Advisory Opinion

OPINION NO. 07-2018 – ADVISORY OPINION ON PHYSICIANS HOLDING LICENSES ISSUED THROUGH THE COMPACT WHO ARE DISCIPLINED BY A NON-MEMBER BOARD AFTER THE LETTER OF QUALIFICATION HAS BEEN ISSUED

A physician had obtained a Letter of Qualification (“LOQ”) and was requesting licensure using the compact. A member board, from whom a license was being requested, determined that the physician applicant’s license to practice medicine had been subject to discipline by a licensing agency of a state that was not a member of the compact. The disciplinary action was subsequent to the LOQ being issued.

AUTHORITY: The Executive Committee issues this advisory opinion under authority of the Interstate Medical Licensure Compact Commission.

- **IMLCC Statute, Section 12c** – (The commission shall) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, and actions.

- **IMLCC Statute, Section 11k** -- …The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session….

ISSUE: The Interstate Medical Licensure Compact Statute is silent as it relates to the actions which should be taken by member boards and the commission after it has been determined that a physician, who was eligible to obtain a Letter of Qualification (“LOQ”) and has had licenses issued through the compact, subsequently had his/her license to practice medicine subject to discipline by a non-member state.

- **IMLCC Statute, Section 8(b)** – establishes that a member board must report to the commission any public action or complaints against a licensed physician who has used the compact whether that action is from a member board or a non-member board.

- **IMLCC Statute, Section 2(k)(7)** – establishes that a physician whose license to practice medicine that has been subject to discipline by a licensing agency in any state, federal or foreign jurisdiction shall not be eligible to use the compact to obtain licensure through the compact.

- **IMLCC Statute, Section 7(a)(3)** – prevents a physician using the compact to renew licenses obtained through the compact, if that physician’s license to practice medicine has been the subject of disciplinary action.

- **IMLCC Statute, Section 10** – provides clear direction regarding the actions to be taken when
a physician holding licenses issued through the compact are disciplined by compact member boards.

QUESTIONS:

- How should a member board notify the commission when it determines that a physician’s license to practice medicine has been the subject of a disciplinary action by a non-member board state?

- What notification should the IMLCC provide to the State of Principal License (SPL) and member boards who have issued a license through the compact using a valid LOQ regarding the action taken by the non-member board?

- Should the IMLCC notify the physician that they may not use the compact to renew their licenses obtained through the compact?

ADVISORY OPINION:

Item 1: A member board shall report to the IMLCC executive director via email as soon as practicable after it has become aware of any public action or complaints against a physician who has used the compact to apply or obtain a license through the compact, including action taken by a non-member board.

Item 2: The commission shall notify the SPL and member boards who have issued a license through the compact of any disciplinary action as defined in IMLC Rule 5.2, of the action by a non-member board within 5 business days of obtaining that information. The notice shall be via email to the commissioners from those member states.

Item 3: The IMLCC shall, contemporaneously with the notice to the SPL and member boards, notify the physician via email that:

- The IMLCC has become aware of the disciplinary action;
- The IMLCC has notified the SPL and the license issuing member boards of the action;
- The physician may not renew their licenses using the compact process; and
- The IMLCC recommends that the physician contact each member board directly concerning the status of the license issued.

APPLICABILITY: This opinion applies to all member states in their capacity as a state of principal license and a member board issuing licenses under the authority of the Interstate Medical Licensure Compact.

EFFECTIVE DATE: This opinion is effective upon issuance by the Executive Committee of the Interstate Medical Licensure Compact Commission (August 7, 2018).