

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

November 19, 2024

DRAFT **MEETING MINUTES**

Call to Order *Chair Silas (AL)*

The Interstate Medical Licensure Compact Commission convened at approximately 11:00 AM Eastern time in Scottsdale, Arizona and via video conference. A test of the electronic voting process was successfully conducted.

Roll Call *Executive Director Smith*

The roll was called, and a quorum was established.

Approval of the agenda *Chair Silas (AL)*

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

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER HUNTHAUSEN (MT), TO APPROVE THE AGENDA.

MOTION PASSED

WITH 41 - YES VOTES, 0 NO VOTES, 0 ABSTENTIONS

Approval of the minutes *Executive Director Smith*

The minutes from the following meetings were provided prior to the meeting.

- November 14, 2023 (moved to Old Business)
- May 14, 2024
- August 27, 2024

The minutes were considered separately. The Chair determined that discussion about and the vote for the November 14, 2023 meeting will take place during the Old Business portion of the agenda so that the Commissioners could consider proposed changes provided by Commissioner Farrelly (MD).

MOTION #1

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER BOHALL (AZ), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM MAY 14, 2024.

MOTION PASSED

WITH 39 YES VOTES, 0 NO VOTES, AND 4 ABSTENTIONS

MOTION #2

MOVED BY COMMISSIONER ESTEP (KS), SECONDED BY COMMISSIONER MARSHALL (GA), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM AUGUST 27, 2024.

MOTION PASSED

WITH 38 YES VOTES, 1 NO VOTE, AND 6 ABSTENTIONS

Chair's Report *Chair Silas (AL)*

Chair Silas opened her report by thank Commissioner Bohall and the staff at the Arizona Board of Osteopathic Examiners in Medicine and Surgery for hosting the meeting and arranging for an excellent meeting site. She expressed her appreciation to the Commissioners, Committee Chairs, and IMLCC staff for their work over the past year. She remarked on the incredible amount of work that was accomplished and the progress made at improving the IMLCC.

The IMLCC will continue to expand and grow over the coming years, because of the efforts we are taking to create a well-managed organization, with strong financial roots and sound decision-making. The Commissioners and staff make a difference.

She is looking forward to her new role as Past-Chair and the opportunities that 2025 will bring.

Executive Director's Report
Executive Director Smith

The Executive Director started his report by thanking Commissioner Bohall and the staff at the Arizona Board of Osteopathic Examiners in Medicine and Surgery for the help they provided in making this meeting possible. Commissioner Bohall (AZ) was asked to introduce his staff.

The meeting is also made possible with the assistance of our partners Audience Response and Image AV, who handle the technical aspect of this meeting.

Appreciation for the IMLCC staff:

- Customer Service with Dave Clark as the Operations Manager.
 - 69.47% of physicians report that the IMLCC process is beneficial.
 - Increasing volume of calls and emails with the same high level of rapid, effective assistance to the physicians and member boards.
- Fiscal with Keyla Blanco as the Controller.
 - FY2023 audit was “clean”
 - FY2024 audit has been started
 - Creating a strong organization with checks and balances, including balancing to the penny at every month close.
- IT with Matt Robison as the IT Manager
 - Took over for Dale Watts in June
 - The iStarsII system is reliable and secure
 - Two major projects being completed - API and EPP

There are 3 major reports that were published with these highlights:

- Physician survey - 55% of physicians reported that they obtain licenses to provide care in rural and underserved areas.
- New License Volume Report - 39% of new licenses issued by member boards were through the IMLCC process.
- FY2023 Annual Report - An independent study found that the IMLCC process is the single most effective action a state can take to increase access to care provided by physicians.

Looking forward:

- Communications - working to expand our outreach and strengthen our communication
- Rules - improving our effective and broad-based method of considering and vetting changes
- Budget - \$30+ million paid to member boards this year
- Personnel - growing staff and creating a positive, productive workplace
- Technology - 2 more system improvement modules to fully implement the iStarsII system

- There are 10 states that are not yet a part of the IMLCC, but 5 states have indicated an interest to introduce language to join in 2025
- Three states have implemented in 2024

Thank you to the member board staff members who do the hard work of licensing and protecting the public - every day

Finally, to recognize the Officers of the IMLCC, an award is presented to the Chair, Vice Chair and Treasurer from the staff, in recognition of their support and volunteer work to make the IMLCC successful.

Report from Legal Counsel

IMLCC Legal Counsel Rick Masters

Mr. Masters requested that his report be conducted in a session closed to the public in order to provide legal advice.

MOTION

MOVED BY COMMISSIONER DIMAGGIO (NV), SECONDED BY COMMISSIONER SPANGLE (WV), THAT THE MEETING BE CLOSED TO THE PUBLIC IN ORDER TO RECEIVE LEGAL ADVICE AS AUTHORIZED BY IMLCC STATUTE, SECTION 11, PARAGRAPH H.

MOTION PASSED

UNANOMOUSLY VIA VOICE VOTE

Meeting closed to the public

The meeting was closed at 11:44 am Eastern Time. During this time the commissioners, IMLCC Executive Director and Legal Counsel were segregated into a private conference call room where no members of the public were included and members of the public retired from the meeting space and the room secured. The general conference call room remained active for members of the public. At the conclusion of the closed session, the private conference call room was emptied, members of the public rejoined the meeting, and the meeting resumed in public session. The closed session ended at 12:01 pm Eastern Time.

Committee reports

Budget Committee - Treasurer Cleveland (MS)

- Thank you to the committee members.
- The IMLCC continues to show financial strength through the investment strategy, continued increase in revenues from physician participation and adding member states, while maintaining a sound spending policy.
- Financial audits are clean and recommendations are acted upon.
- Continue to look at creating a process of stability in expenses, such as credit card fees and Physician Portal costs. Will be proposing rule changes to address these concerns in 2025.

Communications Committee - Commissioner Rodman (KY)

- Thank you to the committee members
- The committee met 6 times in 2024 and accomplished a lot, including:
 - Creating an FAQ specifically for the new Enhanced Physician Portal to be added to the webpage.
 - Finalized and published the FY2023 Annual Report.
 - Reviewed all pages and information on the IMLCC webpage and did a comprehensive update.
 - Published the IMLCC Newsletters.
 - Worked with the Technology Committee on a publication.

- In the next year the committee will be focusing on:
 - Reviewing and updating the IMLCC webpage with our communications consultant.
 - Creating a “Tell Their Story” Landing page to gather comments from the public, physicians, and other users of the IMLCC process.

Personnel Committee - Commissioner Spangler (WV)

- This fall, Commissioner Herlihy asked to step down as chair of the committee and Commissioner Spangler was appointed as his replacement.
- The committee met yesterday and discussed:
 - Authorizing the creation of the deputy executive director and provided input to the executive director about the interviewing and selection process.
 - Discussed the duties and requirements for a deputy executive director.
 - Reviewed the current organization chart and discussed the staff additions and changes.
 - Discussed the process for the next couple of months as the organizational chart is revised in preparation for FY2026.
 - Creating 2 new positions - an HR representative and Administrative Assistant.
- Staff job satisfaction remains high. Staff report that they understand their job responsibilities and input to the workplace environment.
- The committee will review salary ranges and potential pay increases as part of the preparation for FY2026 using the following to guide the work:
 - December to January - Staff will gather data and make initial recommendations
 - February - Discuss the first draft of the salary ranges, pay increases, benefits, and organization chart
 - March - Continue the work
 - April - Make final recommendations and authorizations
- The committee is preparing a survey about the work and time commitment for members. The hope is to create a stronger equilibrium of meeting time and responsibilities.
- The committee intends to meet more frequently in 2025.
- Thank you to the committee members.

Rules & Administrative Procedures Committee - Commissioner Bohall (AZ)

- It has been a busy year and a lot of work and input from committee members and other commissioners.
- Thank you to the committee members.
- A new meeting summary process was developed and is being published to better reflect the discussions and participants in the policy and rule development process that is an important part of the meetings.
- The chair, assisted by staff, will be creating and publishing a meeting agenda before each meeting to create more dialog and input from non-committee members. A time will be allocated on every agenda for non-committee member comments.
- An in-person meeting was held in June 2024.

- The committee determined that the following items would not be recommended this year's rulemaking hearing, instead changes would be made to the IMLCC's internal Administrative Procedures:
 - IMLC Policy #13
 - IMLC Bylaw Article VII - Committees
- This year's rulemaking hearing was the result of the work over the past year regarding:
 - Bylaws, Article III - Officers
 - Bylaws, Article XII - Special Nominating Committee
 - Policy #1 - Policy on Policies
 - Policy #12 - Policy on Procurement

Technology Committee - Commissioner Manahan (MN)

- Thank you to the committee members.
- The committee has developed a training for new committee members to orient them to the system and how it has been developed.
- It was an important year with Dale Watts retiring and Matt Robison taking on the system management. It has been a successful transition.
- Projects the committee has been working on include:
 - API development for all aspects of the system with member boards. This was a change to the committee's priorities made by the Commission in August. It is the process for automating to system-to-system input and replacing the human input into the iStarsII system
 - Creating a process for member board funding to assist in the board's implementation of API
 - Financial tracking project - was resumed after the API project was successfully completed. This project will better track return of funds, member board remittances, and create an integrated financial component to the iStarsII system.
 - A "SuperUser" account and process was created that will allow IMLCC staff to act as a member board under specific and unusual circumstances. Use of the account will be monitored and controlled by the Technology and Executive Committees.
 - The Enhanced Physician Portal will be ready to be launched in beta test mode in early 2025.
 - Working with IMLCC staff to ensure a clear understanding is maintained as it relates to roles, tasks, and responsibilities.

Staff reports

Keyla Blanco, IMLCC Controller, provided a brief update about the IMLCC's fiscal unit.

- Appreciation for the hard work by staff to maintain financial integrity and accountability.
- The organization is in a strong fiscal position, improving every month.
- The audit for FY2024 is in progress and early indications are positive.

Matt Robison, IMLCC IT Manager, provided a brief update about the IMLCC's IT unit.

- Thanks to the team, that is growing in numbers and responsibility.
- There are 5 team initiatives:
 - Re-architecture of the work flows to eliminate duplicates, remove legacy complications, and create a “smart-retry” to address system glitches
 - Develop best practices for system development, including using Sprint Development and System Reporting
 - Internal IT projects:
 - Phone system
 - Moving from .org to .com
 - Developing a staff on-boarding process
 - Wiring and ensuring access in the new office space
 - Enhanced Physician Portal - hope to have beta complete in November and rolled out to all physicians in early 2025
 - API development and rollout. The development was completed in 3 phases, with the final phase starting on December 1st. Member boards have access to the testing environment and are able to begin their development.
- A demonstration of the API process was provided by IMLCC IT Professional Gerald McCulla.
 - A question was raised by Commissioner Hansen regarding some of the system language used in the demonstration. The question was addressed off-line by IMLCC staff.

David Clark, IMLCC Operations Manager, provided a brief update about the IMLCC's Operations unit.

- Call and email volume continue to increase.
- 22,741 calls and emails in FY2024 - 18,518 in FY2023
- Open 5 days per week from 8 am Eastern to 8 pm Eastern.
- On-boarding training process has been initiated for the following boards in FY2024:
 - Florida
 - Hawaii
 - Missouri with go-live in October 2024
 - New Jersey with go-live in February 2024
 - Pennsylvania with go-live in August 2024
 - Rhode Island

Presentation - Enhanced Physician Portal (EPP)

Ian Madom, MD. & MBA., Co-Founder and CEO, Mocingbird

Dr. Madom provided a PowerPoint presentation about the Enhanced Physician Portal (EPP), its development and functionality. The EPP is a system designed by Mocingbird for the IMLCC to be used as a physician tracking system for licenses obtained to include all licenses held by a physician and a portal to obtaining new licenses via the IMLCC process. The EPP will be a single, on-line repository for physicians who can track the renewal requirements for each license obtained, in a manner that can be reviewed and audited by member boards. A copy of the presentation is available, please make your request to the IMLCC Executive Director.

Commissioner Terranova (ME) asked a question regarding security and ensuring who will be completing the information in the EPP. Dr. Madom explained that the system has an “audit” process which will track

changes and who made those changes. The EPP will allow the physician to delegate access to their account to individuals or organizations, who will have their own unique system identification.

**Working Lunch - IMLCC
Governance Training**
Nahale Freeland Kalfas, Esq.

Ms. Kalfas provided a PowerPoint presentation regarding important governance responsibilities for commissioners, including fiduciary and legal obligations. A general overview of the legal framework of the IMLCC and the roles between commissioners and staff was discussed along with the specific practices of the IMLCC meetings and activities. A copy of the presentation is available, please make your request to the IMLCC Executive Director.

Commissioner Farrelly (MD) asked a question regarding the citations used by Ms. Kalfas to establish the obligations and instructions provided in her presentation. Ms. Kalfas stated that the information was provided by her legal research into the governance and legal functions of compacts, of which she is counsel for several, review of the IMLCC statutes, bylaws, rules and policies, and from documents provided by the IMLCC's Executive Director which were made available to all commissioners. Commissioner Farrelly asked that a copy of the presentation and the documents provided by the IMLCC's Executive Director be sent to her with the citations included. [Post Meeting Note - the requested document was provided and is available]

Old Business
Chair Silas (AL)

Item #1 - Resumption of discussion from August 27, 2024 meeting - The discussion item was removed from the agenda as the subject of the discussion had been resolved. The motions associated with the discussion item, which were tabled at the August 27, 2024 meeting, were also removed from the agenda.

Item #2 - Commissioner Farrelly (MD) requested a discussion and full reconsideration of the items from the November 2023 that were referred to the Rules & Administrative Procedures Committee at that meeting. Commissioner Farrelly did not believe that the process was adequate and that some items had been approved prior to consideration and discussion at this meeting.

Commissioner Bohall (AZ) noted that all items from the November 2023 that were referred from the Commissioners at that meeting were considered by the Rules & Administrative Procedures Committee over the course of several months in 2024, with the result being the items listed as part of today's rulemaking hearing. He also noted that Commissioner Farrelly was allowed to participate in the meetings of the Rules & Administrative Procedures Committee.

Commissioner Farrelly raised concerns about how the matter was handled and disagreed with the process used to arrive at the items to be considered at the rulemaking hearing.

There was no action taken on this item.

Item #3 - Minutes from November 13, 2023.

- Amendments to the published draft minutes were provided by Commissioner Farrelly (MD). A copy of the amendments was

provided to commissioners via email at 1:46 pm Eastern Time, which was prior to consideration of this agenda item.

- Before the discussion of the amendments to the minutes, a motion was made and seconded to consider the original, draft minutes as presented.
- The proposed amendments were never considered.

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER MARSHALL (GA), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM NOVEMBER 14, 2023 AS ORIGINALLY PRESENTED.

MOTION PASSED

WITH 25 YES VOTES, 9 NO VOTES, AND 13 ABSTENTIONS

Election of officers
Chair Silas (AL)

Elections for the officers of the Commission were held in accordance of IMLCC Bylaws, Article III, Section 1. The Chair requested that Commissioner Gile (KS), Chair of the Ad Hoc Nominating Committee, provide a report of the committee’s work and recommendations.

A point of order was raised by Commissioner Smith (MD) that the committee had not been properly formed and that the report was out of order.

The Chair determined that the report should be allowed.

Commissioner Smith (MD) appealed the decision of the Chair to allow the report. Commissioner Smith (MD) was permitted the opportunity to present her reasons why the committee was not properly formed and her concerns about the process being followed for the election of officers.

The question was called.

VOTE TO APPEAL THE DECISION OF THE CHAIR

A POINT OF ORDER TO OVERRULE THE DECISION OF THE CHAIR TO ALLOW A REPORT OVER THE OBJECTION OF A MEMBER. A “YES” VOTE WOULD BE IN SUPPORT OF THE CHAIR’S DECISION AND A “NO” VOTE WOULD OVERRULE THE CHAIR’S DECISION WHICH WOULD PREVENT THE REPORT FROM BEING PRESENTED.

THE CHAIR’S DECISION WAS UPHELD

WITH 33 YES VOTES, 11 NO VOTES, AND 4 ABSTENTIONS

Commissioner Gile (KS) resumed her presentation. The committee received several letters of interest and met to consider the Commissioners who had expressed an interest to run for office. The Committee’s recommendation will be provided as each position is considered, after which a call for nominations from the floor will be accepted.

CHAIR

The Ad Hoc Nominating Committee recommended Commissioner Manahan (MN) to the position of IMLCC Chair. Commissioner Manahan’s credentials were provided and letter of interest was read.

No nominations were received from the floor.

Nominations were closed by a motion from Commissioner Cleveland (MS), seconded by Commissioner Marshall (GA). The nomination was accepted and an opportunity for discussion was provided.

- RESULT** Commissioner Silas (AL) was elected to the position of Chair by acclamation.
- VICE CHAIR** The Ad Hoc Nominating Committee recommended Commissioner Cleveland (MS) to the position of IMLCC Vice Chair. Commissioner Cleveland's credentials were provided and the letter of interest was read.
- No nominations were received from the floor.
- Nominations were closed by a motion from Commissioner Spangler (WV), seconded by Commissioner Manahan (MN). The nomination was accepted and an opportunity for discussion was provided.
- RESULT** Commissioner Cleveland (MS) was elected to the position of Vice Chair by acclamation.
- TREASURER** The Ad Hoc Nominating Committee recommended Commissioner Judd (TN) to the position of IMLCC Treasurer. Commissioner Judd's credentials were provided and the letter of interest was read.
- No nominations were received from the floor.
- Nominations were closed by a motion from Commissioner Spangler (WV), seconded by Commissioner Marx (UT). The nomination was accepted and an opportunity for discussion was provided.
- RESULT** Commissioner Judd (TN) was elected to the position of Treasurer by acclamation.
- Rulemaking Hearing**
Commissioner Bohall (AZ) The Rulemaking Hearing was called to order by Commissioner Bohall at 4:05 pm Eastern Time.
- The following bylaws, and policies were considered: Bylaws Article III, Bylaws Article XII, Policy #1, Policy #12.
- IMLC Bylaws Article III**
- A discussion was held after the motion was introduced. An opportunity for public was provided, none was received.
- MOTION** **A MOTION BY THE RULES & ADMINISTRATIVE PROCEDURES COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, TO ADOPT THE CHANGES TO IMLC BYLAWS ARTICLE III AS PRESENTED.**
- MOTION PASSED** **WITH 43 YES VOTES, 1 NO VOTES, AND 0 ABSTENTIONS**
- IMLC Bylaws Article XII**
- A discussion was held after the motion was introduced. An opportunity for public was provided, none was received.
- After the discussion and prior to the consideration of the motion from the Rules & Administrative Procedures Committee, Commissioner

Farrelly (MD) made a request to provide a version of IMLCC Bylaws Article XII different than that presented by the Rules & Administrative Procedures Committee. Commissioner Farrelly was provided an opportunity to present her proposed version of IMLC Bylaws Article XII.

After the presentation, the question was called.

MOTION #1

A MOTION BY COMMISSIONER FARRELLY (MD), SECONDED BY COMMISSIONER SMITH (MD), TO REJECT THE PROPOSED BYLAW ARTICLE XII PROVIDED FROM THE RULES & ADMINISTRATIVE PROCEDURES COMMITTEE AND INSTEAD ADOPT THE BYLAWS IN THE MANNER PRESENTED BY COMMISSIONER FARRELLY.

MOTION FAILED

WITH 18 YES VOTES, 28 NO VOTES, AND 1 ABSTENTIONS

MOTION #2

A MOTION BY THE RULES & ADMINSTRATIVE PROCEDURES COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, TO ADOPT IMLC BYLAWS ARTICLE XII AS PRESENTED.

MOTION PASSED

WITH 35 YES VOTES, 2 NO VOTES, AND 0 ABSTENTIONS

IMLC Policy #1

A discussion was held after the motion was introduced. The policy had been adopted by the IMLCC Executive Committee in July 2024 and this action by the Commission was to approve that adoption of the policy. An opportunity for public was provided, none was received.

MOTION

A MOTION BY THE RULES & ADMINSTRATIVE PROCEDURES COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, TO ENDORSE AND APPROVE THE ACTION OF THE IMLCC EXECUTIVE COMMITTEE TO AMEND IMLC POLICY #1 WHICH OCCURRED ON JULY 9, 2024.

MOTION PASSED

WITH 38 YES VOTES, 2 NO VOTES, AND 2 ABSTENTIONS

IMLC Policy #12

A discussion was held after the motion was introduced. The policy had been adopted by the IMLCC Executive Committee in July 2024 and this action by the Commission was to approve that adoption of the policy. An opportunity for public was provided, none was received.

MOTION

A MOTION BY THE RULES & ADMINSTRATIVE PROCEDURES COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, TO ENDORSE AND APPROVE THE ACTION OF THE IMLCC EXECUTIVE COMMITTEE TO AMEND IMLC POLICY #12 WHICH OCCURRED ON JULY 9, 2024.

MOTION PASSED

WITH 41 YES VOTES, 3 NO VOTES, AND 1 ABSTENTION

The rulemaking hearing was concluded at approximately 4:36 pm Eastern Time.

New Business
Chair Silas (AL)

Item #1 - Request to amend IMLC Rule, Chapter 3 - Commissioner Cleveland (MS)

Commissioner Cleveland presented a request to amend IMLC Rule, Chapter 3 to allow the IMLCC to charge additional fees related to the application of an expedited license. Specifically, to pass on the charges related to credit card fees and user fees related to the Enhanced Physician Portal. These fees, currently paid by the IMLCC, are substantial and will continue to increase as more physicians use the IMLCC process. It was requested that the matter be referred to the Rules & Administrative Procedures Committee for discussion and action.

MOTION

A MOTION BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER HUNTHAUSEN (MT), TO REFER CONSIDERATION OF AMENDING IMLC RULE, CHAPTER 3 TO THE RULES & ADMINISTRATIVE PROCEDURES COMMITTEE FOR DISCUSSION AND ACTION.

MOTION PASSED

WITH 42 YES VOTES, 3 NO VOTES, AND 2 ABSTENTIONS

Item #2 - Mr. Masters requested that the discussion item be removed from the agenda as topic was discussed during the “Governance Training for Interstate Medical Licensure Compact Commissioners” training earlier.

Without objection the item was removed.

Item #3 - Commissioner Loucka (OH) led a discussion regarding options and opportunities to improve the reporting process of disciplinary actions to member boards. There is a concern that reporting of action is sometimes repeated from different reporting authorities and organizations. This can lead to confusion and duplication of effort.

It was requested the IMLCC staff contact the Federation of State Medical Boards to discuss creating an identifier for licenses issued via the IMLCC process. Additionally, the Technology Committee was requested to consider the matter and discuss ways that the reporting process could be automated or information stored to be made available for member boards to access.

No action was taken on this matter. The executive director agreed that IMLCC staff would take the actions requested during the discussion and coordinate the efforts through the Technology Committee.

Item #4 - Commissioner Manahan (MN) and Commissioner Bohall (AZ) led a discussion about creating mandatory reporting requirements from member boards to the Commission to ensure consistent reporting of items and coordinated activities. Specifically, to refer the matter to the Rules & Administrative Procedures Committee to consider making changes to IMLC Rule, Chapter 5, paragraph 5.5(4).

MOTION

A MOTION BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER HUNTHAUSEN (MT), TO REFER CONSIDERATION OF AMENDING IMLC RULE, CHAPTER 5 TO THE RULES & ADMINISTRATIVE PROCEDURES COMMITTEE FOR DISCUSSION AND ACTION.

MOTION PASSED

WITH 40 YES VOTES, 2 NO VOTES, AND 2 ABSTENTIONS

Item #5 - Commissioner Farrelly (MD) determined that she was no longer able to attend the meeting and delegated her voting authority to Mr. David Finkler as permitted by IMLCC Statute, Section 11, paragraph (g) and requested that he be allowed to lead the discussion of this item on her behalf. Commissioner Farrelly then left the meeting.

Commissioners Terranova (ME), Marx (UT), Loucha (OH), and Huntley (MN) indicated that they wished to recuse themselves from the discussion and left the meeting space and did not participate in the discussion or vote on the matter.

Mr. Finkler made a presentation outlining the Maryland Board of Physician's opposition to the IMLCC acting as a secretariate for other healthcare compacts. As part of his presentation, Mr. Finkler distributed a letter from the Mr. Anthony Brown, Attorney General of Maryland and Rachel Simmons, Assistant Attorney General of Maryland addressed to Dr. Harbhajan Ajrawat, Chair of the Maryland Board of Physicians and Ms. Christine Farrelly, Executive Director of the Maryland Board of Physicians.

Mr. Finkler stated that the Maryland Board of Physician is opposed to the IMLCC acting as a secretariate for other compacts. Additionally such action is not legal and that IMLCC staff would not be able to adequately perform the work required. He cited the discussion at the May 2023 Commission meeting as confirmation that Commissioners agreed with this position.

Commissioner Spangler (WV) objected to the characterization of his remarks from the May 2023 Commission meeting used by Mr. Finkler in his discussion. Additionally, Commissioner Spangler noted that an opinion from a State's Attorney General is legal opinion only for the member board of that State.

Commissioner Gile (KS) objected to the characterization of her remarks from the May 2023 Commission meeting used by Mr. Finkler in his discussion.

Mr. Masters, IMLCC General Counsel, stated that it is his legal recommendation that the actions taken to date regarding this situation have been appropriate and authorized by the IMLCC Statute. There is no specific prohibition regarding the IMLCC acting as a secretariate for other compacts. He has advised the IMLCC Executive Committee and the Executive Director as this matter has been discussed and during consideration of the opportunities presented. He reiterated the point raised by Commissioner Spangler, that the Maryland Attorney General's letter is not binding on the IMLCC, as the Attorney of Maryland does not represent the IMLCC.

MOTION #1

A MOTION BY COMMISSIONER MARSHALL (GA), SECONDED BY COMMISSIONER MANAHAN (MN), TO END DISCUSSION.

MOTION PASSED

WITH 36 YES VOTES, 2 NO VOTES, AND 0 ABSTENTIONS

MOTION #2

A MOTION BY COMMISSIONER DELEGATE FINKLER (MD), SECONDED BY COMMISSIONER SMITH (MD), THAT THE IMLCC HEREBY DIRECTS THE

EXECUTIVE DIRECTOR AND EXECUTIVE COMMITTEE TO CEASE ALL EFFORTS TO BE A SECRETARIATE OF OR IMPLEMENT ANOTHER COMPACT.

MOTION FAILED

WITH 15 YES VOTES, 21 NO VOTES, AND 0 ABSTENTIONS

Commissioners Terranova (ME), Marx (UT), Loucha (OH), Huntley (MN) rejoined the meeting.

Item #6 - Commissioner Delegate Finkler (MD) led a discussion regarding the need for more transparency as it related to the actions of the IMLCC's Executive Committee. Immediate action was needed to ensure that the Executive Committee was acting with restraint and being accountable to all member boards and commissioners. Mr. Finkler cited as examples of the Maryland Board of Physicians concerns: the use of closed meetings as outlined by IMLC Statute, Section 11, paragraph (h) where non-committee member commissioners were excluded from the closed portion of the meeting; the negotiation and signing of contracts as outlined in IMLC Policy #12; the failure to comply with public notice obligations as outlined in IMLC Bylaws Article VI; and the authorizing of policies without a vote of the full commission, as outlined in IMLC Policy #1, and other concerns.

There were 2 motions made, outlined below, by Commissioner Delegate Finkler, seconded by Commissioner Smith (MD). After the motions were made, the floor was opened for discussion. The following is a summary of the discussion.

- Commissioner Hunthausen (MT) disagreed with the contention made by Commissioner Delegate Finkler and stated that it was his opinion that the IMLCC Executive Committee is acting appropriately and in a transparent manner.
- Commissioner Marx (UT) stated that he believed that the duties of the executive director and executive committee are clearly outline in the Statute, Bylaws, Rules, and Polices.
- Commissioner Manahan (MN) stated that he did not believe that no actions should be taken which tie the hands of the Executive Director and Executive Committee beyond those currently in the Statute, Bylaws, Rules, and Policies.
- Commissioner Cleveland (MS) stated that a lot of hard work is done on behalf of the Commission.
- Commissioner Delegate Finkler (MD) stated that the idea isn't to constrain action but to allow for review. He does not believe that it is appropriate to exclude commissioners from any meeting or discussion. The requests and motions from the Maryland Board of Physicians will promote transparency and provide an opportunity to review and act for all commissioners.
- Commissioner Gater (NJ) stated that she opposes the motions from the Maryland Board of Physicians.
- Commissioner Osborne (WA) stated that most boards allow selected representatives the authority to act and use their discretion on matters impacting the whole. It is not unusual.
- Commissioner Terranova (ME) stated that he does not believe these actions are needed.

MOTION #1

A MOTION BY COMMISSIONER HARRISON (OK), SECONDED BY COMMISSIONER CLEVELAND (MS), TO END DISCUSSION.

MOTION PASSED

WITH 39 YES VOTES, 5 NO VOTES, AND 1 ABSTENTION

MOTION #2 - First motion from the Maryland Board of Physicians

A MOTION BY COMMISSIONER DELEGATE FINKLER (MD), SECONDED BY COMMISSIONER SMITH (MD), THAT ALL VOTES TAKEN BY THE EXECUTIVE COMMITTEE FROM THIS POINT FORWARD SHALL BE PRESENTED AT NEXT FULL COMMISSION MEETING TO BE RATIFIED OR REJECTED.

MOTION FAILED

WITH 8 YES VOTES, 33 NO VOTES, AND 2 ABSTENTIONS

MOTION #3 - Second motion from the Maryland Board of Physicians

A MOTION BY COMMISSIONER DELEGATE FINKLER (MD), SECONDED BY COMMISSIONER SMITH (MD), THAT ALL VOTES AND ACTIONS TAKEN BY THE EXECUTIVE COMMITTEE IN 2022 TO 2024, INCLUDING THE ADOPTION OF ADMINISTRATIVE PROCEDURES AND POLICIES BY THE EXECUTIVE COMMITTEE, SHALL BE PRESENTED AT THE MAY 2025 COMMISSION MEETING TO BE RATIFIED OR REJECTED.

MOTION FAILED

WITH 6 YES VOTES, 37 NO VOTES, AND 2 ABSTENTIONS

Public Comments
Chair Silas (AL)

None were provided.

Location of the next annual commission meeting
Chair Silas (AL)

The next annual meeting of Commissioners will take place in Colorado in November 2025.

The specific dates and information about attending the meetings will be provided when it has been finalized.

Adjournment
Chair Silas (AL)

There being no further business, the meeting was adjourned at approximately 5:48 pm Eastern Time.