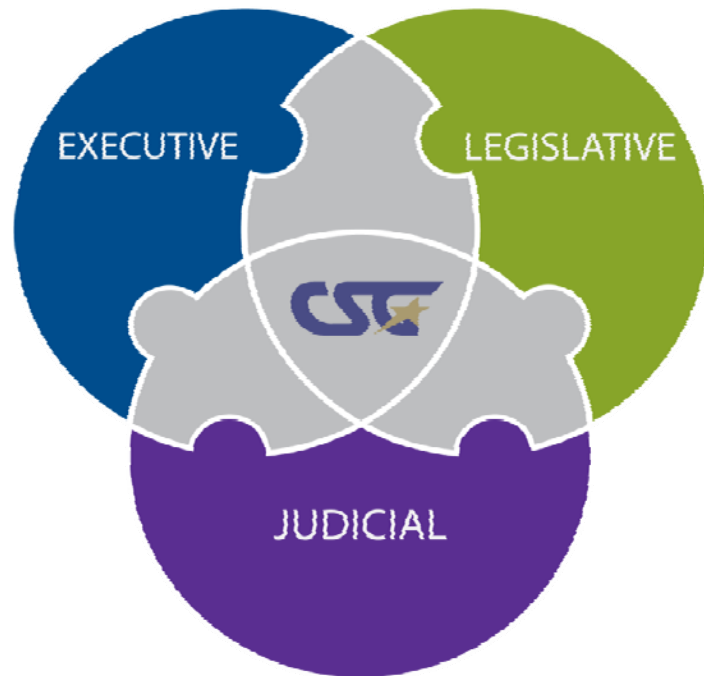
# Who is CSG?



- 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.**



# 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.





# 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 – 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

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



# 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.

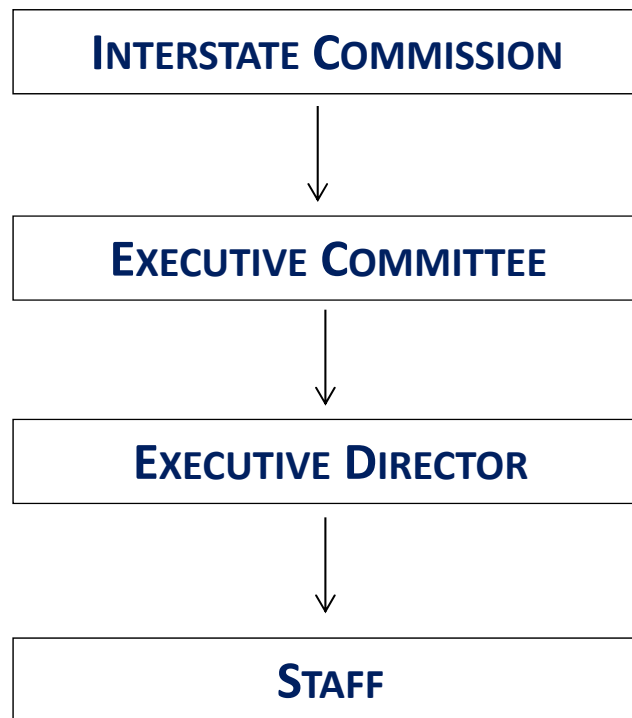
[See U.S. Steel Corp. v. Multi-State Tax Commission, 434 U.S. 452 (1978)]



# 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 – 17 states**
- **PHYSICAL THERAPY COMPACT – 4 states**



# HEALTH CARE LICENSE RECIPROcity

## DEFINING THE ISSUE



# HEALTH CARE LICENSE RECIPROCIITY

## 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.



# Compact FAQ

## IT IS NOT A TAKEOVER OF STATE LICENSING

It is another pathway to multi-state licensure for practitioners with exemplary practice histories.

State licensure processes will remain in place for those who are not eligible for licensure via the compact (or who choose not to seek it.)



# Compact FAQ

IT IS NOT OWNED OR CONTROLLED BY ANY ORGANIZATION

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



# Compacts FAQ

## IT IS NOT A FEDERAL GOVERNMENT PROGRAM OR INITIATIVE

It is a state-based approach to multi-state licensure that uses a vehicle—the interstate compact—specifically provided for in the U.S. Constitution.



# Contact Information

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