

# INTERSTATE MEDICAL LICENSURE COMPACT

## **#6 – Policy on Records and Information Requests**

ADOPTED: SEPTEMBER 18, 2018

EFFECTIVE: SEPTEMBER 18, 2018

AMENDMENT HISTORY (LIST WHEN AMENDED AND CITE SECTION NUMBER):

- None

### **I. POLICY STATEMENT**

The Interstate Medical Licensure Compact Commission is a public body made up of representatives from the various states that have joined the IMLC.

Because the IMLCC is not a federal, state, municipal or other government agency, or an incorporated private entity, it is not subject to the federal Freedom of Information Act or to any public records law of a particular state. The IMLCC is subject only to the language of the Compact and its own rules and policies.

### **II. AUTHORITY**

Interstate Medical Licensure Compact Statute, Section 12 – Powers and Duties of the Interstate Commission, includes the following provisions, specifically in subparagraphs:

- (a) oversee and maintain the administration of the compact;
- (k) establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- (s) maintain records in accordance with the bylaws;
- (u) perform such functions as may be necessary or appropriate to achieve the purposes of the compact.

This policy also in compliance with Chapter 2 (Information Practices) of the IMLCC's administrative rules and with IMLCC Policy #1 (Policy on Policies.)

Further Interstate Medical Licensure Compact Statute, Section 11 – Interstate Medical Licensure Compact Commission, subparagraph (j) states that “The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.”

### III. PURPOSE

The IMLCC recognizes that individuals or entities may make requests for information from the IMLCC. This policy outlines what is considered IMLCC information and what is information held by the member states and, therefore, subject to the individual laws of those states. This policy also outlines the procedures that IMLCC personnel will follow after receiving requests for information from the IMLCC.

### IV. DEFINITIONS

“Board” means a state medical or osteopathic board from a state that is a member of the Compact.

“IMLCC information” includes the following:

- a) Lists of member states.
- b) Lists of appointed commissioners to the IMLCC.
- c) Lists of IMLCC employees and/or contractors.
- d) Meeting agendas and minutes.
- e) Meeting materials (excluding those considered confidential under terms of the Compact, IMLCC rules, or IMLCC policies.)
- f) Financial reports of IMLCC revenues and expenses.
- g) Reports regarding grants, gifts, loans or non-monetary contributions to the IMLCC.
- h) Total numbers of physician applications to the IMLCC for Letters of Qualification.
- i) Total numbers of physicians granted a Letter of Qualification.
- j) Total numbers of physicians denied a Letter of Qualification.
- k) Total numbers of state licenses requested by physicians with Letters of Qualification.
- l) Total numbers of state physician licenses granted via the Compact.
- m) Total numbers of state physician licenses renewed via the Compact.
- n) Total numbers of revoked Letters of Qualification.

“Requestor” means any individual, organization or entity that contacts the IMLCC with a request for information.

“State” means a state which has joined the Compact through legislation.

“State-held information” includes the following:

- a) Total numbers of requests to a state for a Letter of Qualification.
- b) Total numbers of physicians granted a Letter of Qualification by a state.
- c) Total numbers of physicians denied a Letter of Qualification by a state.

- d) Total numbers of physician licenses granted by a state to applicants using the Compact.
- e) Total numbers of state physician licenses renewed by a state to physicians licensed via the Compact.
- f) Total numbers of reported disciplinary actions by a state against physicians licensed via the Compact.
- g) Total numbers of Letters of Qualification revoked by a state.
- h) Total numbers of licenses granted via the Compact that have been revoked, suspended or otherwise sanctioned by a state as the result of a disciplinary adjudication.
- i) Individual information about a physician who has been approved, denied, licensed or disciplined by a state under terms of the Compact that is considered public record under the laws of an individual state.

“Working days” means Monday, Tuesday, Wednesday, Thursday and Friday, excluding federal or state holidays.

## **V. PROCEDURES**

- A. All requestors of IMLCC information shall submit a request in writing to the IMLCC executive director. The written request, which also includes via email, shall include the name, address and other contact information of the requestor, as well as a detailed description of the information sought. If the IMLCC approves a form for this purpose, it shall be available on the IMLCC website.
- B. The IMLCC executive director shall make a record of each request as it is received.
- C. The IMLCC executive director shall determine whether the request is for IMLCC information or state/board information.
- D. When the requestor seeks state/board information, the IMLCC executive director shall refer the requestor to the state(s)/board(s) where that information is located.
- E. When a requestor seeks IMLCC information and has submitted the request in writing, the IMLCC executive director shall notify the requestor that the request has been received. If the information is available on the IMLCC website, the executive director shall refer the requestor to the website. If the information is not available on the website, the executive director shall notify the requestor that further communication will be forthcoming.

- F. For those requests that involve information not on the IMLCC website, the IMLCC executive director shall assess the nature of the request and the resources required to fulfill it.
- G. The IMLCC executive director shall fulfill a request for IMLCC information as soon as possible after sending the notification of receipt.
- H. The IMLCC executive director shall charge a fee of \$50.00/hour for information searches, with the first hour free of charge.
- I. For requests that the IMLCC executive director determines will require extensive time, money or other resources to fulfill, the executive director may bring the request to the IMLCC Executive Committee for consultation.
- J. For requests that require extensive time, money or other resources to fulfill, the IMLCC executive director shall work cooperatively with the requestor regarding when the request shall be fulfilled.
- K. The preferred method of providing information to requestors shall be e-mail, including attachments if needed. The IMLCC executive director also may provide information on a portable memory device supplied by the requestor or via a file transfer service approved by the IMLCC Executive Committee.

## **VI. RESPONSIBILITY**

The executive committee shall be responsible for administering this policy and ensuring that this policy is current, compliant with all statutory requirements and case law, and consistent with other applicable standards. The executive committee may delegate administration and maintenance of this policy to the executive director.