

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
EXECUTIVE COMMITTEE

Conference Call
August 13, 2024

MEETING MINUTES

Call to Order
Chair Silas (AL)

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 3:02 pm, Eastern Time via conference call. The meeting was called to order by Chair Silas (AL).

Roll Call
Secretary Smith

The roll was called, and a quorum was established.

Members Present

Commissioner Silas (AL) - Commission Chair
Commissioner Manahan (MN) - Commission Vice Chair
Commissioner Spangler (WV) - Past Chair
Commissioner Rodman (KY) - Chair of the Communications Committee
Commissioner Herlihy (VT) - Chair of the Personnel Committee
Commissioner Bohall (AZ) - Chair of the Rules and Administrative Procedures Committee
Commissioner Hunthausen (MT) - Chair of the Technology Committee

Members Absent

Commissioner Cleveland (MS) - Treasurer and Chair of the Budget Committee

Staff Present

Keyla Blanco, Controller; David Clark, Operations Manager; Rick Masters, Legal Counsel; Matthew Robison, IT Manager; Marschall Smith, Executive Director

Other commission members and members of the public

Commissioner Douglas Smith (MD)

Approval of agenda
Chair Silas (AL)

An agenda was provided to the members prior to the meeting.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER RODMAN (KY), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

Approval of the minutes
Executive Director Smith

The draft minutes of the July 9, 2024 was provided to the members prior to the meeting.

MOTION

MOVED BY COMMISSIONER HUNTHAUSEN (MT) SECONDED BY COMMISSIONER MANAHAN (MN), TO APPROVE THE JULY 9, 2024 MEETING MINUTES.

MOTION PASSED

UNANIMOUS

Budget Committee
*Executive Director Smith for
Treasurer Cleveland (MS)*

The committee will be meeting quarterly until the work for the FY2026 budget starts in January. The next meeting is scheduled for October 2024. The following report was provided:

- The 1st month of the fiscal year, July 2024 show revenue greater than the monthly revenue average in FY2024 - a good start to the year.
- July expenses were under budget.
- The executive director's spending authority has just started and is within the monthly projections.
- The IMLCC's investment portfolio was particularly strong in July.
- The ACH payment process is up and running successfully. The processing fees for ACH is 0.80% to a maximum of \$5.00 compared to credit card fees of 2.9% plus \$0.30 per transaction. However, ACH payments take longer to process through the banking system, generally 3 to 5 business days vs. a credit card transaction which happens same day. Kudos to the IT team for the successful implementation.
- The FY2024 audit has started with the closing of the IMLCC's books. The IMLCC's auditors are Clifton, Larson, Allen (CLA) and the plan is to do the field work from October to December with the final report available in mid-January 2025.

Communication Committee
Commissioner Rodman (KY)

The committee met on July 30, 2024, with 7 of the committee members present. The following report was provided:

- The committee met with the new Media and Outreach consultant, Chantel Hougland.
- The draft language for Enhanced Physician Portal (EPP) FAQs to be posted to the webpage was reviewed, along with the system generated emails. Work will continue with the goal to finalize at the next meeting.
- IMLCC Customer Service staff is creating a Spanish version of selected parts of the webpage.
- The next meeting of the committee is scheduled for August 28, 2024, where the committee will start work on the IMLCC's Annual Report.

Personnel Committee
Commissioner Herlihy (VT)

The committee has not met since April 1, 2024.

Nothing to report at this time.

Rules & Administrative Procedures Committee
Commissioner Bohall (AZ)

The committee met on July 24, 2024. The following report was provided:

- The committee reviewed the proposed IMLC Bylaws, Article XII - Nominating Committee, referred for consideration by the Executive Committee. The committee unanimously recommended that the rulemaking be started and requested the Executive Director to obtain Commissioner comments.
- The committee discussed the value of a participation committee and are working on how the committee could generate more involvement from Commissioners.
- The next meeting of the committee is scheduled for August 20, 2024.

Technology Committee
Commissioner Hunthausen (MT)

The committee met on August 8, 2024. The following report was provided:

- The committee was pleased that the ACH project has been successfully launched.
- The committee reviewed and approved the IT Manager's Financial Reporting project plan.
- The committee is discussing ways to provide funds to member boards for implementation of the API projects. The next meeting of the committee will discuss how proposals will be reviewed and develop criteria for use of the funds.
- The next meeting is scheduled for September 19, 2024.

Executive Director Update *Executive Director Smith*

An update was provided regarding:

- July work load
 - Phone calls = 1,191 (1,167 June)
 - Emails = 977 (876 June)
- July processing volume
 - Applications processed = 2,317 (1,976 June)
 - Licenses issued = 3,833 (3,302 June)
 - Previously issued licenses renewed = 2,695 (4,225 June)
- July member board remittances
 - Transactions = 8,067 (8,263 June)
 - Fees paid to member boards = \$2,980,599.31 (\$3,030,736.48 June)
- July inquires on LOQs issued - Since 2017, 32 of the 70,683 LOQ applications have been found to be invalid and 50 physicians have been the subject of 112 disciplinary actions.
 - 2 LOQ questions were raised
 - Dr. JSP - The SPL determined that the LOQ should not have been issued as the physician had disciplinary action reported to the NPDB. Impacted member boards were notified.
 - Dr. LHP - The SPL determined that the LOQ should not have been issued as the physician's board certification had expired prior to the LOQ application. Impacted member boards were notified.
 - 1 disciplinary action was reported and a joint investigation that was formed in April 2024 has 10 member boards.
 - Dr. KMB - A member board took suspension action on a previously reported action. Impacted member boards were notified.
- One new Commissioners were appointed in July.
 - There are 21 unfilled appointments.
- There is active legislation in 3 states: MA, NY, and NC

Closed Meeting *Chair Silas (AL)*

The Executive Committee determined that it should enter into a closed meeting in order to: (1) discuss a matter with legal counsel in accordance with IMLC Statute, Section 11, paragraph (h)(1) & (2). Legal Counsel certified that the reason to close the meeting complied with the IMLC Statute and Rules.

The executive committee members and legal counsel were invited to a segregated area of the virtual meeting space for the closed meeting portion which started at approximately 3:22 pm Eastern time. The

public space of the virtual meeting remained active during the closed meeting.

MOTION

MOVED BY COMMISSIONER RODMAN (KY), SECONDED BY COMMISSIONER HERLIHY (VT), TO CLOSE THE EXECUTIVE COMMITTEE MEETING FOR THE PURPOSE OF DISCUSSING A MATTER WITH LEGAL COUNSEL.

MOTION PASSED

UNANIMOUS

Resumption of the open meeting
Chair Silas (AL)

The closed meeting ended at approximately 4:42 pm Eastern time. The Executive Committee resumed its business in open session.

Discussion/Action Items
Chair Silas (AL)

ACTION ITEM #1 - Consideration of revised version of Advisory Opinion 01-2024 which was requested by the Maine Board of Licensure in Medicine. The Advisory Opinion dealt with the permanent voluntary surrender of a license/registration from the Drug Enforcement Agency (DEA) and how this situation was not specifically addressed in the IMLC model statute, Section 2, paragraph (k)(8). A request was made to change the word "license" and replace it throughout the document with the word "registration" to more accurately reflect the authorization from the DEA. Legal counsel was instructed to ensure that the voluntary surrender not related to disciplinary matters were not included as part of the Advisory Opinion and make the necessary modifications to ensure clarity on this point. After discussion, the question was called.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER SPANGLER (WV), TO ADOPT ADVISORY OPINON 01-2024 WITH INSTRUCTIONS TO LEGAL COUNSEL AS NOTED IN THE DISCUSSION.

MOTION PASSED

UNANIMOUS

ACTION ITEM #2 - Discussion and action related to the matter concerning the State of Maryland. The question was called.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER HUNTHAUSEN (MT), TO REQUEST THAT THE COMMISSIONERS OF THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION FIND THAT THE STATE OF MARYLAND HAS FAILED TO PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES IMPOSED UPON IT BY THE COMPACT AND IS CONSIDERED IN DEFAULT. FURTHER, IN ORDER TO CURE THIS DEFAULT, THE STATE OF MARYLAND MUST:

- WITHIN 10 DAYS COMPLETE THE APPLICATION IN THE *iStarsII* SYSTEM THAT HAVE BEEN IN A PENDING STATUS SINCE JULY 1, 2024; AND
- CONTINUE TO COMPLETE APPLICATIONS IN THE *iStarsII* SYSTEM AS THEY ARE RECIEVED; and
- AT ITS DISCRETINO, THE STATE OF MARYLAND MAY DETERMINE THAT IN ADDITION TO THE ITEMS ABOVE, ACTIVELY BEGIN WORK TOWARD IMPLEMENTATION OF AN API PROCESS TO ADDRESS FUTURE APPLICATIONS, OR CONTINUE TO MANUALLY COMPLETE THE APPLICATIONS RECEIVED IN *iStarsII*.

MOTION PASSED

UNANIMOUS

Commissioner Comments

Chair Silas (AL)

Commissioner Douglas Smith (MD) asked when the agenda for the August 27, 2024 meeting would be published. The chair replied that it would be published at least 10 days prior to the meeting.

Public Comments

Chair Silas (AL)

None were provided.

Adjournment

Executive Director Smith

There being no further business, the meeting was adjourned at 4:54 pm Eastern Time.