

Selected IMLCC Statutes, Rules, and Advisory Opinions for discussion purposes – IMLCC Annual Meeting agenda item “General Discussion Items” - #2

## **IMLCC Statute**

### **SECTION 2. DEFINITIONS**

In this compact:

(o) “State of Principal License” means a member state where a physician holds a license to practice medicine and which 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;

## **IMLCC Rules**

### **Chapter 4 - State of Principal License**

#### **4.3 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 primary residence for the physician, or
  - (2) The state where at least twenty-five percent of the practice of medicine occurs, or
  - (3) The location of the physician’s employer, or
  - (4) If no state qualifies under subparagraph (1), subparagraph (2), or subparagraph (3), the state designated as state of residence for purposes of federal income tax.

- (b) The physician must meet one of the state of principal license's eligibility requirements when the application for a letter of qualification is reviewed by the designated state of principal license's medical board. Member boards shall apply these requirements contemporaneously to determine if a physician has appropriately designated a state of principal license.

#### **4.5 Maintaining a state of principal license**

If a physician licensed through the Compact no longer meets any requirement under Compact Section 4 to designate a state of principal license, then all licenses issued through the Compact to the physician shall be terminated pursuant to Section 5(f) of the Compact.

#### **Advisory Opinion – 09-2018**

##### **ADVISORY OPINION:**

Item 1: A member board which has determined that it is unable to act fully as a State of Principal License (SPL) to make a determination on an application for a Letter of Qualification is not prohibited by IMLCC Statute or Rule from acting as an SPL in a redesignation situation. A member board which is redesignated as a physician's SPL is not making determinations about eligibility, rather, the member board is being designated in accordance with IMLCC Rule, Chapter 4, Section 4.3 to prevent termination of licenses issued through the Compact, as required under IMLCC Rule, Chapter 4, Section 4.5. The Letter of Qualification issued by the physician's original SPL remains valid for 365 days.

Item 2: A Letter of Qualification (LOQ), once issued is valid for 365 days and is independent of the State of Principal License (SPL). An LOQ issued by a SPL remains valid even if the physician redesignates a new SPL.

Item 3: The word terminate as used in IMLCC Rules, Chapter 4, Section 4.5, when considered with the requirements of IMLCC Statute, Section 5(f), appears to mean that licenses issued would terminate on the expiration date of the license issued as determined by the issuing member board. Physicians who are unable to maintain a relationship with their SPL and are unable to redesignate a new SPL would be unfairly burdened with an abrupt and immediate termination of licenses issued. As the reason is not related to a disciplinary matter, can be outside of the control of the physician, does not create a harm to public safety or patients, and would create a substantial burden on the physician, allowing a currently issued license to remain in effect until the established expiration of the license is a reasonable approach that is not prohibited by IMLCC Statute or Rule.

**APPLICABILITY:** This opinion applies to all member states acting as a state of principal license and to member boards issuing licenses under the authority of the Interstate Medical Licensure Compact.