

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

November 19, 2019

MEETING MINUTES

Call to Order

Chair Simons (WI)

The Interstate Medical Licensure Compact Commission convened at approximately 10:36 AM Eastern time via conference call.

Roll Call

Secretary Smith

The roll was called, and a quorum was established.

Approval of the agenda

Chair Simons (WI)

An agenda for the meeting was presented by Chair Simons (WI).

MOTION

MOVED BY COMMISSIONER SPANGLER (WV), SECONDED BY COMMISSIONER NAGALA (ND), TO APPROVE THE AGENDA AS PRESENTED.

MOTION PASSED

UNANIMOUS

Approval of the minutes

Secretary Smith

The minutes from September 17, 2019 meeting was provided to the members prior to the meeting for their consideration.

MOTION

MOVED BY COMMISSIONER MARTINEZ (MN), SECONDED BY COMMISSIONER LAU (WI), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM SEPTEMBER 17, 2019.

MOTION PASSED

UNANIMOUS

Report from the Chair

Chair Simons (WI)

The chair started his report by thanking the commissioners for their work and efforts during the prior year, noting that each commissioner is a volunteer. Special thanks to Commissioner Martinez (MN) as the chair of the Rules & Administrative Procedures Committee, Commissioner Bohnenblust (WY) and Wanda Bowling, IT Project Manager, for work on the technology efforts, Commissioner Cousineau for his work as the IMLCC Treasurer, Past Chair Marquand (MT) for the Communication Committee's publication of the New Commissioner Handbook and Commissioner Terranova (ME) for taking over as the chair of the committee, and Commissioners McSorley (AZ), Zachariah (IL) and Farrelly (MD) for chairing important committees. The chair expressed his appreciation to Rick Masters, Legal Counsel, and Marschall Smith, Executive Director. A short summary of IMLCC successes are:

- 5 new member states joined
- 3,145 applications were processed, 3,809 licenses issued, and 2,832 licenses renewed
- The audit of FY2017 was finalized and a clean opinion rendered
- The Technology Committee's project work to advance the system
- The Personnel Committee for finalizing the Executive Director's contract
- The Communications Committee for preparing the 2019 Annual Report and its work on the IMLCC webpage redesign
- The Rules and Bylaws Committee which changed its name to Rules and Administrative Procedures and has prepared the draft Rules for Chapter 8 and 9 to be considered at this meeting.

Report from the Executive Director
Executive Director Smith

- The Commission has seen a period of incredible growth and expansion, which appears to be a trend that has not yet stabilized.
- The staffing direction has been to provide depth of positions and knowledge. The current level of 4 FTE is adequate to the work.
- The Commission moved to a new office space on November 14, 2019. The address is 5401 South Prince Street, Office 111, Littleton, Colorado 80120 with a general phone number of 303-997-9842. The established office hours are 11:00 am to 7:00 pm Eastern time.
- Concerns about the ability of member boards to access criminal background check information believed to have been resolved in September 2017 has re-emerged. Several new member boards have had their request for access to the information denied by the Federal Bureau of Investigations. The situation is being monitored and staff are working with the boards to resolve the concerns raised in the denial notifications.
- A strong on-boarding process for new member boards is being created and formalized. Finalizing the process is a key goal for the upcoming year.
- Based on preliminary discussions with legislative staff members, it appears that legislation to join the Compact will be introduced in 3 to 5 states.

Report from Legal Counsel
Rick Masters

- The IMLCC staff, along with legal counsel, have been presenting along with other compacts at national and state meetings regarding the benefits of states using compacts to accomplish a national licensing scheme while retaining regulatory control at the state level.
- The concern about the actions denying access to member boards by the FBI is being actively worked to find a resolution.
- The legal matter filed in US District Court, 19-cv-00924, has been amicably resolved and the case dismissed. Commissioners requested additional information, which involved receiving legal advice, resulting in the request to close the meeting in accordance with IMLCC Statute, Section 11, paragraph (h).

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER MARX (UT), THAT MEETING BE CLOSED TO THE PUBLIC IN ORDER TO RECEIVE LEGAL ADVICE AS AUTHORIZED BY IMLCC STATUTE, SECTION 11, PARAGRAPH (H).

MOTION PASSED

UNANIMOUS

Meeting closed to the public

The meeting was closed from 10:47 am until 11:13 am Eastern Time. During this time the conference call connection was disabled until the resumption of the open meeting.

General discussion items
Chair Simons (WI)

- Commissioner Judd (TN) requested that a representative from HRSA make a presentation at the May 2020 meeting to discuss the HRSA grant that the IMLCC receives funding and efforts to include access to rural and underserved communities. The matter was discussed with agreement that, if possible, the request should be made by the executive director on behalf of the Commission.

MOTION

MOVED BY COMMISSIONER JUDD (TN) AND SECONDED BY COMMISSIONER TERRANOVA (ME), INSTRUCTING THE EXECUTIVE DIRECTOR TO EXTEND AN INVITATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN

SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) TO PARTICIPATE IN A FUTURE COMMISSION MEETING.

MOTION PASSED

UNANIMOUS

- General discussion item #1 - The authority granted and Commissioner expectations of the executive committee as it relates to actions taken on behalf of the Commission. The commissioners discussed the provisions of the IMLCC Statute, Bylaws and Rules as it related to the authority provided in addition to discussion documents provided prior to the meeting. The commissioners were in agreement that the matter requires further consideration and that the Rules and Administrative Procedures Committee should be charged with developing the appropriate vehicle, be it a rule or policy, that would provide guidance to the executive committee on this matter.

MOTION

MOVED BY COMMISSIONER SPANGLER (WV) AND SECONDED BY COMMISSIONER FARRELLY (MD), THAT THE COMMISSIONERS OF THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION, THROUGH THE RULES AND ADMINISTRATIVE PROCEDURES COMMITTEE, SHOULD DEVELOP A DRAFT DOCUMENT OUTLINING THE COMMISSIONER'S EXPECTATIONS OF THE EXECUTIVE COMMITTEE WHEN IT IS CONSIDERING TAKING ACTION ON BEHALF OF THE COMMISSION AS PROVIDED IN THE IMLCC STATUTE AND BYLAWS, ESPECIALLY AS IT RELATES TO INITIATING LEGAL ACTION. THE DRAFT DOCUMENT SHOULD BE PREPARED FOR CONSIDERATION AT A FUTURE COMMISSION MEETING.

MOTION PASSED

UNANIMOUS

- General discussion item #2 - An apparent conflict between the IMLCC Statute and Rules as it relates to the requirement for a physician to maintain their relationship with the chosen State of Principal License. The Commissioners discussed the IMLCC Statute, Section 5(f) and 7(a)(1) and IMLCC Rules, Chapter 4, paragraph 4.5 and the discussion document prepared by the Rules and Administrative Procedures Committee, that was provided prior to the meeting. The discussion document provided three (3) possible options. The Commissioners agreed that a conflict did exist and that the best resolution was to accept recommendation #2, to delete IMLCC Rules, Chapter 4, paragraph 4.5.

MOTION

MOVED BY COMMISSIONER TERRANOVA (ME) AND SECONDED COMMISSIONER MCSORLEY (AZ) THAT IMLCC RULE CHAPTER 4, PARAGRAPH 4.5 BE DELETED.

POINT OF ORDER

A POINT OF ORDER WAS MADE REGARDING IF THIS ACTION COULD BE TAKEN AT THIS TIME. THE COMMISSIONERS WERE ADVISED BY THE EXECUTIVE DIRECTOR THAT THE ACTION HAD BEEN APPROPRIATELY NOTICED AND THE MOTION COULD BE CONSIDERED.

MOTION PASSED

UNANIMOUS

Committee reports

- Audit Committee - Commissioner Zachariah (IL)
 - The audit of FY2018 was initiated

- The committee will start its work when the auditor has prepared the initial draft documents
- The committee is also considering expanding its scope to include a review of staffing positions and their ability to fulfill the obligations of the commission
- Budget Committee - Commissioner Cousineau (NV)
 - The committee is reviewing the insurance needs of the commission and will include move from a self-insured status to being insured by a 3rd party as appropriate. The executive director has been charged with completing this task no later than January 2020 for calendar year 2020 and beyond.
- Communications Committee - Commissioner Terranova (ME)
 - The IMLCC webpage redesign is nearing completion and has been a major focus of the committee.
 - The FSMB survey has been sent and member boards are encouraged to complete, then return it as soon as possible.
- Personnel Committee - Commissioner McSorley (AZ)
 - The committee has seven (7) recommendations for consideration by the commissioners:
 - The executive director should locate and consult with a qualified employment attorney to address questions regarding staffing.
 - A job description should be developed for each staff position and provided to the committee. Background checks should be required for staff members.
 - The executive director should provide a monthly update to all commissioners regarding activities in the prior month, including a report on data, trends, stats in key areas, and personnel availability.
 - A quarterly performance evaluation for the executive director for 2020, with a semi-annual evaluation in 2021 and beyond. A performance evaluation from all commissioners will be conducted annually.
 - The executive director and IT project manager should establish and follow a regular meeting schedule to discuss project and goals.
 - The commission should host a licensing summit, inviting processing and front-line member board staff.
 - The executive director should establish a chain of command and decision-making authority for commission staff to ensure continuation of service and action during periods of absence.
- Technology Committee - Commissioner Bohnenblust (WY)
 - An update on the system development and improvement was provided during the Committee Day luncheon
- Rules and Administrative Procedures Committee - Commissioner Martinez (MN)
 - The committee has worked on the IMLCC Rule Chapter 8 and 9, which will be part of the rulemaking hearing.
 - In 2020, the committee intends to concentrate its work on:
 - Reviewing and assessing the rules for improvement, deletion, or modification
 - Dispute resolution clarification
 - Reviewing administrative procedures

Election of officers***Executive Director Smith***

Elections for the officers of the Commission were held in accordance with IMLCC Bylaws, Article III, Section 1. A call for nominations was held for each position, discussion held, nominations were then closed, and nominations voted on by members as separate actions.

CHAIR

Commissioner Bohnenblust (WY) nominated Commissioner Terranova (ME) to the position of IMLCC Chair. The nomination was seconded by Commissioner Cousineau (NV). The nomination was accepted and discussion held. No other nominations were put forward.

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER GALL (IA) TO CLOSE NOMINATIONS

MOTION PASSED

UNANIMOUS

VOTE

BY ACCLAMATION COMMISSIONER TERRANOVA (ME) WAS ELECTED TO THE POSITION OF CHAIR.

VICE CHAIR

Commissioner Lawler (ID) nominated Commissioner Cousineau (NV) to the position of IMLCC Vice Chair. The nomination was seconded by Commissioner Martinez (MN). The nomination was accepted and discussion held. No other nominations were put forward.

MOTION

MOVED BY COMMISSIONER O'NEIL (AL), SECONDED BY COMMISSIONER ROMANCO (IA) TO CLOSE NOMINATIONS

MOTION PASSED

UNANIMOUS

VOTE

BY ACCLAMATION COMMISSIONER COUSINEAU (NV) WAS ELECTED TO THE POSITION OF VICE CHAIR.

TREASURER

Commissioner Bohnenblust (WY) nominated Commissioner Farrelly (MD) to the position of IMLCC Treasurer. The nomination was seconded by Commissioner Smith (MD). The nomination was accepted and discussion held. No other nominations were put forward.

MOTION

MOVED BY COMMISSIONER LAWLER (ID), SECONDED BY COMMISSIONER CLEVELAND (MS) TO CLOSE NOMINATIONS

MOTION PASSED

UNANIMOUS

VOTE

BY ACCLAMATION COMMISSIONER FARRELLY (MD) WAS ELECTED TO THE POSITION OF TREASURER.

Rulemaking Hearing***Commissioner Martinez (MN)***

At 1:00 PM Eastern time, the commission was called order for the purpose of rulemaking as authorized by IMLCC Statute, Section 15. The rulemaking hearing was noticed and opportunity for comment was done in accordance with IMLCC Rules, Chapter 1. Each of the proposed rules were discussed and additional opportunity for comments from commissioners and the public were provided during the consideration of each proposed rule, then each rule was voted on by separate action. A copy of each of the proposed rules were provided prior to the meeting and are intended to create IMLCC Rule Chapter 8 and IMLCC Rule Chapter 9.

MOTION #1

MOVED BY THE RULES AND ADMINISTRATIVE PROCEDURES COMMITTEE, A MOTION BY A COMMITTEE DOES NOT REQUIRE A SECOND, TO CREATE IMLCC RULE CHAPTER 8 - RULE ON NOTICE OF LICENSES UPON WITHDRAWAL OR TERMINATION OF MEMBERSHIP IN THE COMPACT.

MOTION PASSED

UNANIMOUS

MOTION #2

MOVED BY THE RULES AND ADMINISTRATIVE PROCEDURES COMMITTEE, A MOTION BY A COMMITTEE DOES NOT REQUIRE A SECOND, TO CREATE IMLCC RULE CHAPTER 9 - RULE ON EXEMPTION FROM DISCLOSURE OF RECORDS.

MOTION PASSED

UNANIMOUS

Presentation on Strategic Planning

Commissioner Cousineau (NV) and Monica Revoczi, Interaction Consulting, International, Inc.

Commissioner Cousineau and Ms. Revoczi made a presentation on the strategic planning process and its importance in the development of an organization. After the presentation, Ms. Revoczi facilitated a discussion about regarding developing a vision and strategic plan for the commission, gathered key goals and outlined commissioner expectations as the process moved forward. The commissioners determined that a special committee be formed and charged with developing a strategic plan for the commission.

Establishment of a Strategic Planning Committee

Chair Simons

The commission determined in accordance with IMLCC Bylaws, Article VII, that a committee should be formed for the purpose of developing a strategic plan. Commissioner Cousineau (NV) was selected to chair the committee and charged with establishing meetings and creating a draft strategic plan for consideration at the May 2020 commission meeting.

Notice of the scheduled 2020 commission meetings

Executive Director Smith

A schedule of meetings for the commission in 2020 was provided prior to the meeting and will be published on the IMLCC webpage.

Notice of the scheduled 2020 executive committee meetings

Executive Director Smith

A schedule of meetings for the executive committee in 2020 was provided prior to the meeting and will be published on the IMLCC webpage.

2020 annual meeting location

Executive Director Smith

The member state of Alabama has agreed to host the November 2020 Annual meeting.

Adjournment

Chair Simons (WI)

There being no further business, the meeting was adjourned at approximately 2:53 PM Eastern Time.