

Discussion Item: State of Principal License (SPL) and Redesignation of SPL

There is a conflict between the IMLCC Statute and IMLCC Rules. The IMLCC Statute requires that the physician maintain their full, unrestricted license with the State of Principal License (SPL) without other requirements.

The IMLCC Rules appears to require that in addition to continuing to hold a full, unrestricted license, the physician must also continue to meet at least one of the original qualifying requirements, which was reinforced by IMLCC Advisory Opinion No. 09-2018.

Questions for Discussion:

1. Does a physician need to maintain the residency/work requirements in an SPL after receiving an expedited license through the compact?
2. SPLs – At what points does a physician need the SPL residency/work requirements?
 - Only for initial application through the Compact
 - Initial Application and when requesting a Letter of Qualification
 - Throughout membership in the Compact
3. How often does an SPL residency/work requirements need to be verified?
 - Only for initial application through the Compact
 - Initial Application and when requesting a Letter of Qualification
 - Initial Application and Renewal through the Compact
4. If a physician redesignates an SPL, what is required of the new SPL? (Rule 4.5 seems to indicate a full credential review again)

Possible Resolutions:

1. The SPL residency/work requirements must be maintained and shall be checked at initial licensure and verified on renewal of the SPL (through Physician affirmation). (Uphold current Rule 4.3, 4.5.)
2. The SPL residency/work requirement is only required upon initial licensure and when issuing a new Letter of Qualification. If a licensee fails to maintain residency/work requirements, the licensee may not apply for additional licenses, but may keep the licenses that the licensee has previously obtained so long as the licensee continues to have a license with the SPL. (Remove Rule 4.5).
3. The SPL residency/work requirement is only required upon initial licensure. So long as a licensee maintains the license through the initial SPL, the licensee may obtain additional new licenses. (Remove Rules 4.3(b), 4.5.)

Scenario: Physician A lives and is licensed in Maryland. He joins the compact and applies for licenses in West Virginia and Tennessee. He moves from Maryland to a non-compact state, and, no longer has a nexus to Maryland, but maintains his license in Maryland. May he renew his WV and TN licenses? May he use his Maryland SPL license to apply in Maine and New Hampshire?

Below are the applicable statutes and attached please find the Rules Chapter 4, and IMLCC Advisory Opinion No. 09-2018.

Statutory References (below):

IMLCC Statute, Section 2. Definitions (o)

IMLCC Statute, Section 4. Designation of State of Principal License

IMLCC Statute, Section 5. Application and Issuance of Expedited Licensure (f)

IMLCC Statute, Section 7. Renewal and Continued Participation (a)(1)

Rules:

- IMLCC Rule, Chapter 4, paragraphs 4.3(b), 4.5

Advisory Opinion:

- IMLCC Advisory Opinion No. 09-2018

IMLCC Statute

SECTION 2. DEFINITIONS (o)

“State of principal license” SPL means a member state where a physician holds a license to practice medicine and that has been designated as such by the physician for purposes of registration and participation in the compact.

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
- 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.

SECTION 5. Application and Issuance of Expedited Licensure

(f) An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

- 1) Maintains a full and unrestricted license in a state of principal license;