

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

RULE ON EXEMPTION FROM DISCLOSURE OF RECORDS

ADOPTED: DRAFT – August 2019

EFFECTIVE: August 2019

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

Chapter 9 – Exemption from Disclosure of Records

9.1 Authority

This chapter is promulgated by the Interstate Commission pursuant to the Interstate Medical Licensure Compact sections 11, 12, and 15. The rule shall become effective upon adoption by the Interstate Commission.

9.2 Exemption from disclosure or inspection of Commission Records

a) The following Commission records shall be exempt from public inspection or disclosure:

- 1) The following physician information:
 - i) personal identifying information;
 - ii) personal contact information;
 - iii) answers to criminal or disciplinary questions;
 - iv) fiscal or payment information;
 - v) disciplinary records; and
 - vi) test scores and test results.

- 2) The following internal Commission records:
 - i) personnel records of Commission staff;
 - ii) commission personnel practice and procedures;
 - iii) matters specifically exempted from disclosure by federal statute
 - iv) trade secrets, commercial, or financial information that is privileged or confidential;
 - v) censures and accusations of a crime;
 - vi) personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy;

- vii) investigative records compiled for law enforcement purposes;
- viii) that specifically relate to a civil action or other legal proceeding;
- ix) closed session discussion about any of the above topics
- x) records that contain legal advice or attorney-client communications or attorney work product; and
- xi) confidential mediation or arbitration documents.

b) After consultation with counsel to the Commission, the Executive Committee may designate records to be confidential and not available to the public for inspection.

Comments:

There may be some wisdom in delineating what the Commission **will** release rather than what we won't release. I know it is a different approach. However, the problem with listing is the insinuation that all items not listed are available. This might not always be the case.

Mark Spangler

Commissioner