

**INTERSTATE MEDICAL LICENSURE COMPACT
COMMISSION
St. Paul, Minnesota
March 31, 2016**

The third meeting of the Interstate Medical Licensure Compact Commission convened at 12:05 PM with a call to order by Chairman Ian Marquand (MT).

Roll Call was completed by Secretary Shepard (WV) with 92% attendance of the twelve (12) member states, including the newest member state, Wisconsin.

Invited guests included: Rick Masters from The Council of State Governments and Colmon Elridge from The Council of State Governments National Center for Interstate Compacts, as well as Kay Taylor from FSMB. The public audience consisted of representatives from the AMA, AOA, the American Academy of Neurology and representatives from the State of Minnesota. No one identified themselves as attending the meeting by conference call.

Agenda:

The draft agenda was presented for review. On a motion by Commissioner Goetter (AL) and seconded by Commissioner Schaecher (UT) the agenda was approved by as presented by voice vote.

Minutes:

The minutes from the Commission meeting of December 18, 2015 were presented with recommended grammatical revisions to the draft minutes by the Secretary. Commissioner Schaecher (AL) requested the minutes reflect his offer to serve on the Bylaws/Rule Committee. On a motion by Commissioner Longo (NV) and seconded by Commissioner Clark (IA), the minutes were unanimously approved by voice vote with all recommended revisions included.

Committee Reports:

The following committee reports were made by their respective chairs.

Executive Committee:

Chairman Marquand (MT) reported that the Executive Committee had met on February 22, 2016 via conference call following the required 30 day notice. The primary purpose of this meeting was to set the agenda for the next meeting of the Commission with reports being received by committee chairs. While a work plan was not developed during that meeting, it is believed that after today's committee reports have been received the Executive Committee will be able to complete that task.

The Commissioners discussed the 30 day notice as a possible restriction placed on the Executive Committee for a timely response to urgent matters of the Commission. A motion was made by Commissioner Thomas (MN) and seconded by Commissioner Goetter (AL) to ask the Bylaws Committee to address the current 30 day notice requirement for Executive Committee meetings and any obstacles that may present for the committee to do its work. The motion passed by voice vote.

Budget Committee:

The Budget Committee did not have specific budget issues that required a meeting in the interim. The Budget Committee did ask The Council for State Governments to lead the Commission in a discussion of the 501(3)(c) tax status.

Mr. Masters has researched this topic in depth at the request of other compacts. While there is nothing to prevent the Interstate Medical Licensure Compact Commission from applying for a 501(c)(3) designation, it would require the incorporation of the Commission as a not-for-profit tax exempt organization. Under our statute, we have identified ourselves as an agent created by state governments which do not typically incorporate in order to preserve their sovereign immunity. However, seeking a private revenue ruling may answer the Commission's tax issues and still protect our immunity. The Commission could also investigate the formation of a 501(c)(3) Foundation to receive contributions.

A motion was made by Commissioner Zondag (WI) and seconded by Commissioner Thomas (MN) to ask the Commission Treasurer to obtain an FEIN number and establish a bank account and for CSG to seek a private revenue ruling.

Funding Committee:

The FSMB Foundation has approved a grant request from the Commission for \$25,000. On a motion by Commissioner Zondag (WI) and seconded by Commissioner Schneider (IL) the Commission approved the acceptance of the \$25,000 grant to be used for a pilot/dry run project on interstate licensing. The vote was approved by voice vote with one negative vote.

Commissioner Thomas (MN) moved and Commissioner Goetter (AL) seconded a motion to ask Chairman Marquand (MT) to write a thank you letter to the FSMB Foundation for the \$25,000 grant. Motion approved by voice vote.

Technology Committee:

Several phone conferences were held by committee members plus one face-to-face meeting in Euless, Texas with FSMB Information Technology Leadership. This meeting was held to discuss general "how to" issues on setting up a process of developing a mission-critical database to support the functions of the Compact.

The committee reported the obligations and options for both the Commission and the Member States as outlined in Section 8 of the Compact. Those are as follows:

- Commission:
- 1) Shall establish a database of all physicians licensed, or who have applied for licensure, through the IMLC.
 - 2) Has the authorization to adopt rules for mandatory/discretionary information sharing by member boards.

Member Boards:

- 1) Shall report to the IMLC any public actions or complaints against physicians who have applied or received a license through the IMLC.
- 2) Shall report disciplinary/investigative information per Commission Rule.
- 3) May report to the IMLC nonpublic complaints, disciplinary or investigatory information not otherwise required by Subsection 8 (c).
- 4) Shall share complaint/disciplinary information about a physician upon request of another member board.

The committee provided a “swimlane” which designated the licensing process for an initial compact license. This process could be used in a pilot project/dry run scenario being recommended by the Commission in its previous action. Much discussion ensued regarding the Hub portion of the swimlane and how that process relates to the authority of member states. The Technology Committee is not recommending any rules until implementation of the pilot begins. Motion was made by Commissioner Knittle (WV) and seconded by Commissioner Feist (MT) to accept the report of the Technology Committee and to use the \$25,000 grant and the proposed “swimlane” as a foundation for a pilot project/dry run towards compact licensing. The motion was approved by voice vote.

Montana, Iowa, Alabama, and South Dakota Commissioners volunteered their states to work with the pilot project/dry run when ready to begin.

Motion was made by Commissioner Schaecher (UT) and seconded by Commissioner MacGuire (WY) for the Executive Committee to put forth a timeline by June 1, 2016 for Commission approval, for a test on the concept for implementation of compact licensing. The motion was approved by voice vote.

Commission members expressed concern over the 30 day notice requirement for the Executive Committee to be able to meet the June 1, 2016 date for a proposed timeline. The Bylaws Committee Chair was asked for input on a possible revision to the Bylaws to address this issue. Commissioner Bowden (IA) will provide a recommendation in writing to the Commission tomorrow to address this issue.

Chairman Marquand recessed the Commission at 2:10 PM for a twenty minute break.

The Commission reconvened at 2:30 PM.

Personnel Committee: No recommendations were submitted by the Personnel Committee.

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However, the Committee did request a list of executive services CSG could provide in the interim. That information was shared with the Commission.

The Chairman opened the microphone to those in the audience for public comments. Comments were heard from Mark Vargus, Licentium Consortium; Christopher M. Foley, MD; and Leslie Milteer, AMA.

The meeting was recessed at 3:20 PM until tomorrow morning at 8:00 AM.

The third meeting of the Interstate Medical Licensure Compact was reconvened by Chairman Marquand at 8:05 on April 1, 2016. The Secretary called the roll with all in attendance from yesterday's meeting in addition to Commissioner Simon (WI) who joined for his first meeting.

Bylaws Committee: Chairman Bowden announced that Commissioner Carpenter has been appointed to serve on the Bylaws Committee with the departure of Commissioner McGill. The following policies were presented for approval by the committee:

- 1) A policy on policies
- 2) A conflict of interest policy
- 3) Rule on Rulemaking

A friendly amendment was made to revise the Policy Approval section of the **Policy on Policies**. The amendment was accepted by the Bylaws Committee and approved by the Commission with a voice vote with the wording as follows:

The authority to determine which policy action requires approval of the IMLC Commission rests with the executive committee, which shall review proposed policy action and decide to recommend it with or without amendments, return it for further study and analysis, or reject it all together. The Commission may review any approved or rejected policy and choose to vote to approve, rescind or reject such action of the Executive Committee.

A **Conflict of Interest Policy**, required by Compact language, had been distributed to all commissioners and was presented for review. After much deliberation with friendly amendments made and withdrawn, a motion was made by Commissioner Steinagel (UT) and seconded by Commissioner Schaecher (UT) to refer the Conflict of Interest Policy back to the Bylaws Committee. The motion carried by voice vote.

A **Rule on Rulemaking** was presented to the Commission for review. Friendly amendments made by Commissioner Knittle and accepted by the Bylaws Committee included the following:

- 1) Delete the last line under 1.1 Definitions;
- 2) Delete "of the IMLC Commission" under 1.3 Rule Adoption;
- 3) Delete one of "the next" typed on the next

- 4) to the last line on page 2, under 1.4 (b);
Eliminate the word “annual” under 1.4(a)(1).

Notice for Rule on Rulemaking was approved by voice vote with one opposition vote. A thirty (30) day public comment period is required by the Compact. The Bylaws Committee will insure the Rule on Rulemaking is posted on websites for the FSMB, CSG, License Portability and state member boards for public comments to be presented for approval at the next public meeting of the Commission.

Bylaws Committee provided an abridged Robert’s Rules of Order to each Commission member for reference.

Following the discussion in yesterday’s meeting regarding the 30 day public notice for the Commission’s Executive Committee, Commissioner Bowden (IA) provided a written recommendation to the Commission for adoption, requiring a 2/3 majority vote, to amend Article VII, Section 1, last sentence as follows:

The executive committee is subject to the requirements of Article VI of these Bylaws, except that the Executive Committee shall provide written public notice of all Executive Committee Meetings at least 72 hours prior to the meeting date and shall provide publicly the Executive Committee agenda 24 hours prior to the meeting date.

A friendly amendment was presented by Commission Schaecher (UT) to change 72 hour notice to 5 business days. The Bylaws Chair requested a recess to poll his committee members on this amendment.

Chairman Marquand (MT) recessed the meeting at 9:40 AM. The Commission reconvened at 10:00 AM.

Commissioner Schaecher (UT) modified his friendly amendment from 5 business days to 3 business days. The Bylaws Committee accepted the amendment to 3 business days. Chairman Marquand called for a voice vote which resulted in a unanimous decision to accept the revision to Article VII, Section 1.

Communications
Committee:

The committee met three times since the last Commission meeting. A list of all external communications received by the Communications Committee was presented for information. Items to be discussed with Commissioners included:

Dedicated Website for IMLCC: With no funds currently available for a dedicated website, the Commission continues to utilize sections of the License Portability website from FSMB, CSG website and member state board’s websites. Unfortunately, some of the information from these and other public websites are providing inaccurate information which is being identified as from the IMLCC. Commissioner Zondag (WI) moved and Commissioner Simons (WI) seconded for the

Communications Committee to investigate content needs and cost for a dedicated Commission website. The motion carried by voice vote.

Commissioner Clark (IA) moved and Commissioner Martinez (MN) seconded for the Communications Committee to contact FSMB and CSG asking how the Commission can assure that only the information discussed by the Commission is placed on those sites designated for the IMLCC. Motion was approved by unanimous voice vote.

All member state boards should include Chairman Marquand's contact information on their individual board websites as the IMLCC official contact person.

The Commission instructed the Communications Committee to prepare a list of frequently asked questions about the Commission.

Coordinating Committee:

With the assistance of Kay Taylor in travel and lodging accommodations, CSG in compiling the Briefing Books and the host states follow through in arranging Commission meetings, the Coordinating Committee has fulfilled its original mission. A motion was made by Commissioner Goetter (AL) and seconded by Commissioner Thomas (MN) to disband the Coordinating Committee. Motion was approved by voice vote.

Next Meeting of the Commission:

Motion was made by Commissioner Martinez (MN) and seconded by Commissioner Feist to hold the next meeting of the IMLCC in Salt Lake City, Utah on June 24, 2016. Motion was unanimously approved by voice vote.

Committee Appointments:

As new members to the IMLCC, Commissioner Simons (WI) Commissioner Zondag (WI) and Commissioner MacGuire (WY) were asked to provide, in writing, to the Chairman any committee assignments for which they would be interested in serving.

The Chairman opened the microphone to those in the audience for public comments prior to the Commission's adjournment.

Adjournment:

On a motion by Commissioner Zachariah (IL) and seconded by Commissioner Schaecher (UT) the meeting was adjourned at 11:55 AM.

Respectfully submitted,

Diana Shepard, CMBE
Commission Secretary

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