



Interstate Medical Licensure Compact

IMLCC – Rules Committee Meeting Summary

Meeting Date: December 17, 2024

Call to Order – 9:02am

Members Present - Commissioner Bohall (AZ), Commissioner Gile (KS), Commissioner Derick (FL), Commissioner Zeger (NE), Commissioner Ducatel (FL), Commissioner Harrison (OK), Commissioner Loucka (OH), Patricia Wilton (delegate for Commissioner Johnson, LA), Commissioner Manahan (MN) – ex-officio, Commissioner Cleveland (MS) – ex-officio, Commissioner Silas (AL) – ex-officio

Staff – Marschall Smith, Dave Clark

Approval of agenda – Moved by Commissioner Zeger (NE), seconded by Commissioner Gile (KS).

The motion passed unanimously.

Approval of the November 2024 meeting notes – Moved by Commissioner Gile (KS), seconded by Commissioner Harrison (OK).

The motion passed unanimously.

Discussion Items

1. New Bylaws:

- a. Proposed new Bylaw which details special instructions for commissioners regarding meetings and how they are conducted, including the requirement that motions and seconds come from different member boards or different member states.

Discussion Participants:

Marschall Smith, Commissioners Derick, Harrison, Wilton, Zeger Loucka, Gile

Questions and Discussion:

- Marschall recommended creating a Bylaw to address how committee meetings are run. This includes establishing quorums, as well as motions and seconds coming from different boards/states.
- Commissioner Derick recommended the creation of a subcommittee to look into this further.
 - Commissioners Wilton, Zeger and Loucka agreed to join the subcommittee.
 - Commissioners Harrison, Wilton, Loucka, and Gile support a two state motion and second.



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Motion – Moved by Commissioner Gile (KS) to require two different states for a motion and a second. Seconded by Commissioner Wilton (LA).

The motion passed unanimously.

Marschall and Dave will draft a Bylaw for review at the January meeting.

- b. Proposed new Bylaw to allow the creation of a Vice Chair for each committee.

Discussion Participants: Commissioners Bohall and Gile

Questions and Discussion:

- Commissioner Gile suggested that committees should be given the option to select a vice chair, but they are not required to do so.

Motion – Moved by Commissioner Bohall (AZ) to allow committees the option of selecting a vice chair if they choose to do so. Seconded by Commissioner Loucka (OH).

The motion passed unanimously.

Marschall and Dave will draft a Bylaw for review at the January meeting.

2. Committee goals for 2025
 - a. Commissioner Loucka stated that there may be a disconnect in the rules regarding disciplinary action.
- Discussion Participants
Commissioners Loucka, Bohall, Gile

Questions and Discussion:

- There is concern regarding the definition of Discipline in Rule 5.2(p)
- There is concern regarding Convictions in Rule 5.2(k)
- There is concern regarding the definition of the 25% Rule for LOQ qualification in Rule 4.3 (a)(2)
- Any change must be consistent with the statutes.
- It is recommended that everyone review Rule 5 as well as Section 10 of the statutes regarding disciplinary actions and convictions and Rule 4 regarding the twenty-five percent Rule.

Motion – Moved by Commissioner Loucka (OH) to review the Disciplinary rules. Seconded by Commissioner Gile (KS).

The motion passed unanimously.

Marschall and Dave will put together a document with the information that IMLCC staff provides to member boards regarding questions about disciplinary actions and convictions for



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review at a future meeting. The committee can decide whether to change the advise that staff provides, or change the rules.

Motion to Adjourn – Moved by Commissioner Ducatel (FL). Seconded by Commissioner Harrison (OK).

The motion passed unanimously.

The next meeting will be Tuesday, January 21st at 11am eastern time.

Meeting Date: November 18, 2024

Call to Order – 9:01am

Members Present - Commissioner Bohall (AZ), Commissioner Gile (KS), Commissioner Osborne (WV), Commissioner DiMaggio (NV), Commissioner Hansen (SD), Commissioner Ducatel (FL), Commissioner Harrison (OK), Commissioner Loucka (OH), Commissioner Marx (UT)

Staff – Rick Masters, Dave Clark

Other attendees – David Finkler

Approval of agenda – Moved by Commissioner Hansen (SD), seconded by Commissioner Gile (KS).

The motion passed unanimously.

Approval of the October 2024 meeting notes – Moved by Commissioner Gile (KS), seconded by Commissioner Harrison – (OK).

The motion passed unanimously

Discussion items

- Non-committee Commissioner and public comments
David Finkler (for MD) recommended an amendment to ByLaws XII – Nominating Committee to remove verbiage allowing appointed members and make all members of the committee elected members.
- Purpose and key tasks of the committee
 - Discussion participants: Commissioners Bohall, Harrison, Loucka
 - Staff: Rick Masters

Discussion items:

1. Ensure that the processes run smoothly



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2. Address problems and concerns
3. Better meeting recaps would be helpful and include a recap of the prior meeting before each monthly meeting to bring everyone up to speed.
4. Perhaps utilize AI to develop better details. To avoid potential hacking, we could separately record the meeting and upload it to an AI product to generate meeting notes.
5. Appoint a vice chair, who could handle meetings if the chair is absent.
 - a. Rick Masters – Could create a Bylaw to allow a committee to appoint a committee vice chair, if necessary.
6. After the meeting Chair Bohall provided the following draft for the key tasks of the committee:

Its primary objectives include reviewing and refining the IMLCC's bylaws and administrative procedures to ensure operational clarity and compliance with compact laws. Recent efforts have involved drafting and evaluating new policies such as transparency guidelines, revising procurement rules, and addressing nominating committee structures. The committee also emphasizes improving commissioner engagement, onboarding processes, and committee participation through tailored administrative procedures. It is committed to balancing transparency with confidentiality, maintaining effective governance, and streamlining operational workflows to enhance the compact's efficiency and responsiveness.

- Estimated time for committee participation
 - Discussion participants: Commissioners Bohall, Loucka, Hansen.
- Discussion items:
 1. In general, it takes between 2-6 hours to prep for each meeting depending on the complexity of the work needed for the upcoming meeting.
- Meeting Frequency
 - Discussion items:
 1. It was agreed that we will keep the meetings on the 3rd Tuesday of each month with a duration of 90 minutes.
 2. Additional meetings can be added if necessary, depending on the agenda
- Motion to adjourn – Commissioner Osborne (WV), seconded Commissioner Hansen (SD).

The motion passed unanimously

The next meeting will be Tuesday, December 17th at 11am eastern time

Meeting Date: October 8, 2024

Call to Order – 11:02am



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The committee meeting scheduled for September 17, 2024 was postponed.

Members Present - Commissioner Bohall (AZ), Commissioner Gile (KS), Commissioner Osborne (WV), Commissioner DiMaggio (NV), Commissioner Hansen (SD), Commissioner Derick (FL), Commissioner Harrison (OK), Patricia Wilton (delegate for Commissioner Johnson, LA), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio

Other Commissioners – Commissioner Farrelly (MD), Commissioner Douglas-Smith (MD)

Staff – Marschall Smith, Rick Masters, Dave Clark

Other attendees – Laura Nonick, Stacie Jensen, Jayci Chivers, David Finkler

Approval of agenda – Moved by Commissioner Gile (KS), seconded by Commissioner Bohall (AZ) to accept the agenda with the addition of adding the comments by Maryland for Bylaws Article XII.

The motion passed unanimously.

Approval of the August 2024 meeting notes – Moved by Commissioner Gile (KS), seconded by Commissioner Bohall – (AZ).

The motion passed unanimously

Discussion items

1. Non-Committee Commissioner and public comments

- Commissioner Douglas-Smith (MD) had questions regarding the ByLaws XII – nominating committee. Chair Bohall advised that this is for comments only, not questions. Commissioner Douglas-Smith yielded the floor.
- David Finkler (for MD) expressed concerns that the Nominating committee allows for the compact chair to appoint members to the nominating committee and that it's members should be elected members only. He also expressed concern that the meetings are closed instead of public meetings.

2. Bylaws Article XII – the review was done section by section

- – Section 1 – Special Nominating Committee
- Discussion Participants:
 - Committee members: Commissioners Derick, Bohall, Gile, Manahan
 - Staff: Smith

Questions and Discussion:

- The Committee reviewed the comments from the state of Maryland, Arizona, West Virginia, and Oklahoma. The comments are incorporated by reference.
- Add positions to be vetted by the committee are: Chair, Vice Chair, Treasurer, Nominating Committee members.
- The FSMB nominating practice was used as a guide, which allows any interested



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commissioner to submit their name and qualifications to the committee which are then vetted.

- The charge of the nominating committee was added
- The Nominating Committee will present eligible nominees to the full committee for a vote.
- Nominees from the floor will also be accepted.
- Eligibility criteria will be developed by the Nominating committee, and criteria can be developed based on Robert's Rules of Order as the committee deems appropriate and beneficial.
- Recommend that no two commissioners from the same state serve on the same committee or in elected positions.
- Recommend that the committee determine that the nominees are able to spend the time required hold the position, or on the committee.

Motion – Moved by Commissioner Bohall (AZ) to Amend the final version to be considered for the rulemaking hearing. Seconded by Commissioner Derick (FL).

The motion passed with one abstention.

- Section 2 – Composition of the Committee
- Discussion Participants:
 - Committee members: Commissioners Bohall, Gile, DiMaggio, Derick, Manahan, Hansen,

Questions and Discussion:

- Change Section 2 – Composition of the Committee to include:
 - Elect at least two and up to four members of the committee
 - Follow the FSMB policy the chair of the committee is the current past chair of the full commission who shall only vote in the event of a tie.
 - If the past chair position is vacant, then the chair of the full commission can appoint a chair.

Motion – Moved by Commissioner Bohall (AZ) Amend the final version to be considered for the rulemaking hearing. Seconded by Commissioner Osborne (WV).

The motion passed unanimously.

- Section 3 – Qualifications
- Discussion Participants:
 - Committee members: Commissioners Bohall, Derick, Wilton, DiMaggio, Harrison, Gile, Silas, Manahan,
 - Staff: Smith

Questions and Discussion:

- Do we want to have two-year terms like the FSMB? If so, the terms must be



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staggered so we are not rotating the entire committee every two years.

- Initially two members will need to serve one-year terms to allow for staggered terms after year one.
- Currently all elected officers serve one-year terms.
- The term limit should be two years and serving a partial term should not apply to the term limit
- No two committee members should be from the same board or state whenever possible.
- A commissioner should not serve in an elected position for a period of one year after serving on the nominating committee.
- Commissioner turnover could affect the two-year cycle since some commissioners may term out on their member board during a two-year term, especially since some boards only appoint for one year, which would immediately disqualify a commissioner from serving on the committee.
- Should the term be one year, but allow them to run for a second year, if eligible.
- Should the nominee declare if they want to serve for either one or two years?

Motion – Moved by Commissioner Bohall (AZ) Amend the final version to be considered for the rulemaking hearing. Seconded by Commissioner Gile (KS).

The motion passed unanimously.

3. Section 4 – Meetings of the Committee

- Discussion Participants:
 - Committee members: Commissioner Bohall

Questions and Discussion:

- Since Commissioner eligibility is being discussed, it is recommended that the meetings are closed to the public to avoid possible retaliation against committee members due to the information presented.

Motion – Moved by Commissioner Bohall (AZ) to approve as presented. Seconded by Commissioner Gile (KS).

The motion passed unanimously.

4. Section 5 – New section

- Discussion Participants:
 - Committee members: Commissioner Bohall

Questions and Discussion:

- Add section: Elected officers of the Commission shall not be from the same member state to the extent possible.

Motion – Moved by Commissioner Bohall (AZ) Seconded by Commissioner Harrison (OK) to amend the final version to be considered for the rulemaking hearing.



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The motion passed unanimously.

5. Section 6 – Reports

- Discussion Participants:
 - Committee members: Commissioners Derick, Gile, Hansen, DiMaggio, Wilton
 - Staff: Masters

Questions and Discussion:

- Can only candidates approved by the Nominating Committee run or elected office, or can nominations be accepted from the floor?
- For transparency, we should accept nominations from the floor.
- There needs to be a way to determine if the candidate from the floor nomination is qualified for the position. The candidate should be required to provide any conflicts of interest and a CV demonstrating their eligibility.
- The section should include verbiage that “candidates may be nominated from the floor with the requirement to present their qualifications”.
- Should there be a requirement that the nomination be submitted in a specified period of time (i.e. two weeks) prior to the election or allow spontaneous nominations.
- If spontaneous nomination, then the candidate must provide their qualifications.
- Is there a need to include in the bylaws what specifically is required to self-nominate?

Motion – Moved by Commissioner Bohall (AZ) to Amend the final version to be considered for the rulemaking hearing Seconded by Commissioner Gile (KS).

The motion passed unanimously.

This will be submitted to the Commission during the rule making section of the meeting in November

The next meeting will be held on November 18th at Committee Day in Phoenix, there will also be an online option for those not attending in person.

Meeting Date: August 20, 2024

Call to Order – 11:02am

Members Present - Commissioner Bohall (AZ), Commissioner Gile (KS), Commissioner DiMaggio (NV), Commissioner Hansen (SD), Commissioner Loucka (OH), Commissioner Jording (WY), Commissioner Ducatel (FL), Patricia Wilton (delegate for Commissioner Johnson, LA), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio

Other Commissioners – David Finkler (delegate for Commissioner Farrelly, MD), Commissioner Farrelly (MD)

Staff – Marschall Smith, Rick Masters, Dave Clark, Matt Robison

Public – Dale Watts



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Approval of agenda – Moved by Commissioner Gile (KS), seconded by Commissioner Hansen (SD) to accept the agenda as presented.

The motion passed unanimously.

Approval of the July 2024 meeting notes – Moved by Commissioner Bohall (AZ), seconded by Patricia Wilton (for Commissioner Johnson – LA).

The motion passed unanimously

Discussion Items

6. Non-Committee member comments – David Finkler [delegate for Commissioner Farrelly (MD)] stated that Maryland submitted responses for discussion for Administrative Procedure 12 and Bylaws 12. Commissioner Bohall acknowledged receipt of both sets of comments.

7. Proposed Bylaws XII – Nominating Committee

- Discussion Participants:
 - Committee members: Commissioners Bohall, Loucka
 - Staff: Smith, Masters
 - Written comments from Arizona, Maryland (2), Oklahoma, West Virginia

Questions and Discussion:

- Mr. Masters asked if instead of making a separate Bylaw for the Nominating Committee, should this be added under Article VII – Committees.
 - Director Smith noted that since this is a special committee, and not a standing committee, it doesn't fall under the normal definition of a committee, but that the final decision rested with the committee.
- Commissioner Bohall asked if it would be easier to suspend or eliminate a separate Bylaw or amend Article VII if this committee is removed.
 - Director Smith reported that the process would be the same for both.

At this time there are three options to take:

- Send the current draft to the public for comments as-is.
- Update the current draft per the commissioner comments received.
- Stop the process

Motion – Moved by Commissioner Loucka (OH) to send the current version to the public for comments and consider both commissioner comments and public comments during the September committee meeting. Seconded by Commissioner Hansen (SD).

The motion passed unanimously.

8. Proposed Administrative Procedure No. 12 – Administrative Procedures.

- Discussion Participants:
 - Committee members: Commissioners Bohall, Loucka, Hansen



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- Staff: Smith

Questions and Discussion:

- Director Smith – Administrative procedures are operational guidance and do not require public comment. There are three options for the Rules committee to handle administrative procedures:
 - Approve the procedure
 - Stop the process
 - Send it to the Executive Committee for their approval and endorsement
- Commissioner Loucka asked how these have been handled in the past.
 - Mr. Smith reported that in the past the admin procedures have been approved using 3 different processes:
 - By the Rules Committee,
 - Approved by the Executive Committee, and
 - Implemented directly by the IMLCC Executive Director.
- Commissioner Bohall asked if this procedure needs more work, or should we stop the process.

Motion – Moved by Commissioner Hansen (SD) to gather more Commissioner comments and review during the September committee meeting. Seconded by Commissioner Loucka (OH).

The motion passed unanimously.

9. Draft email to new Commissioners and Committee Assignment Request Form

- Discussion Participants:
 - Committee members: Commissioners Bohall, Hansen, Gile
 - Staff: Smith

Questions and Discussion:

- Director Smith shared a copy of the email that is sent to new commissioners assigned to the compact, as well as the draft version of the Committee Assignment Request Form which allows the new commissioner to either elect to not serve on a committee, or to select which committee(s) they would like to serve on.
- Commissioner Gile had a minor verbiage change to the email, and asked if each committee can include their scope of work, and meeting schedule as part of the Committee Request form.
- Commissioner Bohall suggested that the Communications Committee review and update the email and form as appropriate.
- Director Smith suggested that each committee work on drafting their own charge and determine how much work/time is required monthly for their committee at the November Committee Day.

Motion – Moved by Commissioner Bohall (AZ) to endorse the draft email and form and refer



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them to the Communications Committee for review and comments. Also, each committee shall create their charge and meeting time and workload for presentation at the November full commission meeting. Seconded by Commissioner Gile (KS).

The motion passed unanimously.

10. Other Discussion Items:

- Director Smith asked the committee to consider if this form and email should be sent to current commissioners to provide information to the new chair of the commission during their selection process.
- Internal comment – Should the form include a check box “I am interested in serving as a Committee Chair at the will of the IMLC Chair?”

11. Adjourn 11:38am

The next committee meeting will be Tuesday, September 17th at 11:00am eastern time.

Meeting Date: July 24, 2024

Call to Order – 11:02am

Members Present - Commissioner Bohall (AZ), Commissioner DiMaggio (NV), Commissioner Hansen (SD), Commissioner Loucka (OH), Commissioner Osborne (WV), Patricia Wilton (delegate for Commissioner Johnson, LA), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio, Commissioner Spangler (WV) – ex-officio

Other Commissioners – David Finkler (delegate for Commissioner Farrelly, MD), Commissioner Farrelly (MD)

Staff – Marschall Smith, Rick Masters, Dave Clark

Approval of agenda – Moved by Commissioner DiMaggio (NV), seconded by Commissioner Osborne (WV) to accept the agenda as presented. The motion passed unanimously.

Approval of the June 2024 meeting notes – Tabled until the July meeting.

Discussion Items

12. Non-Committee member comments – none.

13. Proposed Bylaws XII – Nominating Committee

- Discussion Participants:
- Committee members: Commissioners Bohall, Loucka



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- Staff: Smith, Masters
- Comments from Maryland and Arizona

Questions and discussion:

- Commissioner Bohall clarified that the current past chair of the commission should be the chair of the Nominating Committee.
- Marschall Smith mentioned that previously the commission has required a second from the floor for someone to be nominated for a position, although this not stated in Robert's Rules of Order; confirmed by Rick Masters, and if required a second, it would need to be stated in the Bylaw.

Motion – Moved by Commissioner Loucka (OH) to accept Arizona's changes and correct the voting member to the past chair of the commissioner. Seconded by Commissioner DiMaggio (NV). The motion passed unanimously.

- Marschall Smith will publish a draft for public comment and comments will be addressed at the August meeting. If approved, it will be sent out to Commissioner comments and reviewed at the September meeting.

14. Discussion items from the Executive Committee:

- Should each Commissioner be assigned to a committee?
 - Discussion participants:
 - Committee members: Commissioners Loucka, Hansen, Bohall, Wilton.
 - Staff: Smith

Questions and discussion:

- Serving on a committee should be an option for commissioners and this will help with providing better attendance for committee meetings.
- Should we create a committee interest form where new commissioners can list their top 3 committee choices which will assist the Chair in assigning them to committees?
- Should an Engagement committee be created to assist with getting commissioners to participate in committees and compact activities? They could also assist with drafting the Commissioner Handbook.

Marschall will draft a preliminary administrative procedure and commissioner participation form for discussion at the August meeting.

15. Should Committee Chairs be allowed to select a Vice Chair to assist with running their committees?

- Discussion participants:
- Committee members: Commissioners Bohall, Loucka, Wilton, Hansen, Spangler.
- Staff: Smith

Questions and discussion:

- There is a known need for Committee Chairs to have a Vice Chair who can run meetings and participate in Executive Committee meetings if the Chair is unavailable.
- Should a Vice Chair be allowed to only provide committee updates in Executive Committee meetings, or should they be allowed to vote for the committee by proxy?



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- Concern about whether or not the Vice Chair is truly representing the will of the committee when it comes to voting.
- Let the option of having a Vice Chair be at the discretion of the Committee Chair.

Marschall will draft a preliminary administrative procedure for discussion at the August meeting.

16. Should there be a process in place to remove non-participating members from a committee?

- Discussion participants:
- Committee members: Commissioners Bohall, Wilton
- Staff: Smith, Masters

Questions and discussion:

- Marschall reported that we have had commissioners report that they are no longer serving as commissioners for the compact, but the state still recognizes them as active commissioners. Rick Masters mentioned that we have the responsibility to verify that commissioners are truly members of the commission and they have the authority to vote for their state.
- What is the difference between appointed commissioners who fail to attend meetings vs. states who don't appoint commissioners? Quorums are based on the number of assigned commissioners assigned to committees or the full commission.
- Should criteria be developed to remove a commissioner from a committee due to lack of participation?

Marschall will draft a preliminary administrative procedure for discussion at the August meeting.

17. Should the following committees be created:

- Hospitality & Annual Meeting Committee, comprised of
 - Commissioners from the host state.
 - Commissioners from the prior host state (only if the inclusion is helpful)
 - The Executive Director
 - Current Chair or a past Chair of the commission
- Engagement & Participation Committee, charged with:
 - Finding ways to improve Commissioner participation
 - Filling unassigned Commissioner slots;
 - Assist the Executive Director in the onboarding process for new Commissioners
 - Reviewing and updating the New Commissioner Handbook and New Commissioner Special Information document in consultation with the Communications Committee.

- Discussion participants:
- Committee members: Commissioners Hansen, Loucka, DiMaggio, Silas
- Staff: Smith, Masters

Questions and discussion:



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- For planning purposes, based on the growing size of the commission, the cost of the annual meetings, and the potential to partner with AIM, annual events should be planned out several years in advance.
- Marschall agreed that this would be helpful since it takes a lot of time to put these events together, and assistance from the committees would be appreciated.
- If created would these committees become part of the Executive Committee, or would they be subcommittees of another committee such as the Communications Committee? Both options were viewed positively, and no decision was made on a recommendation.
- Rick Masters said that under Bylaw VII section 2 the Commission may create committees as deemed necessary, but the full commissioner would need to approve the creation of the new committees.

18. Proposed Administrative Procedure #12 – IMLCC Transparency

- Discussion participants:
- Committee members: Commissioner Bohall
- Staff: Smith

Questions and discussion:

- Does this address the concerns?

Motion – Moved by Commissioner Bohall (AZ) to modify the administrative memo and address at the August meeting. Seconded by Commissioner Wilton (LA). The motion passed unanimously.

- ❖ Commissioner Loucka had to leave the meeting which resulted in no longer having a quorum for this vote.

Marschall will make the changes for discussion at the August meeting.

Adjournment – Moved by Commissioner Hansen (SD), seconded by Commissioner DiMaggio (NV). The motion passed unanimously.

The next committee meeting will be Tuesday, August 20th at 11:00am eastern time.

Meeting Date: June 17, 2024 - Draft

Call to Order – 1:00pm

Members Present - Commissioner Bohall (AZ), Commissioner Hansen (SD), Commissioner Gile (KS),



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Commissioner Loucka (OH), Commissioner DiMaggio (NV), Sandra Harrison (delegate for Commissioner Kelsey, OK), Commissioner Osborne (WV), Emily Trudeau (delegate for Commissioner Layman, VT), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio, Commissioner Spangler (WV) – ex-officio

Other Commissioners – David Finkler (delegate for Commissioner Farrelly, MD), Commissioner Farrelly (MD), Commissioner Cleveland (MS)

Staff – Marschall Smith, Rick Masters, Dave Clark

Approval of agenda – Moved by Commissioner Loucka (OH), seconded by Commissioner DiMaggio (NV) to accept the agenda as presented. The motion passed unanimously.

Approval of the April and May 2024 meeting notes – Moved by Commissioner DiMaggio (NV), seconded by Commissioner Gile (KS). The motion passed unanimously.

Discussion Items

1. Non-Committee member comments:

- David Finkler [delegate for Commissioner Farrelly (MD)] provided an overview of the original versions of the three policy and two bylaws that Commissioner Farrelly had originally sent to the committee asking that these original drafts be considered:
 - Policy #1 – Policy on Policies
 - Policy #12 – Policy on Procurement
 - Policy #13 – Policy on Transparency
 - Bylaws – Article VII
 - Bylaws – Article III

2. Policy #1 – Policy on Policies

Discussion Participants:

- Committee members: Commissioners Loucka, Bohall, DiMaggio

Questions and discussion:

- The committee requested the Chair to provide his comments on the proposed changes to policy 1.
 - Commissioner Bohall believes that the changes are accurate and reflect the statutes and Robert's Rules of Order. He believes that it is ok to review each policy every 3 years, and that that there should not be an independent 3rd party review of the policies. He has no concerns regarding the changes to Policy #1.
- The charge of the Executive Committee has been effective immediately. There was a concern that should be a vote at the next full Commission meeting to either endorse or strike the Executive Committee's decision may have a negative effect on the process in that it was not clear when a policy was truly effective if it was subject to endorsement or rejection.

Motion – Moved by Commissioner Loucka (OH) to approve policy #1 based on the changes discussed. Seconded by Commissioner DiMaggio (NV). The motion passed unanimously.

3. Policy #12 – Policy on Procurement



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- Discussion Participants:
- Committee members: Commissioners Bohall, Loucka, Gile, DiMaggio, Spangler
- Staff: Smith

Questions and discussion:

- Commissioner Bohall expressed concern of having the full commission voting on the bidding process and getting the full commission together due to the timing of the bid process, and he recommended to modify the phrase of “full commission”.
- Question – is there a concern about the dollar amount of the proposal and should the Technology Committee be involved if appropriate.
 - Commissioner Silas advised that the Technology Committee chair sits on the Executive committee, so the Technology Committee will be providing feedback regarding the proposals.

Amendment recommendation by Commissioner Bohall (AZ) to approve policy #12 with an amendment to section 8 to read:

“Should the Executive Committee reject the vendor, they may consider other vendors from the current RFP process”

- The Executive Committee reviews all bids, and for the last RFP, there were three vendors selected to provide a demonstration of their product, and then the vendor was selected by the Executive Committee.
- I was also mentioned that vendor’s proprietary information in bids need to be protected.

Amendment recommendation – Include section 10 to the policy to include any RFP over \$1 million should be done in consultation with both the Budget and Technology committees as appropriate.

Amendment recommendation by Commissioner DiMaggio to section 7 – The Executive Director shall submit a report to the Executive Committee recommending the proposed vendor to the full Commission.

Motion – Moved by Commissioner Bohall (AZ) to approve policy #12 with amendments to section 7 and 8 and add section 10. Seconded by Commissioner Loucka (OH). The motion passed unanimously.

4. Policy #13 – Policy on Transparency

- Discussion participants:
- Committee members: Commissioners Bohall, Gile, Loucka, Kelsey (delegate Sandra Harrison), Silas, Spangler
- Staff: Smith



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- Other Commissioners: Farrelly (delegate David Finkler)

Questions and discussion:

- Commissioner Bohall – Per Roberts Rules of Order, only members of the specific meeting/committee shall be included in an executive session, unless a specially invited guest is allowed to attend the session, which is stated in Section V (G)(a) of the proposed policy.
- Concern expressed by Mr. Finkler that the Executive Committee is making decisions on behalf of the full commission.
 - Response that the Executive Committee is acting on behalf of the commission under the authority of the commission, and closed sessions are necessary to protect confidentiality concerns of the commission.
- Question to Marschall Smith – is there any concern about this at the staff level?
 - The job of the compact staff is to provide information to commissioners to do their jobs. Prior committee chairs had discretion to take roll, take meeting summaries, invite others to meetings, etc. The staff will do what is charged to them by the commissioners.
- Committee meetings are currently added to the website, and it doesn't appear that there is any additional participation as a result.

Motion – Moved by Sandra Harrison (delegate for Commissioner Kelsey, OK) to take no action on policy #13 and recommend this as an administrative procedure. Seconded by Commissioner Gile (KS). The motion passed unanimously.

5. Bylaws III – Officers

- Discussion participants:
- Committee members: Commissioners Loucka, Gile, Silas, Spangler
- Staff: Smith, Masters

Questions and discussion:

- Question to Rick Masters – does the inclusion of a commissioner's preference in committee assignment create a problem?
 - Rick Masters indicated that it does not create a problem.
- Commissioner Silas indicated that there are several considerations to take into account when placing someone on a committee, and the Commission Chair should not just be held to only the commissioner's preference of a committee.
- Commissioner Loucka recommended an amendment to include the commissioner's preference, but the Chair is not limited to only the commissioner's preference of which committee they wish to serve on.

Motion – Moved by Commissioner Gile (KS) to approve Article III and include that the Chair can take into account the commissioner's preference, but is not required to place a commissioner on a committee only based on preference. Seconded by Commissioner DiMaggio (NV). The motion passed unanimously.

Marschall Smith indicated that since this is approved, it will go the Executive Committee in August or September, and if approved will be sent out to public comments and rulemaking at the



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November commission meeting.

6. Bylaws VII – Committees

- Discussion participants:
- Committee members: Commissioners Bohall, Gile, Loucka, Harrison (delegate for Kelsey), DiMaggio
- Staff: Smith, Masters
- Other Commissioners: Cleveland, Finkler (delegate for Farrelly)

Questions and discussion:

- If there is no quorum, can a meeting still take place?
 - Commissioner Bohall stated that in accordance with current IMLC rules, a committee is still able to function without a quorum.
 - Finkler stated that a committee must have a quorum, or at least an established minimum number of participants to continue.
 - Commissioner Cleveland stated that there has been no study to determine how many commissioners must be present to be effective. Otherwise picking an arbitrary number is problematic.
- Commissioner Loucka – this should be an administrative procedure, but it is difficult to get people to commit to meetings when their primary jobs take precedence, but the committee work needs to be done.
- Sandra Harrison for Commissioner Kelsey – could the lack of participation be a more of a problem of engagement?
- Director Smith stated that in the past, when no quorum was established, it was up to the committee chair to determine how to proceed.

There are only two committees that act on behalf of the entire commission on a limited basis:

 - The Communications Committee produces the annual report
 - The Budget Committee establishes the annual budget (which is later voted on by the full commission)
- Regarding executive sessions, Smith pointed out that decisions and votes are not made during an executive session, and minutes and notes are not kept during the session since the session is under the purview of the commission's attorney. However, there is documentation that an executive session has occurred.
- Finkler recommended that removing the changes in paragraphs 1 and 3 would be appropriate.

Motion – Moved by Commissioner DiMaggio (NV) to take no action on Article VII and to address these concerns in an administrative procedure.

Seconded by Commissioner Loucka (OH). The motion passed unanimously.

7. Future committee meeting dates:

Currently the committee meets on the 3rd Tuesday of each month at 11am eastern time. Is this still a good time to meet?

- Committee meetings will continue to be held on the 3rd Tuesday of each month at 11am



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eastern.

8. Future in person meetings:

It was recommended that the Rules Committee meet in person twice per year, once during the Annual Commission Meeting in November, and again in either May, June, or July, preferably in conjunction with an FSMB meeting, or something else.

- It was agreed to continue to look into this possibility.

Adjournment – Moved by Sandra Harrison for Commissioner Kelsey (OK), seconded by Commissioner Gile (KS). The motion passed unanimously.

The next committee meeting will be Tuesday, July 16th at 11:00am eastern time.

Meeting Date: May 21, 2024

Call to Order – 11:00am

Members Present - Commissioner Bohall (AZ), Commissioner Hansen (SD), Commissioner Gile (KS), Commissioner Loucka (OH), Commissioner Kelsey (OK), Emily Trudeau (delegate for Commissioner Layman, VT), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio

Other Commissioners – David Finkler (delegate for Commissioner Farrelly, MD)

Staff – Marschall Smith, Rick Masters, Dave Clark

Approval of agenda – Moved by Commissioner Loucka (OH), seconded by Commissioner Gile (KS) to accept the agenda as presented. The motion passed unanimously.

Approval of the April meeting notes – Tabled to next meeting.

Discussion Items

1. Non-Committee member comments:

- David Finkler [delegate for Commissioner Farrelly (MD)] provided an overview of the three policy and two bylaws redline documents that Commissioner Farrelly had sent to Chair Bohall on Friday, April 19th with her proposed revisions:
 - Policy #1 – Policy on Policies
 - Policy #12 – Policy on Procurement
 - Policy #13 – Policy on Transparency
 - Bylaws – Article VII
 - Bylaws – Article III

2. June Committee meeting – The next Committee meeting will be held in person on Monday, June 17th from 1pm to 5pm at the Mayflower Hotel in Washington DC; this is in conjunction with the



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FSMB Alternative Pathways to Licensing Symposium. There will be an online component for all commissioners who are unable to attend in person.

3. Policy #1 – Policy on Policies

Discussion Participants:

- Committee members: Commissioners Hansen, Loucka, Gile
- Staff: Smith, Masters

Questions raised:

- Is this policy more appropriate as a rule?
- Is there a need to include an emergency policy provision in a policy?
- Does a policy compliance audit by an outside firm necessary? It would be time consuming, expensive, and take focus off of other work that needs to be done.

Motion – Moved by Commissioner Loucka (OH) to create a new draft of policy #1 prepared by the chair in order to review at the June 17th meeting. Seconded by Commissioner Hansen (SD). The motion passed unanimously, and the Chair will work with Director Smith to draft a new version of Policy #1 incorporating the information from today's discussion for the committee to review at the June Meeting.

4. Policy #12 – Policy on Procurement

- Discussion Participants:
- Committee members: Commissioners Loucka, Gile, Hansen
- Staff: Smith

There is concern about Section 7 from the proposed change that appears to indicate that all commissioners must approve a proposed vendor as opposed to a simple majority of the commissioners must approve the vendor.

Mr. Finkler agreed that the intent was for a majority of commissioners to approve, not all commissioners.

Motion – Moved by Commissioner Gile (KS) to create a new draft of policy #12, to include the verbiage that only a majority of the commissioners must approve, prepared by the chair in order to review at the June 17th meeting. Seconded by Commissioner Hansen (SD). The motion passed unanimously, and the Chair will work with Director Smith to draft a new version of Policy #12 incorporating the information from today's discussion for the committee to review at the June Meeting.

5. Policy #13 – Policy on Transparency

Motion – Moved by Commissioner Gile (KS) to create a new draft of policy #13, taking into consideration the Commission's formatting/style and prepared by the chair in order to review at the June 17th meeting. Seconded by Commissioner Loucka (OH). The motion passed unanimously, and the Chair will work with Director Smith to draft a new version of Policy #13 incorporating the information from today's discussion for the committee to review at the June Meeting.

6. Bylaws III and VII



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Motion – Moved by Commissioner Loucka (OH) to continue the rulemaking process by sending the same version of IMLC Bylaws III and VII sent for Commissioner comments for public comment. The Commissioner and public comments are to be reviewed together at the June 17th meeting. Seconded by Commissioner Kelsey (OK). The motion passed unanimously, and Director Smith will send IMLC Bylaws III and VII out for public comment.

Adjournment – Moved by Commissioner Gile (KS), seconded by Commissioner Loucka (OH). The motion passed unanimously.

The next committee meeting will be Monday, June 17th from 1pm – 5pm eastern time at the Mayflower Hotel in Washington DC. There will be an online component for anyone who is unable to attend in person.

Meeting Date: April 23, 2024 - DRAFT

Call to Order – 11:01am

Members Present - Commissioner Bohall (AZ), Commissioner Hansen (SD), Commissioner Jording (WY), Commissioner Gile (KS), Commissioner Loucka (OH), Commissioner DiMaggio (NV), Patricia Wilton (delegate or Commissioner Johnson, LA), Emily Trudeau (delegate for Commissioner Layman, VT) – ex-officio, Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio, Commissioner Spangler (WV) – ex-officio.

Other Commissioners – Commissioner Farrelly (MD)

Staff – Marschall Smith, Rick Masters, Dave Clark

Approval of agenda – Moved by Commissioner Gile (KS), seconded by Commissioner Hansen (SD) to accept the agenda as present. The motion passed unanimously.

Approval of the March meeting notes – Moved by Commissioner Loucka (OH), seconded by Commissioner Gile (KS) to accept the notes as presented. The motion passed unanimously.

Discussion Items

1. Non-Committee member comments
 - Commissioner Farrelly provided an overview of the three policy redline documents that she sent to Chair Bohall on Friday, April 19th with her proposed revisions:
 - Policy #1 – Policy on Policies
 - Policy #12 – Policy on Procurement
 - Policy #13 – Policy on Transparency
2. Due to the FSMB conference and travel on April 19th, the information was not shared with the committee prior to this meeting.
3. The June 18th Rules Committee meeting is scheduled at the same time as the FSMB Symposium on alternative pathways to licensure. Chair Bohall has asked if the Rules Committee meeting could be moved to either June 11th or June 25th to accommodate anyone attending the



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symposium.

Motion – Change the meeting to June 25th - Moved by Commissioner Gile (KS) and seconded by Commissioner Hansen (SD). The motion passed unanimously.

4. Policy #1 – Policy on Policies

Discussion Participants:

- Committee members: Commissioners Gile, Loucka, Hansen and Bohall
- Staff: Smith, Masters

Since the committee has not been able to review the most recent draft of the three policies provided by the Maryland board, it is recommended that discussion be tabled for all three policy drafts until the May meeting so all committee members can review the new drafts.

Motion – Moved by Commissioner Loucka (OH) to hold off on discussion of draft policies 1, 12, and 13 until the May meeting. Seconded by Commissioner Hansen (SD). The motion passed unanimously. The new draft policies will be reviewed at the May 21st Rules Committee meeting.

5. Marschall Smith advised that the May meeting will include the review of draft policies 1, 12, and 13, and the review of Commissioner comments for By-Laws Articles 3 and 7.

Adjournment – Moved by Commissioner Hansen (SD), seconded by Commissioner Loucka (OH). The motion passed unanimously.

The next Committee meeting will be Tuesday, May 21st at 11:00 am eastern time.

Meeting Date: March 26, 2024

Call to Order – 11:00am

Members Present – Commissioner Bohall (AZ), Commissioner DiMaggio (NV), Commissioner Hansen (SD), Commissioner Jording (WY), Commissioner Gile (KS), Commissioner Marx (UT), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio, Commissioner Spangler (WV) – ex-officio.

Other commissioners – Commissioner Farrelly (MD)

Public Members – David Finkler

Staff – Marschall Smith, Rick Masters, Dave Clark

Approval of agenda – Moved by Commissioner Hansen (SD), seconded by Commissioner Gile (KS) to accept the agenda as presented. The motion passed unanimously.

Approval of the February meeting notes – Moved by Commissioner Gile (KS), seconded by Commissioner Marx (UT) to accept the notes as presented. The motion passed unanimously.



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Discussion Items

1. Executive Director update – Historical context – Marschall Smith
The full commission used to meet on a quarterly basis, and this created a regular problem of establishing a quorum and getting things done. The meeting frequency was changed to meeting twice per year and became more of a committee driven organization. The committees do the bulk of the work for the commission, with the exception of rulemaking. Most committees are charged with tasks relevant to their scope to perform on behalf of the commission. Compact staff is here to support the commissioners and do the work of the commission, but the direction on how the business is done is provided by the commissioners and the committees.
2. Non-committee member comments
Mr. Finkler, on behalf of the Commissioner from Maryland, provided a summary of the comments previously provided by the Maryland Commissioner on policies 1, 2, & 13. They also provided new comments that were not previously provided to the committee on policy #4 and 13.
 - Policy #2 - Policy on Conflicts of Interest
 - Policy #4 - Policy on Annual Report
 - Proposed Policy #13 – Policy on Transparency
 - Policy #1 - Policy on Policies
3. Policy #2 – Policy on Conflict of Interest

Discussion Participants:

- Committee members: Commissioners Bohall, Gile and Jording
 - Staff: None
- a. Review of the full Policy on Conflict of Interest
 - b. Section III Definitions – *Conflict of Interest* - Add a period at the end of the definition of Conflict of Interest.
 - c. Section III Definitions – *Gift* – Remove the verbiage “without the expectation of compensation to the contributor.”
 - d. Should this be a Rule rather than a Policy?

Motion - Moved by Commissioner Gile (KS) to make changes as stated in b. and c. Seconded by Commissioner Jording (WY).

The motion passed unanimously and will be referred to the Executive Committee for consideration.

4. Policy #4 – Policy on Annual Report

Mr. Finkler, on behalf of the Commissioner from Maryland made the following comments on Policy #4:

- Suggested removal of the 2nd and 3rd sentence in B, which are no longer needed.
- Suggested adding new paragraphs 2 and 3 under section V:



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- Failure to meet the deadline established by this policy or to include the information required by this policy shall be reported to the legislatures and governors of the member states in a supplemental document to the report.
- Failure to meet the deadlines established by this policy or to include the information required by this policy shall be reported to the personnel committee for inclusion in the file of the Executive Director.

Discussion Participants:

- Committee members: Commissioners Bohall, Spangler, Silas, Gile and Marx
 - Staff: Marschall Smith
- a. Section IV (B) references the 2017 Annual Report as a transition from the calendar year reporting cycle to the current fiscal year reporting cycle. Is it necessary to keep this verbiage in the policy?
 - b. Based on the due date of the report, is keeping the Annual report on a fiscal year still workable? Per Director Smith, yes, it is workable. 2023 was an anomaly due to additional activities, including the office move. The Communications Committee also needs to start work on the report earlier.
 - c. In regard to the proposed new paragraphs, the committee expressed concern that additional reports to legislators would cause issues and did not appear to benefit the commissioners or the compact. Additionally, the delay on the annual report in 2023 appears to be a unique and explainable situation that should not be considered a problem unless it keeps occurring. If that is the case, the Rules, Executive, and Communications committee should discuss the proposed deadline to ensure that the deadline is still reasonable due to the growing complexity of the compact.
Currently, there are several layers of responsibility to this report, including the Executive Committee and the Communications Committee in addition to the Executive Director. It should be made clear that **if** {emphasis added} the responsibility for the Annual Report is solely delegated to the Executive Director, then that should be stated in the policy.

Motion – Moved by Commissioner Gile (KS) to remove the 2nd and 3rd sentences in section B. Seconded by Commissioner Marx (UT).

The motion passed unanimously and will be referred to the Executive Committee for consideration.

5. Proposed Policy #13 – Policy on Transparency

Mr. Finkler, on behalf of the Commissioner from Maryland proposed the following recommendations for Policy #13:

- No commission member shall be excluded from closed session unless there is a documented recusal or conflict of interest.



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- All Commission, Executive Committee, and other Committee meetings shall be recorded and kept for a minimum of one year. This included both open and closed-session meeting. ** This recommendation has been withdrawn.
- Commission members are entitled to attend and participate in all established committees. Commission members are not entitled to make motions or vote on matters before a committee they are not a member of.
- Meeting date, time, link to remote meetings, agendas, any documents that are anticipated to be considered at the meeting shall be posted on the Compact's website at least seven days before the meeting.
- All Committees shall keep minutes and post them on the website.
- All reports from *ad hoc* committees shall be shared with the full commission.
- The IMLCC Executive director shall provide information to commissioners free of charge within ten business days. Commissioners shall be provided materials from open or closed sessions, including minutes, recordings of meetings, materials considered at meetings, or any other documents requested unless the commission member has a conflict of interest as defined in Policy 2.

Discussion Participants:

Committee Members: Commissioners Marx, Spangler, Hansen, Silas, Gile, Bohall

Public members – David Finkler

The committee's preliminary discussion on policy #13 focused on the following:

- a. There is a concern about lack of confidentiality of Executive Sessions which could create liabilities and could be cumbersome if many commissioners join the Executive Session. Not all commissioners need to be part of every Executive Session. Additionally, Roberts Rules of Order dictates that only members of the body that is meeting should be included in the Executive Session.
- b. Ten business days to provide documentation is not practical.
- c. This needs verbiage work and should be drafted into a formal policy document to be considered at the next Rules Committee meeting. Marschall Smith will prepare this as a policy document and send it out prior to the next meeting for discussion.

The Chair directed this item to be placed on the next agenda for discussion.

6. Policy #1 – Policy on Policies

Mr. Finkler, on behalf of the Commissioner from Maryland proposed the following recommendations for Policy #1:

- **Policy approval** – Commissioners, IMLC Commission committees, or the executive committee are authorized to recommend policy actions. The full voting membership of the Commission shall review any proposed policy and choose to vote to approve, rescind, reject, or ratify the proposed policy. A policy shall not be effective until it is adopted by a majority vote of the full voting membership of the IMLC commission.
- **Emergency policy approval** - Upon determination that a bona fide emergency exists, the IMLC Commission, through the executive committee or executive director, may promulgate



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an emergency policy action that shall become effective immediately upon adoption. An emergency policy is one that must be made effective immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare.
2. Prevent a loss of federal or state funds.
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

An emergency policy is subject to the policy approval process within ninety days of the effective date. If the full voting membership does not approve or ratify the emergency policy, it expires on the ninety-first day after its effective date.

- **Policy, Rule and Bylaws review** – Change review period from every five years to every three years.
- **Policy compliance audit** - The IMLC Commission shall contract with a vendor to audit the compact to assure that the IMLC is complying with the IMLC policies, bylaws, rules, and statute every three years starting in 2025.

Discussion Participants:

Committee Members: Commissioners Spangler, Hansen, Bohall, Marx

Staff – Rick Masters

Public members – David Finkler

- a. There were several comments that this would be better served as a rule instead of a policy and it was agreed that this will be on the agenda at the next Committee meeting as the committee needs further time to review the proposed changes.

The Chair directed this item to be placed on the next agenda for discussion.

The next meeting will be April 16th at 11am eastern time.

Meeting Date: February 20, 2024

Call to Order – 11:12am

Members present – Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Hansen (SD), Commissioner Gile (KS), Commissioner DiMaggio (NV), Commissioner Loucka (OH), Commissioner Layman (VT), Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio

Other commissioners – Commissioner Farrelly (MD),

Public members: David Finkler

Staff: Dave Clark, Rick Masters, Marschall Smith

Approval of agenda - Moved by Commissioner Hansen (SD), seconded by Commissioner Loucka (OH) to accept the agenda as presented. The motion passed unanimously.

Approval of the January meeting notes – motion – Moved by Commissioner Gile (KS), seconded by Commissioner Loucka (OH).



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1. Review of Proposed Bylaws changes:

a. Article III (amended November 2020)

Proposed change to section 3 (Duties) a (Chairperson):

Add: ... "shall make appointments to all committees of the Commission ***taking into account the Commissioner's preference and size of the respective committees...***

Discussion participants:

- Committee members: Commissioners Layman, Loucka, Hansen, Gile, DiMaggio, and, Manahan.
- Other commissioners: Commissioner Farrelly
- Staff: Rick Masters

Discussion points:

- The suggested changes are an attempt to clarify considerations of the IMLC Chair when appointing commissioners to committees.
- Originally, commissioners volunteered for committee assignments according to their strengths and preferences. Each committee selected their own chair. In 2020 the Bylaws were changed to reflect the growing commission, with the IMLCC Chair empowered to appoint commissioners to the committees and to select the chair of each committee.
- The need to match each commissioner's preference and skillset with the size of the committee has always been an informal part of the process.
- Question – is the chair required to put someone on the committee that they want to be on?
 - Rick Masters – The Chairperson has discretion to appoint based on the preference of the commissioner and the requirement to maintain balance among the committees.
 - Preference is not mandatory compliance to the request.
- **Motion** – Moved by Commissioner Loucka (OH) to send proposed changes to the full Commission, seconded by Commissioner Hansen (SD).
- **Vote** – motion passed. The proposed changes will now go through the Bylaw adoption process, see below.

b. Article VII Section 1

Proposed changes to Section 1. Executive Committee:

1. Add: "The Commission shall establish an executive committee which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for ***policymaking,***"
2. Add: "***Policies approved by the executive committee shall be ratified by the full Commission at the next Commission meeting before becoming effective.***"
3. Add: "***The executive committee shall provide notice of the date, time, and, if electronic, the link to all meetings. The executive committee may enter executive session but may not exclude commissioners from executive session. The executive committee shall keep minutes for both public and executive session meetings. Reports and other documents presented to the Executive Committee shall be posted***



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~~on the Compact website before the meeting. Regular meeting minutes shall be posted on the Compact website. All meetings shall be recorded, and the recording shall be retained for a period of one year.” [These sentences removed as part of the approval motion]~~

Discussion Participants:

- Committee: Commissioners Layman, Loucka, Gile, DiMaggio, Hansen, and Wilton
- Other commissioners: Commissioner Farrelly
- Public: David Finkler
- Staff: Rick Masters and Marschall Smith

Discussion points:

- The suggested changes are an attempt to limit the Executive Committee’s authority regarding policy creation and adoption. And to clarify how closed/executive sessions are to be conducted.
- Recording of meetings, including closed sessions.
 - Historically, the voice of the commission is the approved meeting minutes.
 - The individual committee chairs have determined how a committee meeting is run, including whether to keep formal meeting minutes or informal meeting summaries. Some chairs elected to have no record of the meeting. The same was true regarding the establishment of a quorum.
 - If all meetings are recorded, then there will need to be a policy for someone to be able to object to the meeting based on the recordings, how to store the recordings and how to provide the recordings if requested.
 - There were comments that recording meetings create a new set of problems regarding storage of the recordings and how to handle recording technical problems.
 - Per Rick Masters recording meetings can result in legal issues between what was said vs. what is in the minutes, especially concerning legal issues that are discussed during the meetings. Meeting transcripts can be very expensive, and recordings do not necessarily equate to transparency.
 - As long as the minutes are accurate and public, then recordings are not necessary.
- There are concerns that the procurement policy was made by the Executive Committee without consulting the full commission and that all policy changes should be voted on by the full commission.
- **Motion** – Moved by Commissioner Loucka (OH) to send proposed changes, as amended, to the full Commission, seconded by Commissioner Hansen (SD).

Vote – motion passed. Commissioner DiMaggio voted against the motion. The proposed changes will now go through the Bylaw adoption process, see below.

c. Article VII section 2

Proposed changes to Section 2. Committees:

1. ~~Add: The chairperson may not remove a member from a committee without cause.~~ **[This**



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change was removed as part of the approval motion]

2. Add: The chairperson, vice-chairperson, and executive director of the commission shall be considered ex-officio members of each established committee, **but shall not have a vote or make motions.**

3. Add: **Committees are authorized to create reports containing recommendations for the full Commission; however, committees have no authority to act themselves without a vote of the Commission. A majority of appointed Commissioners for a committee shall constitute a quorum of the committee. The presence of a quorum must be established before a committee can adopt a report or take any authorized action, unless the decision was agreed to by every committee member.** *[This portion removed as part of the approval motion]* **Committees shall provide notice of the date, time, and if electronic, the link to all meetings on the Compact website. Committees shall keep minutes. Regular meeting minutes shall be posted on the Compact website. Committees shall not exclude any commissioner from their meetings. Committees may enter into executive session, but may not exclude commissioners from such executive session. All committee meetings shall be recorded and retained for a period of one year.** *[This sentence removed as part of the approval motion]*

Discussion participants:

- Committee: Commissioners Gile, Layman, and Wilton.
- Other Commissioners: Commissioner Farrelly
- Public: David Finkler
- Staff: Rick Masters and Marschall Smith

Discussion points:

- The suggested changes are an attempt to clarify the role of ex-officio members in the functioning of a committee and how the business of a committee is done.
- In the first change, how is 'cause' defined? Suggested to remove 'without cause' or clarify what 'cause' means.
- Current IMLCC Bylaws do not require a quorum for a committee to act.
- Is the IMLCC bound by an open meetings requirement? Rick Masters – case law for interstate commissions state that we are not subject to any one particular state's requirements.
- **Motion** – Moved by Commissioner Layman (VT) to send the proposed changes as amended, to the full Commission, seconded by Commissioner Loucka (OH)
- **Vote** – motion passed as amended. Commissioner DiMaggio voted against the motion. The proposed changes will now go through the Bylaw adoption process, see below.

The Bylaw adoption process:

1. The proposed changes will be sent to all Commissioners for changes/comments.
2. All comments received will be returned to the Rules committee for consideration.
3. Any changes accepted by the Rules committee to the proposed changes will



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then be sent to the public for comments.

4. All comments received from the public will be returned to the Rules committee for consideration.
5. Any changes accepted by the Rules committee to the proposed changes will be finalized in as draft changes to be posted for public comment and the notice of a rulemaking hearing will be posted so that the full commission can considered the changes at the November 2024 meeting.

Consideration of the other items on the agenda were tabled until the next meeting.

Adjournment – Motion to adjourn by Commissioner Gile (KS), seconded by Commissioner Layman (VT).

The next meeting will be March 19th at 11am eastern time.

Meeting Date: January 23, 2024

Call to Order – 11:04am

Members present – Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Jording (WY), Commissioner Hansen (SD), Commissioner Marx (UT), Commissioner Gile (KS), Commissioner DiMaggio (NV), Commissioner Loucka (OH), Emily Trudeau for Commissioner Layman (VT) Commissioner Silas (AL) – ex-officio, Commissioner Manahan (MN) – ex-officio.

Other –Marschall Smith, Rick Masters, Dave Clark

1. Review of the Proposed schedule for the committee

February 20, 2024

1. Review of Proposed changes to Bylaws:

- a. Bylaws - Article III – Officers – Feb Meeting
- b. Bylaws - Article VII – Committees – Feb Meeting

2. Review of Policies

- a. Policy #2 – Policy on Conflicts of Interest
- b. Policy #4 – Policy on Annual Report

March 19, 2024

1. Review of new proposed Policy:

- a. New proposed Policy #13 - Policy on Transparency

2. Review of Policies

- a. Review of proposed changes to Policy #1 - Policy on Policies
- b. Policy #1 - Policy on Policies
- c. Policy #5 – Policy on IMLCC Reserve Funds

April 16, 2024



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1. Review of Policies

- a. Review of proposed changes from the most recent Audit
- b. Review of proposed changes to Policy #12 - Policy of Procurement
- c. Policy #6 - Policy on Records and Information Requests
- d. Policy #7 – Policy on Changes to the IMLCC webpage
- e. Policy #8 - Policy on Capital Assets

May 21, 2024

1. Review of Policies

- a. Policy #9 - Policy on Investment Strategies
- b. Policy #10 – Policy on Reimbursement of Staff Travel and Official Functions
- c. Policy #11 - Policy on Ex-officio Members
- d. Policy #12 - Policy on Procurement

- The committee agreed on the schedule of review.
- Marschall Smith asked any committee member to contact himself or Dave Clark if there are any questions on how we administratively handle any of these issues.

2. Discussion on a report to the full commission for the Full Commission Meeting on May 14, 2024, regarding the Rules Committee responses to the above Bylaws and Policy review changes.

- The topic was presented that the committee has completed a lot of detailed work in the process of reviewing the rules and policies. It was discussed that the information is not captured as part of the existing process of our minutes as they do not reflect a detailed dialog of the actual back and forth of the committee's discussion. The committee discussed how best to track and report the actions of the committee to the full commission. The committee plans to present a full detailed report for the full commission of all rules, policies, and bylaws reviewed by the committee for the May commission meeting.
- It was recommended to include more detail from discussion in the meeting notes, not just the final discussion results and highlights. This will be implemented.

3. Discussion on holding a virtual public and commissioner comment meeting to be published on the IMLCC website and known interested parties to be invited to attend.

- The committee discussed the existing procedure of all committees in that committee meetings are open to the public, but the information is not published. Any commissioner or member of the public can request to attend the meeting and listen to the meeting. IMLCC staff is responsible for providing the information of the meeting upon request. Staff notes that requests should be made about 1 week prior to the committee meeting and standing requests cannot be accommodated.
 - It was discussed on the need for additional meetings for public participation. Several agreed that there are currently enough meetings that any additional meetings are not needed at this time. It was discussed that the public, and other commissioners have an opportunity to comment on proposed rules and changes during the comment periods as part of the rule making process. It was discussed to recommend to the Communications Committee and to IMLCC staff to provide a written reminder either on the website or in the annual report that requests for rules to be reviewed, comments or suggestions should be sent to Director Smith or Operations Manager Clark. It was discussed that there are only three committees (Rules, Technology, and Communications) that meet on a regular basis, the other two committees (Budget and Personnel) only meet on an Ad Hoc basis.
 - The established procedure of non-committee members and the public attendance and participation was further discussed.
 - It was recommended that a clear policy about public participation and attendance of committee meetings as compared to participation of non-committee member



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commissioners and their attendance and participation. Additionally, the policy should address closed sessions in adherence with compact law.

4. Participation of Ex-officio members in committee meetings

- The committee discussed the policy on Ex-officio members. There are four ex-officio members of the compact: The Compact Chair, Vice Chair, Past Chair, and the IMLCC Executive Director. Per Policy #11 – Policy on Ex-officio Members – ex-officio members are entitled to attend and participate in the discussion of each committee meeting, but they cannot make motions or vote on matters before the committee. The purpose of this is to allow these members to share their experience and guidance with the committee, but ultimately it is up to the committee members themselves to make decisions for the committee.
- The question was raised whether preventing ex-officio members from making motions or voting agrees with Robert's Rules of Order and suggested that the committee take a deeper look into whether this policy is in alignment with Robert's Rules. It was discussed that Robert's Rules is not clear on whether a non-voting member can attend a committee meeting.
- An issue was brought up that the past Chair only serves for one year as an ex-officio member, but with the change that allows the Chair to serve two consecutive terms, the Past Chair does not serve during the new Chair's 2nd term. There was a discussion on what should that be addressed. The committee agreed to review the bylaw at a future meeting.
- The committee discussed that now that the compact has grown large enough that the policies and bylaws related to committee assignment and voting should be reviewed to ensure that states are equally represented and provide an unfair advantage.

The next call will be February 20th at 11am eastern time.

Meeting Date: November 13, 2023

Call to Order – 10:02 am

Members present in Person – Commissioner Bohall (AZ), Commissioner DiMaggio (NV), Commissioner Jording (WY),

Members Present Telephonically - Commissioner Loucka (OH), Commissioner Gile (KS)

Other: Commissioner Silas (AL), Rick Masters, Otto Sabando, David Finkler - Maryland Assistant Attorney General, Katie Collins – National Board of Physicians and Surgeons

1. Recommendation for a change to Rule 5.4(d) - specialty certification.

The committee reviewed the PDF. Committee members commented that they were not in support of the proposed changes. The discussion focused on the understanding that the intent of the compact was to hold the highest standard of licensure requirements from all compact states. Additionally, it was commented that in order to qualify for the compact per statute the applicant must hold a current certification at the time of application and the proposed change would be in conflict with the compact statute. The committee also took comments from the public during this time. The representative from the NBPS provided comments to the committee encouraging them to approve the change as well as address the Maintenance of Certification concern. She stated that the compact website FAQs are inaccurate.



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The committee recommends that the Communications Committee review the following with Mr. Masters and Mr. Smith:

- Website FAQ: "Hold a current specialty certification or time-unlimited certification by an ABMS or AOABOS board" (emphasis added).

The IMLC also states the following on its FAQ page:

- "The Compact does not require a physician to participate in MOC at any stage, nor does it require or make mention of the need to participate in MOC as a licensure renewal requirement in any state. Board certification is only an eligibility factor at the initial entry point of participation in the Compact process" (emphasis added).

Found Here:



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Who is eligible to participate in the Compact? ^

Any physician from a Compact state who meets the qualifications of the Compact is eligible for licensure in any other Compact state and responsible for obeying all statutory laws and administrative rules of the state.

In order to qualify for Compact participation, physicians must:

- Hold a full, unrestricted medical license in a Compact member state that can serve as a State of Principal License (SPL). (Refer to the [Compact map](#) on our homepage to see states that are currently participating.)
 - At least one of the following also must apply:
 - The physician's primary residence is in the SPL
 - At least 25% of the physician's practice of medicine occurs in the SPL
 - The physician is employed to practice medicine by a person, business or organization located in the SPL
 - The physician uses the SPL as his or her state of residence for U.S. Federal Income Tax purposes.

(Note: Physicians must maintain their SPL status at all times. An SPL may be updated after a physician receives a letter of qualification to participate in the Compact.)

- Have graduated from an accredited medical school, or a school listed in the International Medical Education Directory
- Have successfully completed ACGME- or AOA-accredited graduate medical education
- Passed each component of the USMLE, COMLEX-USA, or equivalent predecessor exam accepted by the state medical board in no more than three attempts for each component - *Please note: Passing the Canadian Licentiate of the Medical Council of Canada, or the LMCC, DOES NOT meet this requirement*
- Hold a current specialty certification or time-unlimited certification by an ABMS or AOABOS board

And here:

Do physicians who use the Compact licensure process have to participate in Maintenance of Certification (MOC)? ^

The Compact does not require a physician to participate in MOC at any stage, nor does it require or make mention of the need to participate in MOC as a licensure renewal requirement in any state. Board certification is only an eligibility factor at the initial entry point of participation in the Compact process.

Action: The Committee declined to make the requested change to rule 5.4(d).



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2. Prep for Tuesday's Rulemaking hearing (if applicable)

The Committee discussed the Rulemaking hearing. The Committee heard comments regarding the proposed Bylaws changes to Articles III and VII. The committee discussed that the proposed changes were inconsistent with the compact statute that requires an annual election of ALL (emphasis added) officers.

The committee also received public comment from David Finkler, the AAG from the Maryland Board of Physicians. Mr. Finkler provided comments on the proposed bylaw amendments and proposed rules, as well as providing a statement of intent of the Commissioners from Maryland to introduce their own bylaw amendments and policies on the floor during the rulemaking hearing.

Action: The Committee voted to withdraw the proposed Bylaws from consideration at the rulemaking hearing.

3. Schedule for 2024 committee meetings

The committee confirmed the commitment to meeting once a month on a Tuesday at 9 am Mountain Time.

4. Committee plan for 2024

It was recommended that we consider a review of some policies again as previously reviewed them in 2021 or 2022.

5. Other

No other topics were presented at the time of the meeting.

The meeting adjourned at approximately 10:30 am.

The next meeting will be January 16th at 11am eastern time.

Meeting Date: September 19, 2023

The meeting was called to order at 11:07am eastern time by Commissioner Bohall (AZ)

Members Present: Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Gile (KS), Emily Tredeau for Commissioner Layman (VT), Commissioner Jording (WY), Commissioner DiMaggio (NV)

Other: Commissioner Silas (AL), Marschall Smith, Rick Masters, Dave Clark

1. Comment – Rule 3 – Maine

- Add verbiage “and renewed” throughout the rule.
- Add verbiage “and the amount, if any.” To section 3.5(2)
- Motion (Bohall) to adopt Maine’s changes and modification. 2nd by Wilton. Motion passed.



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- Motion (Gile) to submit for final public comment and to submit the proposed version at the full commission meeting. 2nd by Wilton. Motion passed.
2. Comment – Rule 4 – Maine
 - Motion (Gile) to submit for final public comment and to submit the proposed version at the full commission meeting. 2nd by Jording. Motion passed.
 3. Comment – Bylaws Article III – Maine
 - Recommendation to change the proposed rule to hold the Chair and Vice Chair elections in the same year and move the Treasurer election to the off year.
 - Motion (Bohall) – hold the Chair and Vice Chair elections in 2023 and move the Treasurer election to 2024. 2nd by DiMaggio. Motion passed.
 - Motion (Gile) to submit the proposed version at the full commission meeting. 2nd by DiMaggio. Motion passed.
 4. Bylaws Article VII – no comments.
 - Motion (Gile) to submit the proposed changes at the full commission meeting. 2nd by Jording. Motion passed.
 5. Rule 5.9 – Request to sunset rule 5.9 which specifically addresses the COVID19 pandemic since the state of emergency in almost all states have been withdrawn and renumber Rule 5.10 to 5.9.
 - Motion (Jording) to sunset rule 5.9 and renumber 5.10 to 5.9. 2nd by Gile. Motion passed.
 6. Rule 6 – Coordinated information system, Joint Investigations and Disciplinary Actions – No new comments.
 - Motion (Bohall) to submit the proposed changes at the full commission meeting. 2nd by DiMaggio. Motion passed.

The next committee meeting will be held on Monday, November 13th at the Hyatt Regency in the Denver Tech Center. There will be call in information for those who are unable to attend the meeting in person.

Meeting Date: August 22, 2023

The Meeting was called to order at 1:07pm eastern time by Commissioner Bohall (AZ)

Members Present: Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Gile (KS), Commissioner Loucka (OH), Commissioner Hansen (SD), Commissioner DiMaggio (NV)

Other: Marschall Smith, Rick Masters, Dave Clark, Karen Silas, Christine Farrelly, David Finkler

1. Comment – Rule 3 – West Virginia
 - Motion (Loucka) – change ‘licensure fees’ to ‘license fees’ throughout the document. 2nd by Hansen. Approved by the committee.
 - Rule 3.3 – Modify 3.3 to state that a board must provide written approval for each weekly remittance before payment will be made, or the board may provide standing authorization to pay the remittance in lieu of weekly written approval. Motion by Bohall, 2nd by Loucka. Approved by the committee. Motion by Wilton to submit Rule 3 for public comment, 2nd by Hansen. Approved by the committee.
2. Comment – Rule 4 – West Virginia
 - Definition of “Employer” – added:



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For the purposes of this definition, "located" means that the person, business or organization has a presence within the state, and conducts business within the state beyond:

1. Only holding a business registration with the Secretary of State.
2. Only being authorized to do business within the state without, in fact doing business in the state; and
3. Only maintaining a registered agent in the state.

Motion by Hansen to submit Rule 4 for public comment, 2nd by Gile. Approved by the committee.

3. Comment – Rule 6 – West Virginia and Vermont

- West Virginia – No redline changes. The committee has rejected West Virginia's Rule 6 comments.
- Vermont – Modified 6.4(f) The issuance of a subpoena is covered by court procedures and under a joint investigation, the board agrees to participate.

Motion by Wilton to submit Rule 6 for public comment, 2nd by DiMaggio. Approved by the committee.

4. Bylaws Article III –

1. Change the appointment of the Compact Chair, Vice Chair, and Treasurer from one-year terms to two year terms.
2. Term limits – Officers may not serve more than two consecutive elected terms in the same office.

Motion by Bohall to submit Article II for Commissioner Comments, 2nd by DiMaggio. Approved by the committee.

5. Bylaws Article VII –

1. Change the term of the past Chairperson to serve as an ex-officio member of the executive committee from one year to two years.

Motion by Bohall to submit Article VII for Commissioner Comments, 2nd by Hansen. Approved by the committee.

Meeting Date: August 15, 2023

The meeting was cancelled due to lack of attendance and inability to establish a quorum. The committee must meet in August in order to present proposed changes for a vote in November.

A survey was sent to the group to schedule a meeting for the week of August 21st.

Meeting Date: July 18, 2023

The meeting was cancelled due to lack of attendance and inability to establish a quorum.

The next meeting will be Tuesday August 15th at 11:00am eastern time.

Meeting Date: June 20, 2023

The meeting was called to order at 11:05am eastern time by Commissioner Bohall (AZ)



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Members Present: Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Gile (KS), Commissioner DiMaggio (NV), Commissioner Layman (VT), Commissioner Loucka (OH)

IMLCC Staff/Ex-Officio members present: Commissioner Silas (AL), Marschall Smith, Rick Masters, Dave Clark

1. Review of Rule 4 – commissioner comments closed with no comments. Approved to publish for public comments.
Motion – DiMaggio (NV), seconded by Gile (KS).
2. Review of Rule 3 draft provided by the Budget Committee - verbiage correction was made to section 3.3 (1)(b) and approved by the committee to publish for commissioner comments.
Motion – Layman (VT), seconded by Gile (KS).
3. Review of Rule 6 – Minor verbiage correction to section 8(f) and approved by the committee to publish for commissioner comments.
Motion – Loucka (OH), seconded by DiMaggio (NV).

The next meeting will be Tuesday, July 18th at 11:00am eastern time.

Meeting Date: April 18, 2023

The meeting was called to order at 11:03am eastern time by Commissioner Bohall (AZ)

Members Present: Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Marx (UT), Commissioner Burkholder (MT), Commissioner Gile (KS), Commissioner DiMaggio (NV)

IMLCC Staff/Ex-Officio members present: Commissioner Silas (AL), Marschall Smith, Rick Masters, Dave Clark

1. Review of Rules 6.5 and 6.6 based on last week's subcommittee meeting.
A red line version of the complete Rule 6 is attached, and per request, Marschall Smith also corrected all instances of 'member state' and 'Board' to reflect 'member board'.
2. The revised rule will be reviewed at the May Rules Committee meeting, and if approved, we will begin the rulemaking process for consideration at the November all Compact meeting.
3. The Budget Committee may be asking the Rules Committee to revise Rule 3.3(1)(b) – Delegation of collection and disbursement of fees:

(b) Service fees and licensure fees collected by the Interstate Commission shall be disbursed to member boards no less frequently than once every 30 days.

The next committee meeting will be Tuesday, May 16, 2023 at 11:00am eastern time.



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Rule 6.5 and 6.6 Subcommittee meeting: April 10, 2023

Section 6.5 notes:

Section a - Can we cite the statute - 'As specified in Section 10a'?

Section c - Can we cite the statute - 'As specified in Section 10d'?

Section d - 2 general questions:

1. Does 'state B' have to notify the NPDB of the 90 day suspension?
2. Can 'state B' convert the license to a traditional license?

Section h(2) - verbiage change - replace 'a non-state of principal license' with 'a member board'
The current verbiage is confusing.

Section 6.6 notes:

Commissioner Loucka expressed continued concern that this would not stand up in court since you can't have a rule supersede a statute; Patricia Wilton agreed.

Commissioner Gile suggested striking 6.6

General discussion about how the rule was just passed and maybe no way to know validity until it is tested.

Commissioner Bohall suggested adding verbiage to 6.6 to allow a compact convert a compact license to a state traditional license.

Patricia Wilton (for Commissioner Johnson) has information from other compacts, and this will be shared.

General shared concern that the rule both protects states' rights, but also may be on shaky ground; consensus to watch the rule over time and see what comments we receive or how it gets used.

Meeting Date: March 21, 2023

The meeting was called to order at 11:05am by Commissioner Bohall (AZ)

Members Present: Commissioner Bohall (AZ), Patricia Wilton for Commissioner Johnson (LA), Commissioner Marx (UT), Commissioner Burkholder (MT), Commissioner Gile (KS), Commissioner Jording (WY), Commissioner Loucka (OH), Commissioner DiMaggio (NV), Commissioner Hansen (SD)

IMLCC Staff/Ex-Officio members present: Marschall Smith, Rick Masters, Dave Clark

Non-Committee members present: Commissioner Farrelly (MD), David Finkler.

1. Rule 6.4 Joint Investigations Review – A vigorous discussion was held, starting with the



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subpoena powers, paragraphs “g” and “h” and if those obligations are part of a joint investigation or standalone provisions. After discussion it was determined to clarify that paragraph 6.4 relates to Joint Investigations and the decision to join is an option available to all member boards, with the subsequent paragraphs defining the obligations to a member board who has decided to join the Joint Investigation and are not considered standalone provisions. The entire paragraph was reviewed and changes were made to paragraphs “g”, “h”, and “i” to clarify the requirements of member boards who join the joint investigation and limiting the scope of the joint investigations to physicians who had utilized the Compact process.

2. Rule 4.2 Review Definition of Employer – Discussion regarding the greater protection if there is no connection to the employer in the member state aside from a registered agent with the Secretary of State. The discussion included considerations of potential anti-trust issues and concerns about creating a rule for which the Compact will be creating an eligibility requirement that SPLs must consider and apply without discretion. It was determined to move forward with the suggested changes and put the matter to the Commissioners. Additionally, there was discussion regarding providing clarity that it is the SPL which applies the eligibility requirements contemporaneously when making eligibility determinations.

Commissioner Loucka (OH) made a motion to proceed with the rulemaking process incorporating the changes to IMLC Rule, Chapter 4, paragraph 4.2, changes to the definition “Employer”. The motion was seconded by Commissioner DiMaggio (NV).

Commissioner Bohall made a motion to amend IMLC Rule, Chapter 4, paragraph 4.3 (b). The motion was seconded by Commissioner Burkholder (MT).

3. The next section of Rule 6 will be paragraph 6.5, with a preliminary discussion of presenters prior to the next committee meeting at a date/time yet to be established.

The next committee meeting will be held on Tuesday, April 18th at 11am eastern time.

Meeting Date: February 21, 2023

The meeting was called to order at 11:03am by Commissioner Bohall (AZ)

Members Present: Commissioner Bohall (AZ), Commissioner Burkholder (MT), Commissioner Gile (KS), Patricia Wilton for Commissioner Johnson (LA), Commissioner DiMaggio (NV), Commissioner Loucka (OH), Commissioner Hansen (SD)

Ex-Officio Members Present: Vice Chairman Silas (AL), Executive Director Marschall Smith (IMLCC)

Non-Committee members present: Dave Clark (IMLCC), Commissioner Farrelly (MD)

1. Rule 6.3 Review – Patricia Wilton presented her thoughts on Rule section 6.1 and determined that no changes were necessary to Rule 6.3, and that per her research other compacts have the same, or less detailed rules regarding sharing of information. It was agreed by the committee that no changes are needed.

Marschall Smith forwarded Ms. Wilton’s email with her thoughts about section 6.3 to the rest of



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the committee.

2. Ex-Officio policy draft – Marschall shared his draft version of the policy regarding disallowing Ex-Officio committee members from making motions and voting on matters before the established committee.
There were a few minor verbiage changes, and the committee voted unanimously to approve the amended policy draft.
Marschall will present the amended policy to the Executive Committee during the March 7th Executive Committee Meeting.
3. Definition of Employer – Rule 4.2 – Commissioner DiMaggio (NV) expressed concerns regarding the definition of ‘employer’ for the purposes of compact eligibility, and no actual business is being conducted. This is not the intent and purpose of the compact law
Specifically:
 - a. The employer only has a registered agent in the state, and no other physical presence.
 - b. The employer has a brick-and-mortar location, but it is not staffed, and only meets the definition due to the physical location.

Commissioner DiMaggio made a motion to modify Rule 4.2 to exclude registered agents, or unstaffed rented space from the definition of employer. Motion was seconded by Commissioner Hansen (SD).

The motion was approved by the committee, and a draft of the revised definition will be reviewed at the March Rules Committee meeting and will need to go through the rulemaking process, if approved.

The next committee meeting will be held on Tuesday, March 21st at 11am eastern time.

Meeting Date: January 17, 2023

The meeting was called to order at 11:02am by Commissioner Bohall (AZ)

Members Present: Commissioner Bohall (AZ), Commissioner Burkholder (MT), Commissioner Marx (UT), Patricia Wilton for Commissioner Johnson (LA), Commissioner Jording (WY), Commissioner DiMaggio (NV), Commissioner Loucka (OH), Commissioner Gilman (VT)

Ex-Officio Members Present: Chairman Spangler (WV), Vice Chairman Silas (AL), Executive Director Marschall Smith (IMLCC)

Staff Present: Dave Clark

Non-Committee members present: Commissioner Farrelly (MD), David Finkler

1. Rule 6.1 (Authority) Review
Commissioner Bohall presented proposed changes to Rule section 6.1 – added reference to IMLCC Statute, Section 1.
2. Rule 6.2 (Definitions) Review
Commissioner Bohall presented proposed changes to Rule section 6.2 – the following changes



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were agreed upon:

- a. Definition of ‘Confidential and filed under seal’ – added reference to Compact Law, Section 8(f)
 - b. The committee agreed to strike the definition of “Member Board” since it references Rule 5.2(bb).
 - c. The committee agreed to strike the definition of “State of principal license” since it references Rule 5.2(bb).
3. Sections 6.6(g) and 6.6(h)(2) both reference “non-state of principal license” do we want to address this issue now?
It was agreed to refer this to the subcommittee who is looking at sections 6.5 and 6.6.
4. Commissioners Bohall, Gile, and Patricia Wilton currently make up the subcommittee for sections 6.5 and 6.6 – please see Commissioner Bohall or Dave Clark if you are interested in joining this subcommittee.
5. Marschall was asked to check with Rick Masters and see if it is proper to leave the defined word in the definitions or is it ok to include a link back to that definition in the Compact Law.
6. Patricia Wilton is leading the discussion on section 6.3 at the February meeting – if anyone has any thoughts regarding section 6.3 please send them to Dave Clark and he will forward them to Ms. Wilton.
7. Ex-officio members voting

Ex-officio members are defined in the IMLCC By-laws, Article VII section 2 which states that the chairperson, vice-chairperson, and executive director of the commission shall be considered ex-officio members of each established committee.

At the November 2022 all compact meeting, the direction was given to the Rules Committee to address the topic of should there be a policy allowing ex-officio members to vote and make motions during committee meetings, or should they be limited to providing guidance during committee meetings.

It was agreed that ex-officio members should not be voting members of the IMLCC committees.

Marschall Smith created the first draft of a policy regarding ex-officio members for review and discussion at the next Rules Committee meeting.

The next meeting is scheduled for February 21st at 11am eastern time.

Meeting Date: December 13, 2022

The meeting was called to order at 11:05am by Commissioner Bohall (AZ)



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Members present: Commissioner Bohall (AZ), Commissioner Gile (KS), Commissioner Gilman (VT), Patricia Wilton for Commissioner Johnson (LA), Commissioner Spangler (WV), Commissioner Silas (AL)

IMLCC staff present: Marschall Smith, Dave Clark

Non-Committee Members present: Commissioner Farrelly (MD)

1. 2023 Committee schedule – it was agreed that we will continue meeting on the 3rd Tuesday of each month at 11:00am eastern time.
2. Rule 6 – Do we want to do a full review of this rule? – all present agreed that the Rule should be reviewed, updated, and submitted for a Rules hearing in November.
 - a. It was agreed that individuals or subcommittees should be responsible for reviewing each section and bringing it to the entire group for discussion. Marschall did warn that if two or more committee members get together to discuss, then it becomes an official meeting, and they should get IMLCC staff involved to set up the meeting so others can join, if necessary.
 - b. Review Schedule:
 - January meeting – Sections 6.1 and 6.2 (Bohall - AZ)
 - February meeting – Section 6.3 (Wilton - LA)
 - March meeting – Section 6.4 (Gilman – VT)
 - April meeting – Section 6.5 and 6.6 (Gile – KS and Bohall – AZ)
 - May – Review of the Rule in its entirety for a first draft of recommendation
 - First draft ready for publication and comments in June with the goal of having subsequent drafts reviewed and prepared for the November commission meeting.
 - **If you are unable to attend a meeting, please send any comments or feedback about each section to Dave before the meeting so that it can be included in the discussion.**
 - **If you want to participate in the sub-committee on Rules 6.5 and 6.6, please let Dave know so you can be added to the sub-committee.**
 - c. Common questions raised by member boards regarding IMLC Chapter 6:
 - How should a board handle IMLC Chapter 6.5 when notice of action by the SPL or other member board is provided and our board has already investigated and resolved?
 - Do we need to place the automatic hold?
 - Can we ignore the notice and take no action?
 - The actions available during the 90 day hold outlined in IMLC Chapter 6.5(h) seem to be incomplete.
 - Are the items 1 - 4 in paragraph (h) an inclusive list or are other options available?
 - Can we end the 90 day hold early if we have completed our investigation - this doesn't appear to be an option?
 - What if the SPL did not take action (b) appears to allow only if SPL terminates?
 - Are pre-licensing decisions, i.e. denied or allowed to withdraw the application prior to the issuance of a license, considered "actions"?
 - If yes, then it seems to conflict with the definition of discipline found in IMLC Statute, Section 2, paragraph (k)(7) which says "(7) Has never held a license..."
 - IMLC Statute, Section 9, does not appear to provide details about the sharing of non-disciplinary or "discretionary" information; however, authorization to create rules are permitted in paragraph (g). Why has the Compact not issued rules about this?
 - What happens if an SPL takes action after another member board has taken action and we have implemented the provisions of IMLC Rule 6.5(g)?
 - Do we now switch to 6.5(e) and start all over again?
 - Does this create due process concerns?



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- Can we ignore 6.5(e) if we are already on the 6.5(g) path?
- What are the options available to a board if another board refuses to share disciplinary or investigative information as required by Rule 6.3(f)?
- Subpoena information appears to be included only in the "Joint Investigation" section of Rule 6.4. Is the assistance required only in cases of a Joint Investigation?
- What if an investigative file contains records protected by HIPAA or contains health related information, either about the physician or patients?
- Can redacted investigative files be shared?
 - Is this considered meeting the requirements of Rule 6.3(f)?
- What happens if the disciplinary board's "...entry of the order..." is more than 90 days (or close to the end of the 90 days) from the notice provided by the IMLCC? How does Rule 6.5(h) work in this case?
 - Can the board extend the 90 days in Rule 6.5(g) even if it is more than 90 days since the entry of the order?

3. Ex-officio member voting – This will be addressed in the January meeting and Commissioner Bohall asked to have Rick Masters attend this meeting to provide guidance.

4. Estimated timeframe for the Rulemaking Process:

- IMLC Rule, Chapter 1, paragraph (1.4)(a) requires that all changes or amendments to IMLC rules be submitted to the Rules Committee as the starting point.
- The Rules Committee:
 - Develops a draft rule
 - Seeks Commissioner comments on the draft rule
 - Seeks public comments on the draft rule
 - Repeats this process until a final, draft rule is ready for a rulemaking hearing by the full commission
- The final, draft rule submitted by the Rules Committee must have public notice at least 30 days prior to the rulemaking hearing
- Rulemaking hearings can only take place at a meeting of all commissioners and can not be delegated to a committee. This rulemaking authority includes making changes to the Bylaws (IMLC Bylaws, Article X)

Here is the estimated time frame for changes considered to IMLC Bylaws, Article III Officers - regarding ex-officio members being allowed to or prohibited from voting - with a planned rulemaking hearing at the May 16, 2023 Commission meeting:

- January 17, 2023 - Rules Committee Meeting
 - Review and discussion of Bylaws, Article III
 - Initial draft of the proposed amendment prepared for publication
- January 18, 2023 - Commissioner only notice
 - 28 day notice and request for Commissioner comments (January 18, 2023 to February 14, 2023)
- February 21, 2023 - Rules Committee Meeting
 - Consideration of Commissioner comments
 - Changes (if any) made to the proposed amendment and prepared for publication
- February 22, 2023 - Public Notice
 - 22 day notice and request for public comments (February 22, 2023 to March 15, 2023)
- March 21, 2023 - Rules Committee Meeting
 - Consideration of public comments
 - Final draft of the proposed amendment prepared for publication
- April 4, 2023 - Executive Committee Meeting
 - Review of the final draft of the proposed amendment
- April 17, 2023 - Commissioner and public notice provided
 - 30 day public notice published regarding the rulemaking hearing
 - Final draft of the Bylaws, Article III published
- May 16, 2023 - Full Commission meeting
 - Commission Meeting with rulemaking hearing



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Here are the estimated time frame for the changes considered to IMLC Rules Chapter 6 (if any) with a planned rulemaking hearing at the November 14, 2023 Commission meeting:

- January 17, 2023 - Rules Committee Meeting
 - Review and discussion of IMLC Rule, Chapter 6, paragraphs (6.1) and (6.2)
- February 21, 2023 - Rules Committee Meeting
 - Review and discussion of IMLC Rule, Chapter 6, paragraph (6.3)
- March 21, 2023 - Rules Committee Meeting
 - Review and discussion of IMLC Rule, Chapter 6, paragraph (6.4)
- April 18, 2023 - Rules Committee Meeting
 - Review and discussion of IMLC Rule, Chapter 6, paragraph (6.5) and (6.6)
- May 16, 2023 - Rules Committee Meeting
 - Review and discussion of first draft of amendments to IMLC Rule Chapter 6
- June 20, 2023 - Rule Committee Meeting
 - Continued review and discussion of first draft of amendments to IMLC Rule Chapter 6
 - Initial draft for Commissioner comments
- June 21, 2023 - Commissioner only comments
 - 45 day notice for Commissioner comments (June 21, 2023 to August 4, 2023)
- August 22, 2023 - Rules Committee Meeting
 - Consider Commissioner comments
 - Changes (if any) made to the proposed amendments and prepared for publication
- August 23, 2023 - Public comments
 - 21 day notice for public comments (August 23, 2023 to September 12, 2023)
- September 19, 2023 - Rules Committee Meeting
 - Consider public comments
 - Final draft prepared for publication
- October 10, 2023 - Executive Committee Meeting
 - Review of the final draft of the proposed changes
- October 15, 2023 - Commissioner and public notice of rulemaking hearing
 - 30 notice of the rulemaking hearing published
 - Publication of the final draft
- November 14, 2023 - Rulemaking Hearing

The next meeting will be Tuesday January 17th at 11:00am eastern time.

Meeting Date: November 7, 2022

The meeting was called to order at 10:03am by Commissioner Martinez (MN)

Members present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Johnson (LA) – proxy – Patricia Wilton, Commissioner Burkholder (MT), Commissioner Hansen (SD), Commissioner Marx (UT), Commissioner Gilman (VT), Commissioner Osborne (WV), Commissioner Farrelly (MD) – proxy – David Finkler

Non-Committee Members present: Joe Turek – Ohio Medical Board

1. Review of the Committee Charge – Reviewed and decided to keep as-is. Motion by Commissioner Hansen, 2nd by Commissioner Burkholder.



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2. 2023 meeting schedule – Decided to keep the 2023 schedule on the 3rd Tuesday of each month at 10:30am central time.
3. Succession Planning – Commissioner Martinez will be retiring in February 2023, and discussion was held to make a recommendation to Commissioner Spangler for her replacement. David Finkler mentioned the Commissioner Farrelly would like to chair the Rules Committee. Motion by Commissioner Martinez, 2nd by Commissioner Marx. A recommendation will be made during the Rules Committee update during the November 8th Commission meeting.
4. Rules Hearing – followup for Rule 6 discussion – There will be a Rules Committee meeting on December 13th at 10am central time to plan how to address any changes required (if applicable) based on the Rules Hearing on Rule 6 at the November 8th Commission Meeting. Since Rule 6 is a top priority for the committee, the committee has decided to table any other topics until after the Rule 6 issue has been addressed.

Meeting Date: October 3, 2022

The meeting was called to order at 9:35am by Commissioner Martinez (MN)

Members present: Commissioner Martinez (MN), Commissioner Jording (WY), Commissioner Gilman (VT), Commissioner Spangler (WV), Commissioner Tarr (TN), Commissioner Marx (UT), Commissioner Farrelly (MD), Commissioner DiMaggio (NV),

Non-Committee Members present: Commissioner Manahan (MN), Nathan Smith, David Finkler, Aaron Mabe

IMLCC Staff: Marschall Smith, Rick Masters, Dave Clark

Rule 6 revision review:

1. Section 6.5 (a) – Review, discussion, and rewording of the section. Approved by committee: Yes = 8 votes, No = 0 votes, Abstain = 0 votes.
2. Section 6.5 (b)(1) – Review, discussion, and rewording of the section. Approved by committee: Yes = 7 votes, No = 0 votes, Abstain = 1 vote.
3. Section 6.5 (g) – Review, discussion, and rewording of the section. Approved by committee: Yes = 7 votes, No = 0 votes, Abstain = 0 votes.
4. Section 6.5 (h) – Review and discussion of the section. Approved by committee: Yes = 7 votes, No = 0 votes, Abstain = 1 vote.
5. Section 6.6 – Review, discussion and rewording of the section. Approved by committee Yes = 6 votes, No = 1 vote, Abstain = 0 votes.
6. Commissioner Farrelly asked to go back and take another look at 6.5 (h)(2) where the second sentence was removed in a prior meeting – removed “if the state of principal license has already terminated the suspension”. She proposed adding that sentence back in. After



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discussion, it was approved by the committee: Yes = 5 votes, No = 1 vote, Abstain = 1 vote.

7. The Committee then voted on the whether the revised Rule 6 should be submitted to the full commission for a Rules Hearing at the All Compact meeting on November 8th. Approved by Committee: Yes = 6 votes, No = 1 vote, Abstain = 0 votes.

Marschall will send out the revised Rule by October 7th for review and discussion at the Rules Hearing.

The next Communications Committee meeting will be Monday, November 7th during Committee Day in Gulf Shores, Alabama. There will be a dial in number for those who can't attend in person.

Meeting Date: September 26, 2022

The meeting was called to order at 9:34am by Commissioner Martinez (MN)

Members present: Commissioner Martinez (MN), Commissioner Jording (WY), Commissioner Gilman (VT), Commissioner Spangler (WV), Commissioner Tarr (TN), Commissioner Marx (UT), Commissioner Farrelly (MD)

Non-Committee Members present: Commissioner Manahan (MN), Nathan Smith, Elizabeth Huntley, Jamie Alley

IMLCC Staff: Marschall Smith, Rick Masters, Dave Clark

1. Rule 6 revision - there were 13 rule comments received, and 12 of the comments were reviewed and discussed during the meeting.
 - a. In order for a Rule Hearing to be held at the November Compact meeting, a draft rule must be published no later than October 7th in order to receive comments for a November 8th vote.
 - b. It was decided that based on the comments received and discussion, there will be an IMLCC staff meeting on September 27th to further refine the draft of Rule 6 with the goal of defining how to act after a disciplinary action. Mr. Masters will work on reworking the draft based on the comments and discussion. The revised draft will be sent to the committee members no later than 5pm on Wednesday September 28th for review.
 - c. There will be a supplemental Rules Committee meeting on Monday October 3rd at 11:30am eastern time to discuss new revision. The committee will be required to decide if the draft should be published for comments and if a rule hearing should be held on Tuesday November 8th at the Compact meeting. Another meeting was scheduled for Tuesday October 4th at 2:00pm eastern time if additional discussion is necessary.

Meeting Date: August 26,2022

The meeting was called to order at 3:06pm eastern time by Commissioner Martinez (MN)



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Members present: Commissioner Martinez (MN), Commissioner Spangler (WV), Commissioner Farrelly (MD), Commissioner Jording (WY), Commissioner Tarr (TN), Commissioner Marx (UT), Commissioner Bohall (AZ), Commissioner Hansen (SD)

Staff present: Marschall Smith, Rick Masters, Dave Clark

1. **Advisory Opinion 09-13-2022**

Marschall reiterated that Rick Masters' Advisory Opinion was requested by the Executive Committee and will be discussed at the September 13th Executive Committee meeting, and the Executive Committee will decide whether to publish the opinion or not. The committee is charged with providing input regarding the document that will be sent to the Executive Committee for its review.

Rick Masters stated that the opinion should attempt to de-politicize the issue, and that the Compact is obligated to enforce the scope of practice requirements in each state.

Discussion included removing specific references to abortion, to make the opinion more general. Although the document was presented in the IMLC format for Advisory Opinions, it was recommended the document be altered for this Advisory Opinion to remove or shorten the Background Section and reformat the remaining sections to get to the heart of the opinion more quickly.

Rick expressed his appreciation for the input and will work on creating a final version for the Executive Committee's consideration.

2. **Rule 6 amendment draft discussion**

The August 23rd meeting's decision to postpone amending the rule was reversed, and the committee decided that it was prudent to engage in amending Rule 6 now for consideration at November's Annual Commission Meeting.

A draft copy of the amended rule was provided prior to the meeting for the members review and consideration. During the discussion and review of the draft document, the committee reviewed the changes line-by-line and provided input regarding the proposed amendments. Once the proposed changes had been reviewed, the matter was called and a roll-call vote was held.

MOVED BY COMMISSIONER HANSEN, SECONDED BY COMMISSIONER MARX,
THAT THE RULES & ADMINISTRATIVE PROCEDURES COMMITTEE INITIATE
THE RULEMAKING PROCESS TO AMEND IMLC RULE CHAPTER 6. THE
EXECUTIVE DIRECTOR IS CHARGED WITH PROVIDE NOTICE OF THE
PROPOSED CHANGES FOR PUBLIC AND COMMISSIONER COMMENTS.

MOTION PASSED: UNANIMOUSLY

- COMMISSIONER MARTINEZ – IN FAVOR
- COMMISSIONER BOHALL – IN FAVOR
- COMMISSIONER HANSEN – IN FAVOR
- COMMISSIONER TARR – DID NOT VOTE
- COMMISSIONER MARX – IN FAVOR
- COMMISSIONER JORDING – IN FAVOR



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- COMMISSIONER SPANGLER – IN FAVOR
- COMMISSIONER FARRELLY – DID NOT VOTE

The outline of the rulemaking process deadlines are outlined below:

- August 26, 2022 – Rules & Administrative Procedures Committee authorized initiating the rulemaking process
- August 29, 2022 – The draft amended Rule Chapter 6 to be published for comments from Commissioners and public
- September 20, 2022 – The comment period closed
- September 22, 2022 - Comments published on Commission webpage and provided to Rules Committee members
- September 27, 2022 - Rules Committee meeting to consider comments and prepare final draft for the rulemaking hearing
- October 7, 2022 - Rulemaking hearing notice posted with final draft published
- November 8, 2022 - Rulemaking hearing by Commission

Meeting Date: August 23, 2022

The meeting was called to order at 11:35 eastern time by Commissioner Martinez (MN)

Members present: Commissioner Martinez (MN), Commissioner Marx (UT), Commissioner Hansen (SD), Commissioner Farrelly (MD)

Staff present: Marschall Smith, Rick Masters, Dave Clark

1. Rule 6 amendment draft discussion

In order for Rule 6 to be eligible for discussion and vote at the November all Compact meeting, a draft will need to be approved at this meeting. Concern was raised that several issues may be involved in amending IMLC Rule, Chapter 6. A unanimous decision was made to postpone consideration of amending the rule and to have additional discussions at further meetings.

2. Advisory Opinion 09-13-2022

An advanced copy of the Advisory Opinion was provided to the committee for its review. A general discussion about the Advisory Opinion was held. Several comments were raised about the words used and the focus on a single issue, along with a request to consider that the word 'abortion' be removed from the document to make the document more generic in order to address potential future issues. It was stressed by staff that it is important for the Compact to be ahead of this discussion and to publicly state our position in the matter. The document is intended to be neutral on the specific issue raised, but clearly establishing that the Compact establishes the right of states to control their medical practice within their state boundaries. The document will help in future discussions as this matter is discussed and pays out. The final decision about publication of the Advisory Opinion rests with the Executive Committee, who are scheduled to consider the matter at its September 13th meeting.

3. The Committee decided that due to the lack of committee members at today's meeting a special meeting will be held Friday August 26th at 3:00pm eastern time and encourage as many



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committee members as possible to attend.

4. A special meeting was set up with a copy of the Advisory Opinion and an FSMB document regarding enacted and proposed legislation.

Meeting Date: June 21, 2022

The meeting was called to order at 11:30am eastern time by Commissioner Martinez (MN)

Members present: Commissioner Martinez (MN), Commissioner Burkholder (MT), Commissioner Farrelly (MD), Commissioner Hansen (SD), Commissioner Jording (WY)

Staff present: Marschall Smith, Dave Clark

1. Bylaws question – should ex-officio members be voting members of committees?

General information:

- The ex-officio member of the Executive Committee is the Past Chair. Ex-officio members for other committees are the Chair, Vice Chair, and Executive Director (in the role of Commission Secretary).
- Per Rick Masters, Roberts Rules state that since the Bylaws are silent on the matter, the ex-officio members are eligible to vote.
- The purpose of ex-officio members in committee meetings were changed in 2020 to ensure that the Compact's Officers were included in all committee meetings.
- Committees are not required to meet the requirements the Bylaws, Article VI, which include; establishing a quorum to conduct business, providing notice of the meetings, and keeping minutes.
- Only three established committees, the Executive Committee, the Budget Committee and the Communications Committee, have authority to unilaterally act on behalf of the commission.
 - The Executive Committee has the authority to act for the Commission in all matters except for rulemaking (IMLC Bylaws Article VII),
 - The Budget Committee, through the Treasurer, has the authority to approve the annual audit results (Article VIII), and
 - The Communications Committee has the authority to create and publish the annual report (IMLC Policy #4)
- Marschall will draft a document showing the history of the committees and how we got there, as well as a current roster of commissioners and their committee assignments.

Comments/questions include:

- a. Ex-officio members should be voting members.
- b. Ex-officio members should not be voting members.



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- c. The Executive Director should not be considered ex-officio. Where is the authority to prohibit selected Commission officers and not others?
 - d. If there is an even number of committee members, the ex-officio members should be able to vote only to break ties.
 - e. What is the purpose, function, and actions of committees? Need to review the Committee Charge document.
 - f. Historically, the chair of each committee established how the committee was run, including decisions about member orientation, keeping of minutes, etc. In 2020, a IMLC staff member was assigned to each committee. The staff's role is to act as the support for the committee and chair, record a summary of each meeting, and to distribute discussion documents to the committee members. Should a minimum standard for committees be established and charged to the committee chairs? How far should the effort to standardize the committees be taken by the commission as a whole and how much should be left to the discretion of each committee chair?
 - g. How best to orient new committee members into the committees? Do we need a "Committees 101" type of program for new members? Should it be included in the New Member Handbook? Will attendance be tracked or required?
 - h. Committee meetings are required to be open to the public, should the meeting information be published on the webpage, changing an earlier decision by the commission in 2020?
 - i. Should potential vendors be allowed to attend committee meetings? If the meetings are open to the public, what is the authority to limit access?
 - j. Should the committee draft a plan for discussion at the November meeting?
2. Sharing information between boards
Compact Law Section 8 (g) states:
The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

Marschall proposed verbiage along the lines of:

"On request of another member board on behalf of a physician licensed through the compact process, each member board may share the requested information from an application file or other non-disciplinary information as soon as reasonable possible, as authorized by that member board's practice act. CHRI (FBI) information may never be shared per rule IMLC Rule, Chapter 2, paragraph 2.6."

Comments/questions include:

- a. IMLCC Policy #6 – Policy on Records and Information Requests does address this in part, but some boards are more comfortable with a rule regarding the sharing of information.
- b. Do we need to define what information can be shared?
- c. One member stated that the information sharing should be for the benefit of the physician, and not the board.

The next meeting will be August 23rd at 11:30am eastern time.

Meeting Date: April 21, 2022

The meeting was called to order at 11:30am eastern time by Commissioner Martinez (MN)



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Members Present: Commissioner Martinez (MN), Commissioner Hansen (SD), Commissioner Bohall (AZ), Commissioner Marx (UT), Commissioner Farrelly (MD), Commissioner Tarr (TN)

Staff present: Marschall Smith, Dave Clark

1. A member board recently asked the IMLCC if they could reduce the amount of the LOQ fee received from \$300 to \$225 per application. Compact Rule 3 – Rule on Fees section 3.4(b) states:

(b) The Interstate Commission shall remit \$300.00 of this service fee to the applicant's state of principal license.

Marschall Smith advised the board of the rule and suggested that they can voluntarily return a portion of the fee to the physician, but unless the rule is changed, the IMLCC cannot send a different amount to the board.

The Committee agreed and will not recommend changing the rule at this time.

2. Commissioner Stacy Tarr - Stacy is a new Commissioner to the IMLCC, and she brings seventeen years of experience with the Tennessee Board. She is looking forward to being a part of the committee, and we are excited to have her join the team. Welcome Stacy!
3. The Committee will ask the full commission at the November meeting if there are any requests for the Rules and Administrative Committee. As of now, this group is current on all activities, and there are no outstanding requests.
4. Frequency of Rules Committee meetings – Since this committee had such a successful and productive 2020 and 2021, there is nothing that needs to be done at this time. It was decided that we will meet every other month until the November full commission meeting.
The meeting schedule will be:
Tuesday June 21st at 11:30am eastern time
Tuesday August 23rd at 1:30am eastern time
Invitations to these meetings will be sent soon.

Meeting Date: February 15, 2022

The meeting was called to order at 11:34 am eastern time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Burkholder (MT), Commissioner Marx (UT), Commissioner Hansen (SD), Commissioner Bohall (AZ), Commissioner Gilman (VT)

Staff present: Dave Clark (IMLCC), Brooke Blaalid (SD)

1. Administrative Memo #1 – Return of Funds – Previously rewritten by Commissioners Martinez and Farrelly.
Discussion included whether to include an option to return funds based on fraud or threats



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against the compact or its staff.

Include a Category 4 to state "All other refunds must be authorized by the IMLCC Executive Committee.

This memo will be sent to the Budget Committee for review, and to the Executive Committee.

2. Administrative Memo #2 – Fiscal matters involving contracts and invoices – Previously rewritten by Commissioners Martinez and Farrelly.
Discussion included why is IT separated out from other contracts.
Is there a separate process for IT expenses?
What is the delineation of duties between the Controller and the Accounting Specialist?

This memo will be sent to the Budget Committee for review, and to the Executive Committee.

3. Administrative Memo #3 – Previously repealed
4. Administrative Memo #4 – IMLCC Procurement Process
Discussion included the need to reduce the \$50,000 procurement of good and services to \$25,000. Various boards have different thresholds based on their volume.
What does the Cost Analysis include?
Recommendation that the Executive Committee should create an RFP template to attach to this memo as an addendum.
5. Administrative Memo #5 – IMLCC Annual Meeting Selection Process – no change.
6. Administrative Memo #6 – IMLCC Legal Action – no change
7. Administrative Memo #7 – IMLCC – Office COVID-19 Protocols – This should be at the discretion of the IMLCC Executive Director.
8. Administrative Memo #8 – IMLCC Staff performance review schedule – This should be directed to the Personnel Committee.
9. Administrative Memo #9 – IMLCC Fraud and Abuse Reporting – This should be at the discretion of the IMLCC Executive Director.
10. Administrative Memo #10 – IMLCC Payroll Reviews – This should be at the discretion of the IMLCC Executive Director.

The next meeting will be Tuesday, March 15th at 11:30am eastern time.

Meeting Date: January 25, 2022

The meeting was called to order at 11:33 am eastern time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Burkholder (MT), Commissioner Marx (UT), Commissioner Farrelly (MD), Commissioner Bohall (AZ)



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Staff present: Marschall Smith, Dave Clark
Eden Scarver (MN)

1. Policy #10 Draft Review – Staff Reimbursement on Travel and Official Functions

The proposed policy was created after review of non-profit organization travel and reimbursement policies as well as the federal government policy. The policy includes reimbursement for reasonable expenses which includes finding the lowest reasonable travel expenses, and possible reimbursement from other sources first such as FSMB and HRSA.

Discussion items and questions include:

- Reimbursement for reasonable meal costs with a receipt, or a daily per diem rate?
- No alcohol reimbursement?
- Pre-authorization for travel?
- Business meals – when (or if) is it appropriate for IMLCC staff to pay for meals for others, including compact Commissioners or potential states joining the compact. Marschall reported that during 2019 there were approximately 5 board visits where IMLCC staff brought donuts, coffee or took some staff out to lunch. Question – should the IMLCC be treated as a quasi-governmental organization such as FSMB, or as an extension of the state medical boards that it serves?
- Travel – if driving is cheaper than a flight, is it ok to reimburse up to the cost of the flight?
- Should an official function budget be set up to cover costs of official meals?

This issue will also be discussed with the Budget Committee and will be discussed at the Executive Committee meeting in February.

2. Advisory Opinion Draft Review - Marschall and Commissioner Herlihy (VT) created a draft advisory opinion on the treatment of licenses issued by a medical licensing authority that are denied or have been limited or restricted.

- How should we handle licenses that were declined by a state where no discipline was issued, or the doctor withdrew their application or were reported to the NPDB as non-disciplinary action?
- How should we handle physicians with restricted or limited licenses in a state that isn't part of the compact such as Administrative Medicine?
- The compact language is silent on limited licenses in states other than the SPL. What is the intent of the license limitation?
- How do we treat a non-compact license that is limited, but not addressed in the compact law?
- One state cannot put their state's criteria on another state's decision of non-disciplinary action.
- These issues were not addressed when the compact law was written, and any change would require all compact states to ratify an amendment.

It was recommended that another call be scheduled to discuss the advisory opinion, and have Rick Masters, and Commissioner Herlihy join the call.



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Meeting Date: September 22, 2021

The meeting was called to order at 11:34am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Farrelly (MN), Commissioner Hansen (SD), Commissioner Marx (UT), Commissioner Bohall (AZ)

Staff Present: Marschall Smith, Rick Masters, Dave Clark

Other Commissioners and public present: None

Discussion Items:

1. Rule Chapter 2 – No comments – proceed
2. Rule Chapter 7 – Comments from Ohio:
 - a. Paragraph 1 – Will the dispute resolution process be applicable to licensure disputes?
Discussion involved the current process and that it works well, and it protects the integrity of the compact, and allows issues to be resolved between the boards. It was decided to keep the draft as-is.
 - b. Paragraph 4 – Suggests that the responding member board be allowed to appeal the appeal if they don't like the outcome.
Discussion – changes were made, including: Allow 30 calendar days to respond any requests, and to work through the Executive Director on issues.
 - c. Paragraph 6 – Suggests that boards should be allowed to make oral arguments to the Executive Committee in the event that a dispute reaches that level.
Discussion – It was decided that boards will have to provide written arguments to the dispute instead of oral arguments.
 - Marschall has the verbiage changes for Chapter 7 and will send them out to the members on this call for review and comment.
3. Policy #9 – Policy on Investment Strategies
Recommended changes from IMLCC's fund manager with the purpose of removing the constraints of a fund manager. Changes include:
Section VI – Potential risk.
Section VII – Clarifies that there is a system in place to and IMLCC has to explain ourselves if we go outside the system, and change monthly to quarterly performance.
Section VIII – discretion in using cash or cash alternatives, and high risk bonds.
Section IX – Allows the fund manager to act as a fiduciary and he can't provide guarantees on return.

The committee agrees with the changes, and Commissioner Martinez will do a grammatical review of the document.

This will be reviewed at the November meeting.



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4. Rule 10 - Assessment of fees

Due to multiple rumors going around regarding the assessment of fees, it was decided to table this until it is needed.

It was recommended to add verbiage to this year's Annual Report that there is no assessment for next year, and an assessment is not anticipated. Commissioner Farrelly will attend the Communications Committee meeting on September 28th to discuss adding the verbiage.

The Budget Committee will give this update at the November meeting.

5. Marschall walked through this tracking mechanism for tracking complaints from their initial report to resolution.

Next meeting will be Wednesday October 20th at 11:30am eastern time.

Meeting Date: August 24, 2021

The meeting was called to order at 11:36am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Farrelly (MN), Commissioner Hansen (SD), Commissioner Marx (UT), Commissioner Burkholder (MT), Commissioner Bohall (AZ), Commissioner Gilman (VT)

Staff Present: Marschall Smith, Rick Masters, Dave Clark

Other Commissioners and Public Present: None

Discussion Items:

Review of revised Assessment Table provided by Marschall Smith.

The revised table shows a breakdown of an average of board volume categorized into large, medium, and small categories, with the profit and loss history, and projections for the next two years, and a statement of available cash as of July 1st of each year.

Recommendations:

- Add the number of boards in each category are added.
- Add "Average" into cell F4 to read 'Average Revenue Paid to Member States'
- Move the Profit and Loss statement below the board specific information for easier reading.
- Provide a separate page with each board's specific information.
- Draft a cover memo to go with the packet – Marschall and Rick will work on for the next meeting.



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A Survey Monkey poll was sent for the date of the September meeting.

Meeting Date: July 20, 2021

The meeting was called to order at 11:35am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Farrelly (MD), Commissioner Marx (UT), Commissioner Burkholder (MT), Commissioner Bohall (AZ), Commissioner Hansen (SD), Commissioner Gilman (VT)

Staff Present: Marschall Smith, Rick Masters, Dave Clark

Other Commissioners and Public Present: None

Discussion Items:

1. Rule Chapter 10 – Calculation for Member Boards
Marschall shared his revised spreadsheet showing both the proportional and equal shares calculations.
Commissioner Farrelly suggested that we create 2 drafts for Rule 10 – one focusing on the proportional calculation and the other focusing on the equal shares calculation for review by the full commission at the November meeting.
Marschall will create the drafts, as well as a sample document to share with each board to show averages of high volume, medium volume, and small volume boards, and where each board falls, along with that board's volume and calculation.
This will need to be recalculated every year based on volume from April 1st – March 31st.
It was also suggested that we contact the vendor who is conducting the fee study to come up with the calculations as well.
2. Advisory Opinion 07-2018 – Physicians disciplined by a non-member board after the LOQ has been issued.
Reaffirmed by the committee – no changes.
3. Advisory Opinion 09-2018 – Non-SPL eligible states – can they act as an SPL for Redesignation?
Reaffirmed by the committee – no changes.
4. Advisory Opinion 09-2020 – Authority of a member state to challenge the SPL's issuance of an LOQ.
 - Commissioner Bohall suggested replacing the word 'challenge' with 'clarification'



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– this was approved.

- Added “The SPL’s obligation is to ensure that the eligibility determination is consistent with the IMLCC statute.”
This was approved.

5. Review Policy #7 drafted by the Communications Committee

- Remove “Examples include, but are not limited to” – Marschall only makes changes based on this list. – This was approved.
- Change “as listed below” to “as outlined below”

Motion to approve by Commissioner Marx. Seconded by Commissioner Burkholder.
Approved by the committee.

This will be sent to the Executive Committee.

The next meeting will be August 24th at 11:30am eastern time.

Meeting Date: June 15, 2021

This meeting was called to order at 11:34 Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Farrelly (MD),
Commissioner Burkholder (MT), Commissioner Bohall (AZ)

Staff Present: Marschall Smith, Rick Masters, Dave Clark

Other Commissioners and Public Present: None

Discussion Items:

1. Rule 10 – Rule on Annual Assessment – Marschall shared a preliminary assessment table which contained two assessment scenarios:
 - Equal shares split between the current 29 member states.
 - Proportional shares based on volume (# of transactions).

It was agreed that the proportional assessment appears to be the best alternative.

Marschall reported that currently the IMLCC has enough reserves to cover the salary and operating expenses of the commission for approximately 2.5 years (approximately \$2.8 million), so any assessment would be after those funds have been depleted.

Questions:

- Should renewals count towards the volume since someone may be counted twice in the same year depending on the renewal period?
- Should the length of time the state has participated in the compact have an effect in the



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proportional calculation?

Marschall will make some adjustments to the table, and this will continue to be discussed at the committee meetings.

2. Advisory Opinions

1. Maintaining Board Certification (unnumbered – December 18, 2015) – Rick Masters reported that the MOC issue continues to come up in each legislative testimony. It was decided to affirm this opinion, and add a reference to Rule 5 to the advisory opinion which addresses MOC - Motion Bohall (AZ), 2nd Farrelly (MD).
2. Graduate Medical Education requirement (opinion number 01-2017) – No changes required.
3. State of Principal License requirements (opinion number 02-2017) – This opinion has been retired and will be kept as a historical record – Motion: Burkholder (MT), 2nd Bohall (AZ).

Next meeting will be held on 7/20/21 at 11:30am Eastern time.

Discussion items include:

- Review of revised Assessment table
- Review of advisory opinions:
 - ACGME approved fellowship (not numbered)
 - Opinion # 07-2018 Physicians disciplined by non-member boards.
 - Opinion # 09-2018 Qualificaion to act as an SPL, relationship between an SPL and LOQ, and Meaning of the word “terminate” in reference to IMLC rules.

Meeting Date: April 20, 2021

The meeting was called to order at 11:34am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Farrelly (MD), Commissioner Burkholder (MT), Commissioner Gilman (VT)

Staff Present: Rick Masters, Dave Clark

Other Commissioners and Public Present: Commissioner Spangler (WV)

Discussion Items:

1. Chapter 11 - Rule on Conflict of Interest – Hold for now. Needs further review and discussion before sending out for comments.



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2. Chapter 2 - Rule on Information Practices – This needs to be mentioned in the May meeting and open for comments.
3. Chapter 7 - Rule on Compliance and Enforcement – Moved to a later discussion.
4. Chapter 5 – Rule on Expedited Licensure – No changes.
5. Chapter 6 – Rule on Coordinated Information System, Joint Investigations and Disciplinary Actions – No changes.
6. Chapter 8 – Rule on Notice to Licensees Upon Withdrawal or Termination of Membership in the Compact.
Minor corrections:
8.3a – Remove the last ‘of’. The final line should read “... list the withdrawing state as their state of principal license.”
8.4 – two changes:
The first sentence should read “A state that withdraws from the compact...”
The last sentence – remove ‘withdrawing’. Final sentence should read “... claiming injury based on the state’s withdrawal from the compact.”
7. Chapter 9 – Rule on Exemption from Disclosure of Records – moved to a later discussion.
Possibly add another section which addresses exempted topics from fellow Commission members. These include: personnel records, personnel practices and procedures, legal advice, closed session deliberations, mediation or arbitration documents.

Due to the May Commission Meeting, the next Rules and Administrative Procedures Committee will be held on June 15th at 10:30am central time.

Meeting Date: March 16, 2021

The meeting was called to order at 11:37am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Farrelly (MD), Commissioner Gall (IA), Commissioner Gilman (VT)

Staff Present: Marschall Smith, Dave Clark

Other Commissioners and Public Present: None

Discussion Items:



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1. Review of Policy #7 – Policy on Changes to the IMLCC webpage or public facing media

Section II. Purpose – Change verbiage to state “Delineate the delegated authorization to IMLCC staff”

Per Marschall – The Communications Committee has delegated authority to the Executive Director to make changes to the website.

2. Review of Policy #8 – Policy on Capital Assets
Section I change ‘established’ to ‘establishes’

3. Draft Rule #7 – Compliance and Enforcement

Committee members will send any comments to Marschall by close of business on Friday, March 19th, and he will incorporate the changes to Rick Masters for review.

The updated rule will be reviewed during the April Rules and Administrative Procedures Committee meeting.

4. Discussions between committee members cannot be held offline. Comments can be sent to Marschall, who can disseminate the information to the rest of the committee. All decisions must be made in an official meeting.

5. Draft Rule #11 – Conflict of Interest

Each year there are several commissioners who fail to return their Conflict of Interest forms. Marschall does have a process where several copies are sent to commissioners, and makes a couple of follow up requests to the commissioners who fail to return them, but stops after two attempts.

The IMLCC doesn’t has enforcement authority regarding conflicts of interest, but the appointing authority for each board does have enforcement authority, and perhaps any commissioners who fail to return their conflict of interest form, be reported to their appointing authority.

Commissoiner Bohall recommended that verbiage be added to the form to state that it is mandatory to be submitted at least annually to the Executive Director prior to the annual meeting.

Commissoiner Gilman suggested that there should be an automatic review of any decisions made by Commissioner before the conflict of interest was disclosed.

Review of Rules:

- A. Rule #1 – Rule on Rulemaking:
No changes required.



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B. Rule #2 – Rule on Information Practices:

2.6 – Federal criminal records check information

(1) Add verbiage to include “This information cannot be shared” in order to satisfy the FBI requirements.

C. Rule #3 – Rule on Fees:

Are the IMLCC fees appropriate, and should there be a different charge for the LOQ reapply since most of the information remains static?

- Commissioner Farrelly suggested a fiscal analysis to see which fees are appropriate. She will add this to the agenda for next week’s budget meeting.
- There was discussion about the no refund policy, and the exceptions that are made to that policy.

D. Rule #4 – Rule on State of Principal License:

No changes required at this time.

There was discussion around the definition of employer and their presence in a state and the 25% rule.

Marschall mentioned that the IMLCC doesn’t define ‘employer’ that is defined by each State’s Secretary of State, and Rick Masters has said that the definition in the IMLCC law is legally clear and defensible as-is.

The 25% rule is defined differently by each board (i.e. patient contact vs. billable hours and look back 6 months vs. look back 1 year)

Meeting Date: February 16, 2021

The Meeting was called to order at 11:34am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Burkholder (MT), Commissioner Farrelly (MD), Commissioner Gilman (VT), Commissioner Gall (IA)

Staff Present: Marschall Smith, Rick Masters, Dave Clark

Other Commissioners and Public Present: None

Discussion Items:

1. Review of IMLCC Policies:

It was recommended to add a ‘Reviewed Date’ to all policies.



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A. Policy #1 – Policy on Policies:

Section VI. Responsibility – This only states that the executive committee may delegate the responsibility of ensuring that all IMLC policies are current, compliant with all statutory requirements, and case law, and consistent with other applicable standards.

The policy doesn't state that the Rules and Administrative Procedures Committee has the authority to review policies and make recommendations to the Executive Committee.

It was suggested that we add the verbiage "and the Rules and Administrative Procedures Committee" at the end of this section for clarity.

B. Policy #2 – Policy on Conflict of Interest:

It was determined that this policy should become a rule. Marschall Smith will draft something for the next meeting.

Discussion included how often should a Commissioner redisclose that they do not have a conflict of interest with the Compact (currently it is upon appointment as a Commissioner and annually).

Rick Masters suggested that we use other organization's COI policies as a template.

C. Policy #3 – Policy on Executive Committee Spending Authority:

It was determined that this policy should be rescinded. This policy hasn't been used since February 2018 when the first IMLC budget was created. The Executive Director is given spending authority each May when the budget is approved.

In addition, expenditures are reviewed by the budget and audit committees each month, and the Executive Director is required by his job description and GASB Accounting Standards to report any movement of money over \$5,000 to the Treasurer and the Audit Committee.

D. Policy #4 – Policy on Annual Report:

Section IV B. has several references to 2017. This needs to be removed or revised.

Currently, the Annual Report is being published on the IMLCC website. It was suggested by Rick Masters that we either send a copy to the Governors and Legislative leaders of the participating compact states, or at least send them a link to the report on the website.

E. Policy #5 – Policy on IMLCC Reserve Funds:

No changes required.

F. Policy #6 – Policy on Records and Information Requests:



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There was some discussion regarding Section V H, which states: “The IMLCC executive director shall charge a fee of \$50.00/hour for information searches, with the first hour free of charge.”

- Is \$50/hour an appropriate charge?
- Should the first hour be free?
- How are partial hours handled (i.e. 1 hour and 10 minutes)?

Rick Masters suggested that we research how other federal agencies are charging for information requests.

- G. Policy #7 – Policy on Changes to the IMLCC webpage or public facing media and Policy #8 – Policy on Capital Assets

These policies were not discussed, and will be reviewed at the March meeting.

Meeting Date: January 19, 2021

The Meeting was called to order at 11:03am Eastern Time by Commissioner Martinez (MN)

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Farrelly (MD), Commissioner Hansen (SD), Commissioner Marx (UT), Commissioner Gilman (VT), Commissioner Gall (IA), Commissioner Burkholder (MT)

Staff Present: Marschall Smith, Dave Clark

Other Commissioners and Public Present: None

Discussion Items:

1. Meetings for 2021 will be held on the third Tuesday of each month at 11:30am Eastern Time.
2. Review plan for 2021: Marschall Smith advised that all rules and policies must be reviewed every 5 years. There are three that must be reviewed this year:
 - Policy # 1 – Policy on Policies (effective April 1, 2016)
 - Policy #2 – Policy on Conflict of Interest (effective June 24, 2016)
 - Rule #1 – Rule on Rulemaking (effective June 24, 2016)

Commissioner Martinez suggested that all Policies, Rules, and Advisory Opinions be



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reviewed this year to determine relevance.

The following plan was agreed upon for the 2021 committee meetings:

- **February** – Review all policies.
 - **March** – Review all rules.
 - **April** – Review all advisory opinions.
 - **May, June, and July** – Review the Board Assessment Matrix.
 - **August** – Licensing Summit – possibly pair it with the AIM Training for Licensing staff meeting (date tbd, with possibility that there will be no in person AIM meeting this year). Commissioner Hansen will coordinate with Marschall Smith.
 - **September and October** – Prepare for the November full Commission Meeting.
3. Commissioner Farrelly requested statistics on the number of LOQs and licenses that were issued by each state, for the Assessment calculation. Marschall Smith will provide these numbers.
 4. Commissioner Farrelly suggested that we create an Administrative Procedure for privileged discussion in committee meetings. Marschall Smith and Dave Clark will start working on this.
 5. Marschall Smith presented an Administrative Procedure for the IMLCC office COVID procedures. It was decided that this is an operations protocol, and not required to be reviewed by this committee, but Marschall may want to send this to the Executive Committee.
 6. Marschall Smith presented the Policy on Investment Strategies – This was created by the Budget Committee and will be reviewed by the full commission at the May meeting.

Meeting Date: October 20, 2020

The Meeting was called to order at 11:33am Eastern Time by Commissioner Martinez (MN).

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Gall (IA), Commissioner Farrelly (MD), Commissioner Burkholder (MT)

Staff Present: David Clark, Rick Masters, and Marschall Smith

Other Commissioners and Public Present: Commissioner Terranova (ME), and Mr. David Finkler



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Discussion Items:

1. IMLCC draft rule on Legal Action – It was decided that the Executive Director will make revisions to the draft, and send it out to the subcommittee for review as an Administrative procedure to be discussed at the full commission meeting in November.
2. Assessment formulas for annual assessments – Rick Masters sent two different formulas used by other Compacts regarding annual assessments. Discussion involved the best way to calculate assessments (if required), and the pros and cons of each option. Suggestions included a flat rate for each board, a pro-rated amount based on each participating state's population, and their volume of applications in the compact, or a hybrid version of both. At this time, the compact currently has about 2 years of operating funds in its reserve funds, and it is growing. The Executive Director is also looking into investment opportunities to continue to grow the reserves.

The real conversation to potential boards should continue to be centered around our stability, finances, and growth.

3. #7 Policy on Capital Assets – This policy addresses how the compact addresses capital assets, and establishes thresholds and actions for each. It was recommended that the policy should be sent to the Executive Committee for approval and then present it at the full commission meeting as and FYI.

Motion by Commissioner Burkholder (MY), seconded by Commissioner Gall (IA).

The motion passed unanimously.

Meeting Date: September 22, 2020

The meeting was called to order at 11:32 AM Eastern Time by Commissioner Martinez (MN) and the roll was called.

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Fripp (DC), Commissioner Gall (IA), Commissioner Farrelly (MD), Commissioner Hansen (SD), and Commissioner Marx (UT)

Staff Present: David Clark, Rick Masters, and Marschall Smith

Other Commissioners and Public Present: Commissioner Herlihy (VT), Commissioner Terranova (ME), and Mr. David Finkler

Discussion items:



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1. The chair requested that the executive director prepare a meeting summary to be provided to the committee members prior to each meeting.
2. IMLCC Bylaws Article III and VII – A copy of the proposed changes was provided to the committee members prior to the meeting. The proposed changes were considered and additional changes were made. Discussion included whether the Audit Committee should be added or if it should be incorporated as a subcommittee of the Budget Committee. It was decided that the issue should be decided by the Executive Committee. A final draft of each proposed Bylaw was prepared to be considered at the October Executive Committee meeting.
3. IMLCC Rule Chapter 10 – A copy of the proposed rule and comments received were provided to the committee members prior to the meeting. The chair had invited Commissioner Herlihy (VT) to join the meeting and participate in the discussion. Discussion centered around whether the assessment should be equal among member boards or the assessment should be proportional based on an agreed to formula. After discussion it was decided to proceed with the rulemaking process using the proposed rule as drafted. Rick Masters was requested to provide copies of other commission's instructions regarding dividing assessment among members, especially any instructions that were dividing the assessment proportionally.

Motion by Commissioner Marx (UT), seconded by Commissioner Gall (IA) to proceed with the rulemaking process using the proposed rule as drafted.

The motion passed unanimously.

4. A question was raised by an IMLCC member board regarding the definition of an employer as found in IMLCC Rules – Chapter 4. The committee determined that it would not consider the specific question, but would rather discuss whether it is appropriate for a member board to challenge or question a Letter of Qualification (LOQ) that has been issued by a State of Principal License (SPL). After discussion, it was determined that this matter would best be resolved through the issuance of an Advisory Opinion that related to the question of issuing a license by a member board after receiving a LOQ. The Minnesota Board of Medical Practice would serve as the member board raising the question.
5. Rules and Administrative Procedures Committee's Charge & Purpose. A draft copy was provided to the committee members prior to the meeting. The document was reviewed section by section and after discussion the committee agreed that the draft document as amended during the discussion should be presented to the Executive Committee at its next meeting.
6. Commissioner Gall (IA) requested that a contingency plan be developed for the on-site IMLCC Annual meeting scheduled to be held in Alabama. The executive



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director was charged with following up and developing a plan with the host member boards.

7. Commissioner Hansen (SD) noted that the subcommittee working on the draft rule regarding IMLCC legal actions would have a draft available for discussion at the committee's October meeting.
8. The next meeting of the committee is scheduled for October 20, 2020.
9. The committee adjourned at 1:09 PM Eastern time.

Meeting Date: August 18, 2020

The meeting was called to order at 11:30 AM Eastern Time by Commissioner Farrelly (MD) and the roll was called.

Members Present: Commissioner Bohall (AZ), Commissioner Farrelly (MD), Commissioner Burkholder (MT), and Commissioner Hansen (SD)

Staff Present: Rick Masters and Marschall Smith

Other Commissioners and Public Present: Commissioner Terranova (ME) and Mr. David Finkler

Discussion items:

1. IMLCC Rule Chapter 10 – A copy of the proposed rule and comments received were provided to the committee members prior to the meeting. Discussion centered around how the IMLCC reserve funds should be used and can they be considered income from other sources. After discussion it was decided to proceed with the rulemaking process using the proposed rule that will be amended by Commissioner Farrelly (MD) following the recommendations from the committee.
2. A discussion was held regarding the charge from the November 2019 commission meeting to develop a rule regarding legal actions. The subcommittee chaired by Commissioner Hansen (SD) is still working on a draft to be provided at a future meeting.
3. A question was raised by an IMLCC member board regarding whether a State of Principal License (SPL) can only use the COMLEX examination scores for a DO applicant and the USMLE examination scores for a MD. The committee reviewed IMLCC Statute, Section 2 (k)(2) and IMLCC Rules Chapter 5, paragraph 5.4(1)(b). The IMLCC Statute and Rules provide clear guidance that a SPL may, at its discretion, use either the USMLE or COMPLEX licensing examination to determine eligibility. No requirement exists to compel a member board to obtain additional



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licensing examination information or match the examination type to the medical degree held.

4. The Committee adjourned at 12:27 PM Eastern Time.

Meeting Date: July 21, 2020

The meeting was called to order at 11:30 AM Eastern Time by Commissioner Martinez (MN) and the roll was called.

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Gall (IA), Commissioner Farrelly (MD), Commissioner Burkholder (MT), Commissioner Hansen (SD), and Commissioner Marx (UT)

Staff Present: Dave Clark, Rick Masters and Marschall Smith

Other Commissioners and Public Present: Commissioner Terranova (ME), Mr. Tyler Klatt, and Mr. David Finkler

Discussion items:

1. IMLCC Licensing Summit – The IMLCC is planning to hold a meeting of licensing staff in October and the planning committee is requesting assistance from the committee to help clarify issues and questions as they related to the IMLCC Statute and Rules. After discussion the committee determined that it would best serve in the role of reviewing questions and validating documents to be published, with special attention on reviewing the propose “IMLCC Licensing Staff Q&A” document.
2. IMLCC Licensing Staff Q&A – The document is intended to be a “living” document that is updated and reviewed on a regular basis. It is hoped that the final draft will be presented at the November 2020 commission meeting for review and endorsement. The executive director is charged with developing the document and the committee will take the role of gatekeeping the accuracy.
3. IMLCC Rule Chapter 10 – A copy of the proposed rule was provided to the committee members prior to the meeting. During the discussion it was requested that it be clarified that the proposed rule is a forward-looking document to the time when the commission might be placed in a position to levy such assessments, but that prospect is not in the near future. The committee determined that it wished to proceed with the rulemaking process.

Motion by Commissioner Hansen (SD), seconded by Commissioner Marx (UT) to proceed with the rulemaking process using the proposed rule as amended. The motion passed unanimously.



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4. Operational Bulletin #9 – The committee reviewed a draft of the bulletin which was provided to the committee prior to the meeting. After discussion it was determined that the committee would withhold its endorsement and requested that it be brought back for discussion at a future meeting.
5. Member board challenges to Letters of Qualification (LOQ) – A discussion was held regarding the IMLCC staff process as it relates to situations where a member board questions an LOQ that was issued by the SPL. The history of the process originated in 2019 when IMLCC Chair Simons requested the Executive Director to develop a process for member boards to question information they have received in the Core Data sheet prior to the issuance of a license. The process was developed with the understanding that the IMLCC Statute and Rules do not authorize such challenges and the new process would take the discussion to the commission level, with the requestor de-identified and the SPL requested to review the documentation and confirm whether the LOQ was valid or invalid. It was hoped that this process would shift the situation from accusatory action between member boards to an investigative action by the commission on behalf of the member boards. After discussion the committee requested that a discussion item be added to the upcoming licensing summit to consider developing a list of items which are static and do not require additional verification. The committee felt strongly that any process regarding a review of an issued LOQ can not be seen as a challenge to the SPL's decision or second-guessing the decision to issue the LOQ.
6. Draft Rule on Legal Action – Commissioner Hansen (SD) lead a discussion about concerns that the subcommittee was encountering as the rule was being drafted, specifically concerns about how to handle court imposed response times, pre-litigation considerations, should an exemption be allowed for situations where a Statute of Limitations exists, and should the rule be limited in scope only to times when the commission is considering action against a member board. After the discussion, Commissioner acknowledge the value of the discussion and the subcommittee would proceed with developing the rule based on the information provided.
7. The adjournment of the meeting was not recorded.

Meeting Date: June 16, 2020

The meeting was called to order at 11:35 AM Eastern Time by Commissioner Martinez (MN) and the roll was called.

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Gall (IA), Commissioner Farrelly (MD), Commissioner Burkholder (MT), Commissioner Hansen (SD), and Commissioner Marx (UT)

Staff Present: Wanda Bowling, Rick Masters and Marschall Smith



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Other Commissioners and Public Present: Commissioner Terranova (ME) and Mr. David Finkler

Discussion items:

1. IMLCC Rule Chapter 5 – The committee reviewed a draft of IMLCC Chapter 5 which was being amended to add paragraph 5.10. The committee determined that the amendment should be part of a rulemaking hearing to be held during the September 2020 commission meeting.

Motion by Commissioner Farrelly (MD), seconded by Commissioner Marx (UT) to proceed with the rulemaking process using the proposed rule as amended. The motion passed unanimously.

2. Draft Rule on Legal Action – Commissioner Hansen (SD) lead a discussion about the subcommittee's actions on developing the rule. After discussion, it was determined that the matter should be placed on the committee's July 2020 meeting agenda so that the discussion could be continued.
3. IMLCC Minimum Standards Guide – The executive director provided a first draft of a document that was intended to provide information and guidance to licensing staff. The guide was being developed in conjunction with IMLCC Licensing Summit being planned for October 2020. The guide would be reviewed and discussed at that meeting then be placed on the agenda for the Commission's November 2020 Annual meeting. A general discussion was held and the committee recommended that the document be changed to a Q&A format that licensing staff could reference and member boards could use as a training tool for staff. Rick Masters was requested to provide a copy of the Nursing Compact's Q&A. The executive director was instructed to continue the development and provide periodic updates to the committee.

Motion by Commissioner Hansen (SD), seconded by Commissioner Marx (UT) to proceed with the rulemaking process using the proposed rule as amended. The motion passed unanimously.

4. IMLCC Licensing Summit – The committee requested that the Licensing Summit planning group attend the July committee meeting to discuss how the committee can support the summit process.
5. IMLCC Chapter 10 – Draft Rule – The committee discussed the development of a draft rule regarding levying fees on member boards. It is a controversial topic. Commissioner Farrelly (MD) and Mr. Finkler, attorney to the Maryland board, were requested to continue work on the project with a draft to be made available for the July meeting.



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6. The Committee adjourned at 12:25 PM Eastern Time.

Meeting Date: May 19, 2020

The meeting was called to order at 11:30 AM Eastern Time by Commissioner Farrelly (MD) and the roll was called.

Members Present: Commissioner Bohall (AZ), Commissioner Farrelly (MD), Commissioner Burkholder (MT), and Commissioner Marx (UT)

Staff Present: Rick Masters and Marschall Smith

Other Commissioners and Public Present: Commissioner Terranova (ME) and Mr. Finkler

Discussion items:

1. IMLCC Rule Chapter 5 – The committee reviewed a draft of IMLCC Chapter 5 which was being amended to add paragraph 5.10. The committee determined that the rulemaking process should be initiated and that the discussion of the May 12, 2020 commission meeting could be considered the request for commissioner comments. The goal is to hold the rulemaking hearing at the September 2020 commission meeting.
2. IMLCC Operational Bulletin #8 – Continuous Board Certification without a verifiable end date. The committee reviewed a draft of the bulletin which was provided prior to the meeting. After discussion, the committee determined that it would endorse the bulletin and authorize the executive director to distribute as IMLCC instructions.
3. Minimum Standards Guide – The committee reviewed an incomplete draft of the document that was provided to them prior to the meeting. After discussion, the committee requested that the matter be placed on the next agenda in order to continue the discussion.
4. A copy of the CMS guidance, MLN Matters Number: SE 20008 dated May 5, 2020, regarding licenses issued by compacts was provided to the members. There was no discussion.
5. The adjournment of the meeting was not recorded.

Meeting Date: April 21, 2020

The meeting was called to order at 11:30 AM Eastern Time by Commissioner Martinez (MN) and the roll was called.



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Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Gall (IA), Commissioner Farrelly (MD), Commissioner Burkholder (MT), Commissioner Hansen (SD), and Commissioner Marx (UT)

Staff Present: Rick Masters and Marschall Smith

Other Commissioners and Public Present: Commissioner Terranova (ME) and Mr. Finkler

Discussion items:

1. IMLCC Rule Chapter 5 – emergency rulemaking hearing to add paragraph 5.9 – The committee reviewed a draft of IMLCC Chapter 5 which was being amended to add paragraph 5.9 as an emergency rule to be considered at the May 12, 2020 commission meeting. The intention of the emergency rule is to allow member boards to waive the time requirements of applications in response to the COVID-19 pandemic. The committee determined that the rule was appropriate and endorsed its consideration as an emergency rule at the May 12, 2020 commission meeting.
2. The adjournment of the meeting was not recorded.

Meeting Date: December 10, 2019

The meeting was called to order at 11:30 AM Eastern Time by Commissioner Martinez (MN) and the roll was called.

Members Present: Commissioner Martinez (MN), Commissioner Bohall (AZ), Commissioner Gall (IA), Commissioner Farrelly (MD), Commissioner Hansen (SD), and Commissioner Marx (UT)

Staff Present: Rick Masters and Marschall Smith

Other Commissioners and Public Present: None were recorded

Updates

2019 Rules – Approved at Commission meeting on November 19, 2019



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Chapter 8 – Notice to Licensees Upon a Withdrawal or Termination of Membership in the Compact

Chapter 9 – Exemption from Disclosure of Records

Rule 4.5 – Rescinded

Resolves a conflict between the IMLCC Statute and Rules as it relates to the requirement for a physician to maintain a relationship with the chosen State of Principal License. Please reference IMLCC Statute, Sections 5(f) and 7(a)(1) and IMLCC Rules, Chapter 4.5.

New Business:

1. POLICY DEVELOPMENT – A motion was made at the November 2019 IMLCC Annual meeting that the committee develop policy guidance regarding the enforcement authority granted to the Executive Committee under IMLCC Statutes, Section 11, paragraph k. This authority allows the Executive Committee to act on the Commission's behalf at certain times and under certain conditions. The Commissioners requested that the newly developed policy address the steps that should be when the Executive Committee has determined that legal action should be initiated between meetings of the Commission. References include:
 - a. IMLCC Statute, specifically:
 - i. Section 11 (k),
 - ii. Section 12 (d), and
 - iii. Section 17.
 - b. IMLCC Bylaws, specifically:
 - i. Article III, Section 3(a), and
 - ii. Article VII, Section 1.

Action Item: Commissioners Hansen (SD), Gall (IA), and Marx (UT) will create a draft for the February Executive Committee meeting.

2. QUESTION RAISED about **Rule 4.4** and whether all or part of the requirements for redesignation of a state of principal license continue to be necessary based, in part, on rescission of Rule 4.5. In pertinent part, the IMLCC determined that renewal of a member license requires only that the licensee maintains an active license in the state of principal license and does not require continued demonstration of the criteria to establish residency or work. Considerations include:
 - Whether Rule 4.4 should be rescinded in its entirety as unnecessary or obsolete
 - Whether subsections of Rule 4.4 should be modified or rescinded
 - Whether redesignation of a state of principal license can be concluded to be obsolete if the compact law specifically authorizes redesignation. [See Compact Law Section 4 and Rule 4.4, below]

COMPACT LAW SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

- (a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:
 - 1) The state of principal residence for the physician, or



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- 2) The state where at least 25% of the practice of medicine occurs, or
 - 3) The location of the physician's employer, or
 - 4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.
- (b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements of subsection (a).
- (c) The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

A secondary question regarding relates to the required technology resources related to the redesignation process.

Rule 4.4 Redesignation of the state of principal license

(a) The physician may redesignate a member state as the state of principal license at any time, as long as the physician meets the requirements in paragraph "a" of Section 4 of the Compact, following this process:

(1) The physician shall complete a state of principal license form at the Interstate Commission's website, www.imlcc.org

(2) Upon receipt of the completed form, the Interstate Commission shall notify the new state of principal license and existing state of principal license.

(3) Physician information collected by the Interstate Commission during the process to redesignate a state of principal license shall be distributed to all member boards.

(4) The redesignated member state of principal license shall be responsible for ensuring that the physician meets the requirements of paragraph 4.3(a) at the time of the application for redesignation of the state of principal license. The redesignated member state shall notify the Interstate Commission of its findings contemporaneously.

- Rule 4.5 was rescinded at the November 19, 2019 meeting. Rule 4.5 – Rescinded
Resolves a conflict between the IMLCC Statute and Rules as it relates to the requirement for a physician to maintain a relationship with the chosen State of Principal License.
Please reference IMLCC Statute, Sections 5(f) and 7(a)(1) and IMLCC Rules, Chapter 4.5.

Action Item: It was decided to leave Rule 4.4 as-is for the time being. The understanding is that as long as the doctor maintains an active license in their designated SPL state, then they can continue to use the SPL state for the purposes of renewing their compact state licenses. However, if the doctor needs to obtain additional licenses, and the 365 days has passed, the SPL, if redesignated, must meet the requirements set forth in rule 4.4 (a).

3. DEVELOP A NEW RULE that outlines the process for the IMLCC to levy on and collect from member boards an annual assessment, as authorized under Section 13 of the compact law. To date, the IMLCC has not levied an annual assessment, but it may be appropriate to establish a process for doing so, in case the funding need arises. Considerations include:



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- Establishing an equitable formula for imposing an assessment, based on either:
 - Standard rate applied to all member boards
 - Variable rate based on usage of the IMLC process
- Timeline for implementing an assessment
- Development of the process for modifying or terminating an annual assessment

Action Item: Commissioner Martinez recommended that any assessment should be split evenly between each state, and the state can then decide how it wants to split the assessment internally between the separate boards, if appropriate. This assessment could also be a concern for any new states joining the Compact.

Marschall Smith mentioned that the Budget Committee will be responsible for determining how much an assessment will be if and when that time comes. Currently our financial situation does not warrant an assessment.

Commissioner Farrelly and David Fickler will draft a rule for imposing, terminating and altering assessments.

Additional business –

Commissioner Martinez will reach out to all members to ensure that the second Tuesday of each month is still a good time to hold the Rules Committee call. For the time being, the January and February 2020 meetings will be held at the regularly scheduled time.