

RE: IMLCC - CALL FOR COMMENTS - IMLCC Proposed Rule 8 and 9

1 message

Marquand, Ian <IMarquand@mt.gov>
To: Marschall Smith <imlccexecutivedirector@imlcc.net>

Mon, Aug 26, 2019 at 10:59 AM

Marschall,

My comments (as a single Commissioner) to the proposed rules:

- Chapter 8—I find the rule clear and easy to understand. I believe it adequately addresses what must occur in the rare instance when a state decides to leave the Compact or is terminated by the IMLCC. My only proposed amendment is tiny: removing the comma in Section. 8.5(b) line 2.
- Chapter 9—I have no proposed amendments to this rule. I will note that passage of this rule likely will create a need to review the 2018 IMLC Policy on Records and Information Requests to insure that the records noted in that policy do not conflict with those in the rule. I also wonder if there will be further discussion of whether the IMLCC is immune from judicial orders to produce records. This rule is limited to “public” disclosure but does not speak to demands from a court via subpoena or other order.
I recall the spirited discussion at last November’s IMLCC meeting about whether records are discoverable through court order, notably involving Commissioners from Arizona.
I hope the Commission doesn’t get hung up in a similar discussion regarding this rule.

Ian Marquand

Exec. Officer, Board of Medical Examiners

Exec. Officer, Board of Professional Engineers/Land Surveyors

Montana Department of Labor & Industry

Business Standards Division

PHONE (406) 841-2360

imarquand@mt.gov

From: Marschall Smith <imlccexecutivedirector@imlcc.net>
Sent: Monday, August 19, 2019 2:30 PM
To: undisclosed recipients <imlccexecutivedirector@imlcc.net>
Cc: Rick Masters <rmasters@csg.org>
Subject: IMLCC - CALL FOR COMMENTS - IMLCC Proposed Rule 8 and 9

Dear Commissioners,

This "Call for Comments" is being provided in accordance with IMLCC Statute, Section 12(b) and IMLCC Rule, Chapter 1.

At its August 13, 2019 meeting, the Rules and Administrative Procedures Committee considered proposed IMLCC Rule, Chapter 8 and Chapter 9. It was the decision of the committee to advance consideration of these proposed rules for a rulemaking hearing at the November 19, 2019 Commission Meeting.

Attached please find 3 documents:

- IMLCC Rulemaking timeframe 8-2019, which outlines the steps to be followed when a rulemaking hearing is being scheduled.
- IMLCC Rule - Chapter 8 - Rule on Notice to Licensees Upon Withdrawal or Termination of Membership in the Compact
- IMLCC Rule - Chapter 9 - Rule on Exemption from Disclosure of Records

The Call for Comment period for IMLCC Commissioners shall end at midnight (Eastern) on Friday, August 30, 2019.

Comments must be provided via email to:

- imlccexecutivedirector@imlcc.net

The Rules and Administrative Procedures Committee is scheduled to meet on September 10, 2019 to consider the comments provided and to prepare draft rules for public comment. All comments received will be posted to the IMLCC webpage and provided to the committee members.

It is the intention of the Rules and Administrative Procedures Committee to finalize the proposed rules at its October 8, 2019 meeting so that a rulemaking hearing can take place at the November 19, 2019 Commissioner meeting.

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Marschall S. Smith

Executive Director

Interstate Medical Licensing Compact Commission

[5306 South Bannock Street #205](#)

[Littleton, Colorado 80120](#)

303-898-1144

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