

**INTERSTATE MEDICAL LICENSURE
COMPACT COMMISSION
May 22, 2017
Minneapolis, MN**

The Interstate Medical Licensure Compact Commission met in Minneapolis, MN on Monday, May 22, 2017, in the Strassen Building. The meeting was called to order by Chairman Jon Thomas (MN).

Roll Call was completed by Secretary Shepard (WV) with 27 commissioners or their alternate delegates in attendance personally or by phone. Alabama, Idaho and Illinois were represented by alternate commissioners. Also identified in attendance by conference call were Scott Majors, KY and Rick Masters from CSG.

Welcome to New Commissioners:

Chairman Thomas welcomed newly appointed commissioners from Arizona, Iowa, Nevada and Utah.

Agenda:

The agenda was presented for approval by Secretary Shepard. On a motion by Commissioner Spangler (WV) and seconded by Commissioner McSorley (AZ) the agenda was approved as presented.

Minutes:

The minutes from the Commission meeting of the February Conference Call were presented by Secretary Shepard for approval. Commissioner Feist (MT) moved for approval of the minutes with a second from Commissioner Cousineau (NV). The minutes were approved by voice vote as presented.

Compact Status:

As of today, there are 22 states that are members of the compact with the latest states being Tennessee and Nebraska. Interest continues to build across the country.

Chairman's Report:

Chairman Thomas updated the newest commissioners on the history of the IMLCC with highlighting the following:

- 1) In April 2013, a group of medical board representatives was brought together to discuss license portability and to draft legislation to bring to Reality an interstate medical licensure compact. The legislation was completed in the fall of 2014.
- 2) Seven states adopted the legislation in early 2015, activating the IMLCC. The inaugural meeting of the Commission was held on October of 2015 in Chicago, Illinois.
- 3) Ian Marquand (MT) was elected the first chair of the Commission and led the Commission in developing a governance structure, bylaws and rules. Dr. Thomas was elected Chair of the Commission in 2016 and continued the work. Working expeditiously, the required rules necessary to launch the expedited licensing process were developed and approved.
- 4) In April 2017 the IMLCC was open for business as the IMLCC.org website went live and began accepting applications. Within a few weeks, the first Letter of Qualification was issued.
- 5) During this process issues arose with the FBI regarding legislative authority for some states to conduct criminal background checks. This delayed and prevented some states from serving as states of principle license.

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- 6) Personnel changes at CSG resulted in the transfer of administrative functions to the IMLCC officers until an Executive Director is hired. The Commission did, however, confirm Rick Masters would still represent the IMLCC as legal counsel.

There has been much discussion with stakeholders and others regarding the FBI issues. The Chair provided a clarification between the perceptions and rumors regarding this issue and the facts as substantiated in Commission meeting minutes and reports. A few member states received letters from the FBI expressing their concern over the statutory authority for those member states conducting criminal background checks. The Executive Committee discussed the options open to the Commission which included seeking a declaratory judgement, drafting legal arguments and forwarding to the FBI and Congress, seeking federal legislation, scheduling additional meetings with the FBI or addressing the issue on a state by state basis. With the Commission's limited resources and given that there appeared to be slightly different issues emphasized by the FBI on a state by state basis, the Executive Committee agreed to let each state address the issues through statutory compliance. While this has taken a longer time than was originally perceived, the Commission feels it is the correct way to have addressed this issue, even though it has caused some member states to remove themselves as prospective states of principle licensure until the legislative work has been completed.

Commissioner McSorley (AZ) asked if the Commission should adopt rules to provide additional support and guidance to those states dealing with FBI issues. The Bylaws Chair, Commissioner Bowden (IA) answered by suggesting advisory opinions may be better suited in these cases with much more education needed for the licensing staff of each member board. It was also suggested that each member state look into the possibility of utilizing the "RapBack" program from the FBI for current criminal activity updates. A lot of process questions were raised and will be included in the FAQ section of the IMLCC.org website.

The Chair provided a summary of all formal presentations he participated in since the last meeting and a list of all IMLCC committee and sub-committee meetings held from December 2016 to the present.

Committee Reports:

Executive Committee:

The minutes of all Executive Committee meetings held from February 7th through April 18, 2017 have been reviewed by the Executive Committee and are now presented for review and approval by the full Commission. There were, inadvertently, two sets of minutes with the March 7th date in the packet. The date on the second set of minutes was amended to read "March 21, 2017. On a motion by Commissioner Feist (MT) and seconded by Commissioner Cousineau (NV) all Executive Committee minutes were approved as amended.

The Commission has received several IMLCC inquiries from physicians licensed through the Veterans Administration system. If that physician holds a primary license in a state in which none of the residency eligibility requirements are met for an IMLCC Letter of Qualification, then he/she is not eligible. There was discussion on whether a rule was needed to formally address this issue, but the Compact language is clear enough that members felt addressing this in our Frequently Asked Question section of the website was sufficient.

Budget Committee/Treasurer:

Treasurer Zachariah (IL) reported \$56,767.11 in the Commission Treasury as of May 4, 2017. That money is accounting for 48 LOQ's issued as of that date, plus the \$25,000 from FSMB. PayPal fees for processing applications has amounted to \$852.26 as of May 4, 2017.

The Commission has collected application fees which belong to the member states and has not yet been distributed. A survey was forwarded to 34 commissioners to determine what method of payment was desired by each state medical board. Only 13 responses have been received to date with 60% requesting payment by check. Also, a method of maintaining that information is required as well as a determination of what data must be recorded.

Past Chair Marquand (MT) noted that while operations of the Commission are still supported for the next two years with the HRSA grant money, perhaps two mechanisms for reporting should be developed. One report for the monies being received from application processing and a second report on the use of HRSA funds. He also suggested developing a "savings" account with application fees which could eventually be used as operating funds. Treasurer Zachariah (IL) responded by sharing that the Executive Committee along with the grant administrators determine which expenses should be reported as HRSA expenses and which ones are attributable to application processing.

Communications Committee:

The Chair referred to a short report within the Briefing Books but indicated that a lot of work has been going on in the background. Commissioner Shepard (WV) emphasized the critical importance of communication during this phase of our work. Each commissioner must communicate clearly with the Commission and with their medical board staff as the application routing process continues to move forward.

With the termination of the CSG contract for administration and, until an Executive Director is hired, insuring clear communication about meetings, trainings, rules, etc. has been thrust upon this committee. Member participation is crucial for our success. As each person tries to take on additional responsibilities within the commission, there is no longer one central contact person. In the transitional time, prior to the hiring of an Executive Director, the Communications Chair will be given access to the IMLCC.org inquiry line and will screen those inquiries and disseminate them to the appropriate chairperson to respond through an InquiryIMLCC.net email address with consistent and clear answers to questions.

The Commission broke at 10:00 AM for a 30 minute break.

The meeting of the IMLCC reconvened at 10:30 AM.

Audit Committee:

The Audit Committee had recommended an audit be completed at the end of calendar year 2017 and yearly thereafter. A motion was made by Commissioner Landau (AZ) and seconded by Commissioner Brunson (MS) for an audit to be conducted at the end of the calendar year 2017. The IMLCC Treasurer raised the concern of an audit being required at the end of every fiscal year which would be June 30, 2017.

The IMLCC Bylaws, Article 8, Section 3, call for a financial audit by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The Compact legislation requires an annual financial report be included in the annual report of the Commission to member boards and legislatures.

The Landau motion was amended to require an audit at the end of the fiscal year 2017 and annually thereafter. Commissioner Brunson agreed with the amended motion with the understanding that the auditor for the 2017 review, with only three months of revenue, may engage a limited review. The motion, as amended, passed unanimously by voice vote.

The Audit Committee provided clarification on the \$5,000 spending authority with the Treasurer being notified of each expenditure for reconciliation.

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Personnel Committee:

The committee has been meeting via conference calls and, to date, has received 4 applications for the Executive Director position. The position has been changed to a part time, administrative position with the IT portion of the job to be contracted out with the current Project Manager to insure stability of the system. Telephonic interviews of all candidates will be conducted on June 12, 2017, with a recommendation forwarded to the Commission by early July. The committee requested the Commission's input on questions to pose during the interviews.

Question was raised about an office address for the commission. Until an Executive Director is hired, the Commission address has been that of the Commission Chair. Chair McSorley reported that the Executive Director's function will be carried out from their home initially. That address could become the mailing address for the Commission or we could obtain a post office box in the same town as Director. These details will be worked out in the contract which our legal counsel will assist in drafting. A motion was made by Commissioner Cousineau (NV) and seconded by Commissioner Garland (ID) for the Personnel Committee to present a slate of candidates to the full commission for the selection of the Executive Director. This may be carried out by conference call as soon as the telephonic interviews have been completed. The motion was carried by voice vote. A date and time for the call will be decided at the end of today's meeting.

The Commission agenda was temporarily suspended at 11:00 AM for the public meeting regarding the proposed rule changes. The meeting was called back into session at 11:10 AM.

Bylaws/Rules Committee:

Immediately following the public comment hearing at which there were no public comments, the Bylaws/Rules Committee recommended the amendments as presented on the following rules:

- 1) Acceptance of the Chapter 3 (Rule on Fees);
- 2) Acceptance of the Chapter 5 (Rule on Expedited Licensure)

Commissioner Bohnenblust (WY) reported that each use of DocuSign establishes a charge of \$5.00 to the Commission for processing. Also, the Commission is currently absorbing the cost of processing credit card payments for applicants. There is currently no database collecting the needed information for notifying the licensees of pending expirations and the current wording in the proposed amendment of Chapter 5.8(1) does not provide a way of capturing that data. Therefore, Commissioner Bohnenblust (WY) made the following motion which was seconded by Commissioner Brunson (MS) :

Not less than 90 days prior to the expiration date of a license issued through the Compact, the member board that issued the license shall notify the physician by e-mail of the pending expiration of the license and provide information on the process to renew the license, and a link to the Interstate Commission's web page to start the renewal process.

The amendment passed with 17 "yes" votes and 4 "no" votes with a show of hands from those in attendance and voice vote from those attending via phone.

A second amendment was moved by Commissioner Landau (AZ) and seconded by Commissioner Garland (ID). The amendment to 5.8 (6) read as follows:

After the license is renewed the member board may collect and act upon additional information from the physician related to that state's specific requirements for license renewal.

The motion passed by voice vote.

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Commissioner Cousineau (NV) moved and Treasurer Zachariah (IL) seconded the following motion:

Approval of the Chapter 5 Rules, as amended, and Chapter 3 Rules in mass with the insertion of \$25.00 for the non-refundable service fee in 3.4(3).

The motion was unanimously passed by voice vote.

The Chair recessed the meeting for members to take advantage of the food prepared for lunch and then reconvened for a working lunch.

Bylaws Chair Bowden (IA) presented Section 2.6 and Section 5.5(2) "b" which were adopted by the Commission on February 22, 2017 as an emergency rulemaking action. This action is only effective for 180 days from the date of adoption and would need formal adoption by the Commission for continuance as an amended rule. The Bylaws/Rules Committee recommends the notice of action to formally adopt the emergency rules and place for public comment on the IMLCC.org website with notice of public hearing on June 23, 2017. The rules would then be presented to the Commission at the June 27, 2017 meeting for adoption. As a recommendation from the Bylaws/Rules Committee, the recommendation was passed unanimously by voice vote.

Technology Committee:

IStaRS was opened to a limited number of applicants in January 2017, but was shut down when the criminal background issue became confusing as to which member states were "authorized" to conduct the background checks. On April 6, 2017 the first Letter of Qualification was issued from the Wisconsin Medical Examining Board and we were open for business.

Now we must identify the next steps needed to meet the operational requirements of member boards. The Technology Committee lists those as follows:

- 1) Second Use Case/Acquiring additional licenses with an existing LOQ;
- 2) Renewals
- 3) Disciplinary Alert System
- 4) Renewal of LOQ
- 5) Transfer of SPL
- 6) Automated Data Exchange
- 7) Database to provide metrics regarding the operation of IStaRS and, by extension, the IMLC
- 8) Ability for member states to access/download Core Data Set
- 9) Clearly defining state of principal license based on residence requirements
- 10) Continue educational opportunities
- 11) Six month review of system in October 2017
- 12) Other needs as identified

Committee Assignments:

With several newly appointed commissioners, the Chair revised the Committee Assignments as follows:

Audit Committee: Jon Thomas, Chair
 Brian Zachariah
 Anne MacGuire
 Jerry Landau
 Erich Garland
 Larry Marx

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Budget Committee: Brian Zachariah, Chair
Claude Brunson
James Feist
Howard J. Falgout
Jerry Landau
Kenneth Simons
David Cook

Bylaws/Rules Committee: Mark Bowden, Chair
Edward Cousineau
Ruth Martinez
Larry Marx
Karen McGovern
Elmo Rosario

Communications Committee: Diana Shepard, Chair
Mary Jo Romano
Mark Spangler
Howard J. Falgout
Ian Marquand
Eric Groce
John Hall
Margaret Hansen
Kimberly Templeton

Technology Committee: Kevin Bohnenblust, Chair
Jon Thomas
Anne Lawler
Bryan Schneider
Robert Zondag
Melanie deLeon

Reports From Supporting Organizations:

There were none.

Public Comments:

Tracy Horsley, Director of the Locums Tenens Division of CompHealth, thanked the Commission for their diligent work on making interstate licensing a reality.

Final Commission Comments:

Commissioner Marquand (MT) requested an update on the HRSA Grant. The Chair reported that the Commission is where it needs to be regarding the reporting to HRSA. Even though CSG will no longer be providing administrative support to the Commission, Rick Masters will remain as counsel for the Commission with the funding coming from the HRSA grant as well as the work of the Technology Committee and contract services with the Project Manager. Also funding for an Executive Director will be covered through the HRSA grant.

Each Commissioner was given an opportunity for closing comments.

Next Commission Meeting:

The next conference call meeting of the Commission will be held on June 27, 2017 at 12:00 PM EDT. On the agenda will be the public meeting for the bylaws/rules changes and any actionable recommendations from the Personnel Committee for an Executive Director. The notice of the meeting will be distributed by May 27th with agenda and briefing book materials out by June 17, 2017.

The next face to face meeting will be held in Phoenix, AZ on November 17, 2017.

Adjournment: On a motion by Commissioner Spangler (WV) and seconded by Commissioner Cousineau (NV) the meeting adjourned at 1:40 PM CST.

Respectfully submitted,

Diana Shepard, CMBE
Commission Secretary