

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
SPECIAL MEETING OF THE EXECUTIVE COMMITTEE
Conference Call
September 17, 2024

MEETING MINUTES
DRAFT

Call to Order
Chair Silas (AL)

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 4:00 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 Cleveland (MS) - Treasurer and Chair of the Budget Committee
Commissioner Spangler (WV) - Past Chair
Commissioner Rodman (KY) - Chair of the Communications Committee
Commissioner Herlihy (VT) - Chair of the Personnel Committee
Commissioner Hunthausen (MT) - Chair of the Technology Committee

Members Absent

Commissioner Bohall (AZ) - Chair of the Rules and Administrative Procedures 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

None were noted

Discussion/Action Items
Chair Silas (AL)

Discussion Item #1 - Vice Chair Manahan (MN) led the discussion. Based on new information regarding harm that is being caused to physicians, in that they are unable to renew a license to practice medicine in Maryland using the IMLCC process should action be taken by the Executive Committee to instruct IMLCC staff to input the licensure and renewal information into the iStarsII system on behalf of the Maryland Board of Physicians. Additionally, is the potential harm and potential disruption of services sufficient to warrant immediate action as a compromise to mitigate the potential interruption of patient care caused by Maryland's decision not to complete the renewal process within iStarsII. Vice Chair Manahan shared a proposed motion to accomplish this directive and opened the floor to discussion.

Commissioner Hunthausen (MT) suggested that a new rule be created to provide guidance to member boards regarding their obligation to act on their own behalf, a function that could not be delegated to IMLCC staff. He provided a history of the iStarsII system's development and separation of duties and system authorizations. And noted that the Technology Committee would be meeting on September 19, 2024 to

discuss this matter. Also of concern was the long-term view, but supported taking action to address the short-term issue at hand.

Commissioner Cleveland reported that it was difficult to understand the proposed motion and requested that it be displayed. A copy of the proposed motion was made available for the meeting attendees.

Commissioner Spangler noted that a compromise requires at least 2 parties agreeing to an action and this motion was a unilateral action by the Executive Committee. After discussion the language was changed to state that the proposed action was a “good faith concession.”

Commissioner Manahan (MN) read his motion into the record.

Commissioner Cleveland (MS) asked about staffing needs and requirements to input the data on behalf of a board. The executive director reported that it is estimated that it would require 1/5 of an FTE per board. Commissioner Cleveland’s position is that if this process is offered to a member board it should be open and available to all member boards.

Commissioner Hunthausen (MT) expressed concern about the impact on IT priorities established by the Technology Committee.

Commissioner Spangler (WV) stated that it is incumbent on the executive committee to understand and mitigate the potential damage and harm to physicians and ultimately their patients. It should be the driving consideration and basis of any action by the executive committee.

Mr. Masters, IMLCC Legal Counsel, stressed in the strongest terms, that the greatest risk in this situation is to the physicians, as they are unable to continue in their practice without action. The action by the executive committee, should be a good faith concession and taken unilaterally if needed. The concern that other member boards will ask for the same concession and opportunity afforded by the Maryland Board of Physicians is an important consideration and if accommodation is requested should be granted. The short-term solution offered, if adopted will help to mitigate any risk to physicians. It was his legal opinion that the motion should be adopted and action taken.

A general question was asked regarding the role of the API option and should the concession of IMLCC staff entering a member board’s data be tied to the board actively working to implement the API process? Should this be addressed by a rule?

Commissioner Manahan (MN) stated that this is a short-term solution, motivated by the impression that the full commission is unwilling to take action or require compliance.

Commissioner Spangler (WV) expressed frustration that the meeting of the full commission did not allow for adequate discussion and that most commissioners were unable to ask questions or develop an understanding of the broader picture/situation.

Two friendly amendments, which changed the original wording but not intent of the motion, were offered and accepted by Commissioners Manahan and Rodman.

Mr. Masters was instructed to work with the Rules & Administrative Procedures Committee to develop a rule change to address the situation.

1st MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER RODMAN (KY), IN AN EFFORT TO AVOID THE INTERRUPTION OF PATIENT CARE AND LOSS OF PHYSICIAN LICENSURE, THE EXECUTIVE COMMITTEE HEREBY, AS A GOOD FAITH CONCESSION, DIRECTS IMLCC STAFF, TO COMPLETE THE 2024 RENEWAL PERIOD FOR THE MARYLAND BOARD OF PHYSICIANS, TO TAKE ALL NECESSARY STEPS TO ENTER INTO THE IMLCC ISTARSI MANAGEMENT SYSTEM THE PHYSICIAN LICENSURE AND RENEWAL INFORMATION PROVIDED TO IMLCC STAFF BY THE MARYLAND BOARD OF PHYSICIANS SINCE JULY 1, 2024. THE EXECUTIVE COMMITTEE TAKES THIS ACTION IN RECOGNITION THAT ADVICE OF THE IMLCC AUDITORS INDICATE THAT THE POTENTIAL EXISTS FOR MATERIAL FINDINGS SINCE THESE DIRECTED ACTIONS CIRCUMVENT THE DESIGN OF ISTARSI AND, AS SUCH, MAY BE VIEWED AS A VIOLATION OF THE STANDARDS ESTABLISHED BY THE GOVERNMENT ACCOUNTING STANDARDS BOARD (GASB) BECAUSE 1) IT IS AN EXCEPTION TO THE REQUIREMENT THAT DUTIES BE SEGREGATED; 2) CREATES THE POSSIBILITY OF DATA CORRUPTION; AND 3) INCREASES THE POSSIBILITY OF FRAUDULENT DATA ENTRY. FURTHER, THE EXECUTIVE COMMITTEE BELIEVES THAT THIS TEMPORARY ACTION IS JUSTIFIED BECAUSE 1) A NUMBER OF PHYSICIANS WILL BE UNABLE TO COMPLETE THE RENEWAL OF THEIR LICENSES IN MARYLAND THROUGH THE IMLCC PROCESS THROUGH NO FAULT OF THEIR OWN BUT DUE TO THE RECENT REFUSAL BY THE MARYLAND BOARD OF PHYSICIANS TO ENTER THE INFORMATION INTO ISTARSI; AND 2) THE EXECUTIVE COMMITTEE HOPES AND EXPECTS THE MARYLAND BOARD OF PHYSICIANS WILL TAKE ALL REASONABLE STEPS TO IMPLEMENT AN APPLICATION PROGRAM INTERFACE (API) FOR RENEWALS, WHICH IS NOW AVAILABLE FROM IMLCC, AND ALL OTHER APIS AS THEY BECOME AVAILABLE FROM IMLCC. APIS ALLOW DATA TO BE ENTERED ELECTRONICALLY, SIGNIFICANTLY REDUCING THE NEED FOR MEMBER BOARDS TO ENTER DATA MANUALLY.

MOTION PASSED

UNANIMOUS

2nd MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER RODMAN (KY), INSTRUCTING THE EXECUTIVE DIRECTOR TO PROVIDE A COPY OF MOTION #1 TO ALL COMMISSIONERS.

MOTION PASSED

UNANIMOUS

Commissioner Comments
Chair Silas (AL)

None were provided

Public Comments
Chair Silas (AL)

None were provided

Adjournment

Executive Director Smith

There being no further business, the meeting was adjourned at 4:50 pm Eastern Time.