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August 16, 2019

Kenneth Simmons, MD
IMLCC Chair
5306 South Bannock Street #205
Littleton, CO 80120

RE: IMLCC Legal Action

Dear Dr. Simmons,

I am in receipt of your response to my letter dated July 6, 2019, in which I expressed concerns regarding the legal basis and decision making of the Executive Committee (Committee) of the Interstate Medical Licensure Compact Commission (Commission). Thank you for your response.

Your response, in essence, implies that the Commission has no oversight authority over the Committee regarding any of its decisions or actions taken when the Commission is not in session. Your letter indicated that: my letter was considered by the Committee; the Committee reviewed its actions; the Committee determined that it acted appropriately; and therefore, the Committee declines my request to discuss this matter with the full Commission. The Committee's authority to act *on behalf of the Commission* between Commission meetings does not insulate it from oversight *by the Commission*. Contrary to your assertion, the authority delegated to the Committee pursuant to Section 11(k) **does not eliminate the majority Commission vote requirement** contained in Section 17(b) regarding the initiation of legal action, and for good reason. Initiating litigation against a Commission member state is a serious action which should be fully vetted and agreed upon by a majority of Commission members.

In addition, Article III section 3 (a) of the Commission bylaws states the Chairperson, "in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings." The Commission has neither given direction to initiate legal proceedings against a member nor ratified, or even been asked to ratify, any such action.

Article VII Section 1 of the bylaws states, "The Commission shall establish an executive committee which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact or these Bylaws." It goes on to state, "The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Compact."

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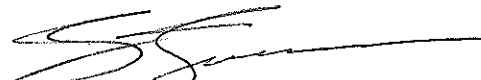
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Page 2

August 16, 2019

The refusal to place this matter on the Commission's agenda for discussion is unacceptable, and quite frankly, disturbing. I am, therefore, respectfully requesting that you reconsider your decision, and place the matter of our perceived disagreement between the two sections of compact law and the bylaws on the full Commission agenda so that all Commission members can discuss the issues, give guidance to the Committee and, if necessary, direct that changes to the bylaws be made to clarify the authority granted to the Committee. In the event that you again exercise your discretion not to place this matter on the Commission's agenda for discussion, I will seek to obtain the request of a majority of the Commissioners to have it placed on the agenda. Thank you in advance for your anticipated cooperation in recognizing the importance of this issue and the need for full Commission participation.

Sincerely,



Timothy Terranova

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