INTERSTATE COMPACTS
WHAT IS AN INTERSTATE COMPACT?

- Simple, versatile and proven means of collective governance by the states through the enactment of a ‘statutory contract’ between states and recognized under the U.S. Constitution

- 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

State-by-State Interstate Compact Membership

- > 21 (includes the District of Columbia)
- 21-30
- 31-40

USA map showing state membership in interstate compacts.
COMPACTS TODAY

• Approximately 215 active compacts
• On average every state is a member of 2 dozen compacts
• Precedence for international participation
• Originally used to resolve boundary disputes among states, compacts are now regularly utilized to engage in a wide variety of state administrative regulation of interstate transactions (e.g. Port Authority of NY & NJ (1922) signaled a new era in regulatory compacts.)
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**
HEALTH CARE LICENSE RECIPROCITY
NOTABLE HEALTH LICENSING COMPACTS

- **Nurse Licensure Compact** – 25 States
- **Enhanced Nurse Licensure Compact** - 25
- **Compact on Mental Health** – 45 states
- **Emergency Management Assistance Compact** – 50 states
- **EMS Licensure Compact** – 12 states
- **Medical Licensure Compact** – 20 states
- **Physical Therapy Compact** – 10 states
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

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**
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