

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

August 27, 2024

MEETING MINUTES

Call to Order
Chair Silas (AL)

The Interstate Medical Licensure Compact Commission convened at approximately 3:01 PM Eastern time via video conference.

Roll Call
Secretary Smith

The roll was called, and a quorum was established.

Approval of the agenda
Chair Silas (AL)

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

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER KARINEN (WA), TO APPROVE THE AGENDA.

MOTION PASSED

WITH 43 YES VOTES AND 1 NO VOTE

Objection raised regarding the meeting

Commissioner Farrelly noted a concern and objected to the decision of the Chair that the meeting would not be recorded.

The Chair noted the objection and the meeting proceeded.

Statement of Purpose
Chair Silas (AL)

The Chair provided a summary of why the need for a Special Commission meeting was called. The Commissioners were requested to determine if the State of Maryland should be considered in default of their obligations. The Commissioners were requested to review the information provided to them prior to the meeting and the presentations to be made by the Executive Director and Commissioners Farrelly and Smith from Maryland.

Allegations against the State of Maryland
Executive Director Smith

IMLCC Executive Director Marschall Smith provided a summary of the concerns raised and statutory requirements of member boards as it relates to their participation in the Interstate Medical Compact.

Specifically:

- IMLC Statute, Section 5, requires member boards to issue licenses and authorizes the creation of rules about the process
- IMLC Statute, Section 8, authorizes the creation of a coordinated information system
- IMLC Statute, Section 12, authorizes the IMLCC to enforce compliance
- IMLC Statute, Section 17, outlines the enforcement actions
- IMLC Statute, Section 18, defines default procedures
- IMLC Rule, Chapter 5, paragraph 5.3, authorizes the use of the coordinated information system for the processing of applications
- IMLC Rule, Chapter 5, paragraph 5.5, requires a member board to issue a license and report the issuance of the license

A system demonstration of the steps required for the input of a license approved by a member board and the renewal of an issued license was provided using the training/demo area of the *iStarsII* system. The *iStarsII* is the coordinated information system created under the authority of IMLC Statute, Section 8.

The *iStarsII* system was created to provide a bright line between the actions of member boards and IMLCC staff. The authorities and actions are different and auditable. This bright line is created by establishing specific log-in authorities to each person with access to the system, these log-in authorities are also known as “seats”. The seat is secured by each user having a unique identification and password. The *iStarsII* tracks activity within the system and records the actions and approvals taken by each seat. The ability to enter the information and generate action within the *iStarsII* system cannot be delegated or assigned to anyone outside of that member board.

The concerns raised by the July 1, 2024 letter from the Maryland Board of Physicians:

- As noted above, there exists no process to input information about the Maryland Board of Physicians into the *iStarsII* system other than by Maryland Board of Physicians staff.
- The request for IMLCC staff to input the information was not appropriate, as a member board’s functions cannot be delegated.
- The failure of the Maryland Board of Physicians to input information into the *iStarsII* has placed physicians at risk, as the licensure information will remain in a pending status, preventing the physician from renewing their license and not allowing other member boards to see the licensure information in the *iStarsII* system.
- The Maryland Board of Physicians should be considered in default of their obligations as they are not providing or reporting information in the Coordinated Information system.

Statement from the Maryland Board of Physicians

Commissioner Farrelly (MD)

Commissioner Farrelly provided a PowerPoint presentation. The Maryland Board of Physician’s position is that they are not in default of their obligations based on:

- Licenses have been issued by the Maryland Board of Physicians to qualified applicants
- The Maryland Board of Physicians is emailing a .pdf file to IMLCC staff with all the requested information regarding the license so that the IMLCC can maintain its coordinated information system
- The Maryland Board of Physicians are confused by the comments and presentation made by the IMLCC Executive Director

The Maryland Board of Physicians believes that the Executive Director and the Executive Committee were threatening and unreasonable. And had no intention of working to resolve the situation. Instead,

- This meeting was scheduled on July 24, 2024
- Legal counsel from the Maryland Board of Physicians and IMLCC had two (2) telephone calls about the issue
- The Maryland Board of Physicians requested the name of the IMLCC’s IT Manager but it was not provided

The Maryland Board of Physicians believes that it has made efforts to resolve the issue. A meeting took place between the Maryland Board of Physicians IT Manager and IMLCC IT Manager on August 20, 2024 and a follow-up meeting has been scheduled. The Maryland Board of Physicians has been placed on the list of API pilot member boards. Maryland Board of Physicians staff have reported that they entered the data necessary for individuals required to renew their licenses this year.

The Maryland Board of Physicians believes that there is no default and no grounds for a default, due to the email and .pdf reporting of information as required by IMLC Rule, Chapter 5, paragraph 5.5(4).

It is the Maryland Board of Physician's position that no statute or rule requires a member board to perform data entry for the commission.

At the conclusion of the presentation, Commissioner Farrelly made a motion, seconded by Commissioner Smith (MD).

MOTION #1

MOVED BY THE EXECUTIVE COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, THAT THE COMMISSIONERS OF THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION DO 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 APPLICATIONS 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 RECEIVED; AND
- AT ITS DISCRETION, 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 #2

MOVED BY COMMISSIONER FARRELLY (MD), SECONDED BY COMMISSIONER SMITH (MD), THAT THE MARYLAND BOARD OF PHYSICIANS IS FOUND TO NOT BE IN DEFAULT OF THE COMPACT STATUTE, RULES, AND BYLAWS.

DISCUSSION

A point of order was raised regarding whether it is appropriate to have a 2nd motion on the same issue under consideration without action on the 1st motion.

The Chair determined that a discussion of the matter was most appropriate, and in the best interest of the IMLCC, and that a complete discussion should take place prior to addressing the point of order or taking action on the motions on the floor.

Comments and concerns were raised by the following commissioners, in alphabetic order:

- Commissioner Bohnenblust (WY)
- Commissioner Culotta (LA)
- Commissioner Farrelly (MD)
- Commissioner Gile (KS)
- Commissioner Hunthausen (MT)
- Commission Marx (UT)
- Commissioner Terranova (ME)

The discussion raised concerns about the information provided by the Maryland Board of Physicians and the IMLCC Executive Director. Specifically, about how a member board should be required to provide

information to maintain the coordinated information system and why an API process has not yet been implemented for the licensing and SPL processes. It was noted that an API process exists for the renewal process and is being used by 5 member boards.

A concern was raised that the action or request to consider the Maryland Board of Physicians in default should have been handled differently and other efforts should have been taken prior to calling this meeting.

- MOTION #3 MOVED BY COMMISSIONER ESTEP (KS), NO SECOND WAS OBTAINED, TO END DISCUSSION AND CALL THE QUESTION.
- MOTION #3 FAILED FOR A LACK OF A SECOND AND WAS WITHDRAWN
- MOTION #4 MOVED BY COMMISSIONER BOHNENBLUST (WY), SECONDED BY COMMISSIONER HANSEN (SD), TO TABLE DISCUSSION AND CONSIDERATION OF THE MOTIONS ON THE FLOOR UNTIL THE NOVEMBER 19, 2024 MEETING OF THE COMMISSIONERS. ADDITIONALLY, THE MARYLAND BOARD OF PHYSICIANS AND THE IMLCC EXECUTIVE DIRECTOR SHOULD PROVIDE A REPORT OF PROGRESS AND ACTIONS AT THAT NOVEMBER 19, 2024 MEETING.
- FRIENDLY AMENDMENT TO THE MOTION #4 FROM COMMISSIONER CULOTTA (LA) A FRIENDLY AMENDMENT TO THE MOTION WAS OFFERED FROM COMMISSIONER CULOTTA (LA) INSTRUCTING THE IMLCC IT MANAGER TO MEET WITH THE IT MANAGER FROM THE MARYLAND BOARD OF PHYSICIANS TO DISCUSS IMPLEMENTATION OF AN API PROCESS. AND FURTHER PROVIDE INSTRUCTION THAT THE IMLCC EXECUTIVE DIRECTOR PROVIDE PERIODIC REPORTS ON THE API DEVELOPMENT PROCESS.
- FRIENDLY AMENDMENT FAILED COMMISSIONER BOHNENBLUST (WY) DECLINED TO ACCEPT THE FRIENDLY AMENDMENT.
- MOTION #5 TO AMEND THE MOTION ON THE FLOOR MOVED BY COMMISSIONER CULOTTA, SECONDED BY COMMISSIONER CLEVELAND (MS), TO AMEND THE MOTION ON THE FLOOR BY ADDING THE FOLLOWING "INSTRUCTING THE IMLCC IT MANAGER TO MEET WITH THE IT MANAGER FROM THE MARYLAND BOARD OF PHYSICIANS TO DISCUSS IMPLEMENTATION OF AN API PROCESS. AND FURTHER PROVIDE INSTRUCTION THAT THE IMLCC EXECUTIVE DIRECTOR PROVIDE PERIODIC REPORTS ON THE API DEVELOPMENT PROCESS TO THE COMMISSIONERS."
- MOTION #5 PASSED BY A VOTE OF 31 IN FAVOR, 13 IN OPPOSITION, AND 1 ABSTAINING
- MOTION #6 - Amended MOTION #4 MOVED BY COMMISSIONER BOHNENBLUST (WY), SECONDED BY COMMISSIONER HANSEN (SD), TO TABLE DISCUSSION AND CONSIDERATION OF THE MOTIONS ON THE FLOOR UNTIL THE NOVEMBER 19, 2024 MEETING OF THE COMMISSIONERS. ADDITIONALLY, THE MARYLAND BOARD OF PHYSICIANS AND THE IMLCC EXECUTIVE DIRECTOR SHOULD PROVIDE A REPORT OF PROGRESS AND ACTIONS AT THAT NOVEMBER 19, 2024 MEETING, AND INSTRUCTING THE IMLCC IT MANAGER TO MEET WITH THE IT MANAGER FROM THE MARYLAND BOARD OF PHYSICIANS TO DISCUSS IMPLEMENTATION OF AN API PROCESS. AND FURTHER PROVIDE INSTRUCTION THAT THE IMLCC EXECUTIVE DIRECTOR PROVIDE PERIODIC REPORTS ON THE API DEVELOPMENT PROCESS TO THE COMMISSIONERS."
- MOTION #6 PASSED BY A VOTE OF 35 IN FAVOR AND 11 IN OPPOSITION

Public Comments*Chair Silas (AL)*

Mr. Finkler asked for an update on the status of the November 2023 Commission meeting minutes.

The Chair acknowledged the question and replied that they would be available for consideration in a couple of weeks.

Adjournment*Chair Silas (AL)*

There being no further business, the meeting adjourned at approximately 4:35 pm Eastern Time.