

**INTERSTATE MEDICAL LICENSURE COMPACT
COMMISSION
Salt Lake City, UT
June 24, 2016, 2016**

The fourth meeting of the Interstate Medical Licensure Compact Commission was called to order at 8:25 AM by Chairman Ian Marquand (MT).

The Commission membership is now at 17 states with Arizona, Colorado and Kansas commissioners attending their first meeting this morning. Mississippi and New Hampshire have joined the Compact but have yet to appoint their commissioners. Roll Call was completed by Secretary Shepard (WV) with 14 of the 15 member states with appointed commissioners present. Both Commissioners from South Dakota asked to be excused with no alternates named.

Agenda:

The draft agenda was presented for review. On a motion by Commissioner Martinez (MN) and seconded by Commissioner Knittle (WV) the agenda was recommended for approval. Commissioner Zachariah, who was not expected to be attending the meeting today, announced from the conference phone that he was able to present a Budget Committee report in brief if added to the agenda. With a friendly amendment to only accept the report with no action required and agreed upon by Commissioner Martinez (MN) and Commissioner Knittle (WV), the agenda was approved as amended by voice vote. Commissioner Cousineau (NV) voted against the amendment.

Minutes:

The minutes from the Commission meeting of March 31-April 1, 2016 meeting were presented with by Secretary Shepard. Commissioner Goetter (AL) moved approval of the minutes as presented. The motion was seconded by Commissioner Simons (WI). The minutes were approved by voice vote with the Arizona commissioners abstaining.

Report on Compact Status:

Five new states have joined the Compact since our last meeting in St. Paul, MN. They include Arizona, Kansas, Colorado, New Hampshire and Mississippi.

Chairperson's Report:

HRSA Grant:

FSMB has received the initial notice of award from HRSA, the federal Health Resources and Services Administration of a three year, \$250,000 per year grant for the support of the IMLCC. With the notice of award came a request from HRSA for additional information that should come directly from the Commission. With the deadline for submission of June 18, 2016, Commission officers felt a meeting of the Executive Committee was needed to prepare responses to the following questions:

- 1) Marketing Plan
- 2) Sustainability beyond the term of the grant
- 3) Program milestones (including use of the Compact by physicians)

At the direction and with input from the Executive Committee, Chairman Marquand (MT) was asked to work with FSMB on drafting a response prior to the deadline. However, HRSA extended the deadline until July 15, 2016 allowing this draft to be brought before the full commission. The Commission agreed with the Executive Committee's request to direct Chairman Marquand to provide information, as submitted in the proposed draft, in answer to HRSA's questions about the grant.

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Chairman Marquand (MT) referenced a letter from Commissioner Hansen (SD) that had been forwarded to each commissioner. The letter stated Commissioner Hansen's perceived conflict of interest between the Commission and FSMB and asked that this issue be addressed. Without the presence of anyone from South Dakota to address questions, the letter was referenced as having been received. Commissioner Steinagel (UT) stated that with the approval of a Conflict of Interest Policy later in today's meeting and the approval of the HRSA grant to provide funding for technology and staffing needs, the Commission is at a much better place to begin reaching out to different vendors and begin drafting RFP's during the vendor selection process. Motion was made by Commissioner Goetter (AL) and seconded by Commissioner Simons (WI) to offer a policy statement to accept the cooperation of the Federation of State Medical Boards in support of the IMLCC without concern of conflict of interests. The motion carried by unanimous voice vote.

Website Presence:

Chairman Marquand (MT) has had discussions with Lisa Robin and Jonathan Jagoda from FSMB regarding the distinction between informational material and promotional material found on the "licenseportability.org" website. Ms. Robin and Mr. Jagoda proposed the "licenseportability.org" website be turned over to the IMLCC and that the Commission take full ownership of that domain. An MOU (Memorandum of Understanding) has been received from FSMB. This will be further discussed under the report of the Communications Committee.

Presentations:

Chairman Marquand (MT) reported on three presentations given at annual meetings of the Administrators in Medicine and the Federation of State Medical Boards and a presentation to the Montana Association of Medical Staff Services. A request has been received from the National Crime, Prevention and Privacy Compact Council for a speaker from the IMLCC. Commissioner Lippert (KS) offered to represent the Commission with this council as she is an attorney and has had experience in this area.

Media Requests:

The Healthcare Financial Management Association has requested a quote from the Commission to be placed in their upcoming HFMA magazine. The article has been shared with the Communications Committee. Chairman continues to respond to news organizations, online business and professional publication requests and keeps a file on each response.

Correspondence:

Chairman Marquand (MT) continues to respond to emails, phone calls and written requests for information about the compact. Most inquiries are about timeline to licensure.

Committee Reports:

Budget Committee/Treasurer:

Treasurer Zachariah (IL) reported that a tax identification number has been filed with the IRS, a bank account has been established with Chase Bank and the \$25,000 donation from the FSMB Foundation has been deposited.

Executive Committee:

The committee has met four times since the last commission meeting. At the May meeting, the Executive Committee recommended the Commission follow the conservative timeline to licensure of January 2017.

Funding Committee:

Has not met since last commission meeting. Nothing to report.

Communications Committee:

The Communications Committee reports gifts of two websites offered to the Commission. The first is the LicensePortability.com website from the FSMB and the second offer is from Blake Maresh, Executive Director of the Washington State Board of Osteopathic Medicine and Surgery. Mr. Maresh was one of the original drafters of the compact legislation and had created a website for possible future use. Commissioner Schaecher (UT) made a motion to create an RFP for a commission website with input from the Communication and Technology Committees. Motion was seconded by Commissioner Templeton (KS). Motion was withdrawn with information forthcoming from the Technology Committee report.

Until such time that the IMLCC has a dedicated and working website, motion was made by Commissioner Martinez (MN) and seconded by Commissioner Goetter (AL) for the IMLCC to continue utilizing the licenseportability.org site with direction from the Communication Committee to FSMB as to what should be placed on the website. A friendly amendment was made by Commissioner Zondag (WI) to give the Communications Committee authority to ask FSMB to bifurcate the licenseportability.org website or work with the Communications Committee regarding content and ownership of the license portability site. The amended motion carried by voice vote.

Vice Chairman Thomas (MN) moved and Commissioner Simons (WI) seconded that the Communications Committee be given authority to explore and obtain a domain name while maintaining IMLCC information on the licenseportability.org website. Commissioner Zondag (WI) made a friendly amendment to give the Communications Committee the authority to identify and reserve a domain name from Commission funds, while maintaining IMLCC information on the licenseportability.org website. The amendment was accepted by Commissioners Thomas (MN) and Simons (WI). The amended motion was approved by unanimous voice vote.

Personnel Committee:

With the impending timelines for licensure, the Personnel Committee stated a Project Manager will be needed to insure the licensing process. The committee recommends the Commission consider the following options for securing a Project Manager for the demonstration project:

- 1) Investigate a memorandum of understanding with the FSMB for engagement of a Project Manager;
- 2) Should the FSMB not have personnel to act as a Project Manager, investigate whether the Council of State Governments may have such personnel available via an MOU,
- 3) Should CSG not have such personnel available, the IMLCC would solicit compact member states for possible personnel to serve in this capacity and,
- 4) Should no member state have such resources, the IMLCC would solicit for a Project Manager through normal personnel recruitment processes.

Rulemaking:

Bylaws/Rules Committee Chairman Bowden (IA) presented the revised Conflict of Interest Policy for approval stating changes could only be made if brought back to the full Commission. Point of Order was raised as Section 11K of the compact specifically gives the Executive Committee the authority to act on behalf of the Commission, with the exception of rulemaking. However, Bylaws Committee respectfully requests that any substantial change to the Conflict of Interest Policy come before the full Commission for discussion. With regard to any gift received by the Commission, if it is given as a gift provided under contract or grant, it should be reported as such. If the gift is given independently from a contract or grant and if a Commissioner has a relationship with the giving organization, they should recuse themselves from any vote or discussion or could be recused by the Commission.

The policy was approved by unanimous voice vote.

The Commission recessed at 10:40 AM and reconvened at 11:00 AM for the Public Hearing regarding the IMLCC Rules Proposal on Rulemaking.

PUBLIC HEARING ON RULE FOR RULEMAKING:

A public hearing was held on the rule for rulemaking and an external court reporter documented that hearing.

Following the public hearing, the Bylaws Committee recommended the proposed rule on rulemaking be adopted and become immediately effective. The proposed rule on rulemaking was unanimously adopted by voice vote. The Commission expressed their appreciation for the work done by the Bylaws/Rules Committee. Until such time as an Executive Director is hired, the rules will stay housed with the Bylaws and made available on the websites of each state member board.

Ad Hoc Committee on Licensing:

As the Commission had a few minutes before lunch became available, Chairman Marquand moved down to item XIII on the agenda. The Ad Committee on Licensing met two times since the last Commission meeting and looked at sections 2,3,4 and 5 of the compact pertaining to licensing, looking for any ambiguity that may exist prior to any rulemaking and defining where rulemaking would begin. This was provided to the Commission members under Exhibits "C" and "D" in the briefing book and will be incorporated into the rule for licensing. However, a written report from the Ad Hoc Committee on Licensing was not provided in the Briefing Book but copies will be made available to the Commissioners prior to the rule being prepared by the Bylaws/Rules Committee and prior to its presentation to the Commission for approval.

Chairman Marquand (MT) recessed the Commission at 11:40 AM for lunch and reconvened again at 12:10 PM.

Technology Committee:

Thanks extended by Chairman Bohnenblust (WY) for the work done to clarify definitions for the work of the Technology Committee as the Commission moves forward to licensure. A modified "swimlane" was provided by the committee along with the following recommendations:

- 1) Two proposed timelines to licensure for Commission designation. The more aggressive date was listed as October 27, 2016. The conservative date was January 2, 2017;
- 2) Dispense with a "paper" licensing process and go with a cloud solution as the "hub" and testing process;
- 3) Utilization of a cloud solution such as "DocuSign" for the application process and a credit card payment service such as "PayPal" to handle payments and record keeping;
- 4) FSMB Data Center to be used as a source for validation of physician information, pre-population of fields in database and storage of all physician data;
- 5) Ensuring confidentiality and security of data through third party agreements;
- 6) Secure a Project Manager to oversee the development and implementation of the initial licensure process and have the salary for this individual come from the remaining HRSA grant funds or the FSMB Foundation grant.
- 7) Rules need developed and approved as outlined in Exhibit "C" and as they pertain to fees.

Commissioner Bowden (IA) indicated that it would take at least three months to meet the reporting requirements for public comments and public hearings to approve rules for the licensing process. Each committee must coordinate their work with other committees, as well as the Executive Committee, to insure timely completion of each facet of the demonstration project. Commissioner Lawler (ID) reminded member states to review their current fee schedules and be cognizant of timelines for their individual legislative processes as the IMLC licensing process proceeds towards January 2017.

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A motion to accept the conservative framework with a deadline for licensure of January 2017 was made by Commissioner Schaecher (UT) and seconded by Commissioner Templeton (KS). The motion passed unanimously by voice vote.

Motion was made by Commissioner Knittle (WV) and seconded by Commissioner Thomas (MN) for the Commission to immediately seek a Project Manager. Motion carried by voice vote. A follow up motion was made by Commissioner Knittle (WV) to refer the task of seeking a Project Manager to the Technology Committee. Commissioner Goetter (AL) seconded the motion which carried by unanimous voice vote.

Chairman Marquand (MT) recessed the Commission at 2:00 PM for a short break. The Commission reconvened at 2:15 PM.

Report From Federation of State Medical Boards:

Lisa Robin provided a historical background of the HRSA grant for newer commission members along with the financial breakdown of grant monies spent over the 2015-16 fiscal year. Ms. Robin reported that not all funds from the 2015-16 HRSA grant for license portability have been spent and she does not anticipate there being any issues from HRSA to prevent those monies from carrying over to the 2016-17 fiscal year.

Report of Council of State Government:

Colmon Elridge acknowledged the interest and shift of federal intervention into the licensing world based on the work being done by the IMLCC. He also requested that any reimbursement that should be coming out of the 2015-16 HRSA grant be forwarded to Kay Taylor as soon as possible. June 30, 2016 marks the end of the current grant and all monies must be accounted for before July 1, 2016.

Next Meeting Dates for the Commission:

The next face to face meeting of the IMLCC will be held October 3, 2016, in Kansas City, KS. This will be a one day meeting. A virtual meeting will be scheduled for the Commission on August 24, 2016. Hopefully, this will be only a half day meeting beginning at 1:00 PM, EST. Another face to face meeting will be needed in December to insure the Commission is ready for the January 2017 deadline. Arizona will be the intended location and their commissioners will report back to the Commission on an anticipated date. At the December meeting, it is hoped to schedule all 2017 meetings of the Commission.

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 Thomas (MN) and seconded by Commissioner Knittle (WV) the meeting was adjourned.

Respectfully submitted,

Diana Shepard, CMBE
Commission Secretary