



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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VIA ELECTRONIC MAIL

Rules and Administrative Procedures Committee  
Interstate Medical Licensure Compact Commission  
c/o Marschall Smith, Executive Director

Re: Comments Regarding Proposed Amendments to IMLC Bylaws, Article III -  
Officers and IMLC Bylaws, Article VII - Committees

Dear Committee Members:

The Alabama Board of Medical Examiners (ALBME) is the state agency that is responsible for regulating all physicians and physician assistants for the State of Alabama. Alabama was the seventh state to join the Interstate Medical Licensure Compact (IMLC) and has been involved since its inaugural meeting in October of 2015.

Alabama appreciates the opportunity to comment on the proposed amendments to IMLC Bylaws, Articles III and VII.

**IMLC Bylaws, Article III - Officers  
Section 3. Duties**

Section 3. (a) outlines the duties of the Chairperson, including appointments of all IMLC commissioners to serve on a committee. The IMLC currently has sixty-two assigned commissioners, with member state appointments pending for an additional eighteen commissioners. It is the common and reasonable practice of the Chairperson, when making appointments, to consider the size of the committee and any expertise a commissioner may bring to a particular committee. Additionally, there are many considerations that could become necessary when making appointments to committees, including maintaining diversity among committee members.

It is Alabama's opinion that adding specificity to subsection a. is unnecessary and oversteps, reducing the discretion of the Chairperson to consider multiple factors when making committee appointments.

## IMLC Bylaws, Article VII – Committees

### Section 1. Executive Committee

The proposed amendments to paragraphs one and three attempt to reduce or remove the authority of the Executive Committee, which is specifically provided by IMLC Statute, Section 11 (k) which states:

*“The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. 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. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.”*

Additionally, these proposed amendments seek to remove the Executive Committee’s authority to set policy, or to delay the effective date until ratification by the full Commission.

A policy is defined in the IMLC Policy on Policies as:

III. DEFINITIONS Policy – *A policy is a governing set of principles that guide the IMLC Commission in its actions in the application and administration of the IMLC. It helps to ensure compliance with applicable laws and regulations, promotes operational efficiencies, and provides a basis for consistent decision-making, resources allocations or a method of action selected to guide and determine present and future decisions. It mandates actions or constraints and contains specific procedures to follow.*

Removing or reducing the authority of the Executive Committee will have a huge, negative impact on the operations of the IMLC. It will increase the number of full commission meetings to at least once a quarter or more, with less notice as situations arise that need attention. These full meetings will require a quorum to make or ratify decisions, which the commission has experienced problems with in the past and as the number of commissioners grows, so does the quorum requirement. This will also cost each commissioner and member state additional time and resources.

**In reference to the last paragraph of section 1:** The current language of the bylaws clearly state that the Executive Committee is subject to the requirements of Article VI of the bylaws which requires the posting of meeting notices, agendas and access links to the executive committee meetings be made available on the IMLC website. Therefore, Alabama feels that this additional language is redundant and unnecessary.

**Section 1&2 regarding executive sessions:** The IMLC statute section 11 (h) does allow



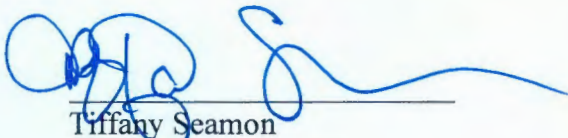
for closed meetings (executive sessions) to discuss specific confidential information. However, since the statute does not clearly state who may attend these closed meetings, Roberts Rules of Order gives the following general rule: "**A deliberative assembly or committee is normally entitled to make a determination that a nonmember may not attend a closed session including revealing information to nonmembers except those entitled to attend**" (emphasis added) pursuant to *Robert's Rules of Order, Newly Revised, 12th edition, 9:26*. In Alabama's opinion, the fact that the IMLC currently has sixty plus commissioners, to allow them all access to closed meetings would negate the purpose of a closed meeting. Additionally, no decisions are made in a closed executive session, only discussion of confidential matters. Any motions and voting are done in public session that allows access to all commissioner and the public. Alabama is therefore opposed to this amendment.

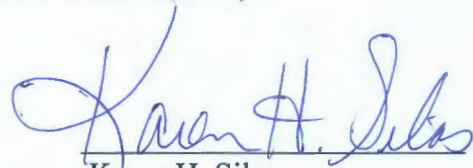
**Section 2. Committees regarding ex-officio members:** Alabama is in agreement with the proposed additional language.

**Section 2. The last paragraph regarding committee requirements:** Currently the committees are not subject to the requirements of Article VI of the Bylaws. Adding the additional proposed language "would" essentially make them subject to these requirements including establishment of a quorum before taking any actions. As referenced previously related to the full commission, Committees also struggle to have a quorum present at meetings, so this requirement would again reduce the efficiency of committees and operations of the IMLC. Alabama would not be opposed to amended language that allowed for committees to make recommendations to the executive committee for final approval.

Thank you for the opportunity to comment on these proposed Bylaw amendments. The Alabama Board of Medical Examiners recognizes the amount of work and dedication that goes into committee work and appreciates the organization and efficiencies provided by the IMLC.

For the Alabama Board of Medical Examiners,

  
Tiffany Seamon  
IMLC Commissioner

  
Karen H. Silas  
IMLC Commissioner