

**INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
EXECUTIVE COMMITTEE**

Conference Call

July 14, 2020

MEETING MINUTES

Call to Order

Chair Terranova (ME)

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 3:00 PM, Eastern Time via conference call and was called to order by Chairman Terranova (ME).

Roll Call

Secretary Smith

The roll was called, and a quorum was established.

Members Present

Commissioner Terranova (ME) - Commission Chair
Commissioner Farrelly (MD) - Treasurer and Chair of the Budget Committee
Commissioner Lawler (ID) - Chair of the Audit Committee
Commissioner Spangler (WV) - Chair of the Communications Committee
Commissioner McSorley (AZ) - Chair of the Personnel Committee
Commissioner Martinez (MN) - Chair of the Rules and Administrative Procedures Committee
Commissioner Cushman (NE) - Chair of the Technology Committee

Members Absent

Commissioner Cousineau (NV) - Commission Vice Chair

Staff Present

David Clark, Operations Manager; Rick Masters, IMLCC Legal Counsel; Marschall Smith, Executive Director and Secretary

Other commission members and members of the public

Commissioner Reed (NV), Commissioner Bohnenblust (WY), Commissioner Romanco (IA), and Ms. Jaime Dunbar

Approval of agenda

Chair Terranova (ME)

An agenda for the executive committee was provided to the members prior to the meeting.

MOTION

MOVED BY COMMISSIONER MCSORLEY (AZ), SECONDED BY COMMISSIONER CUSHMAN (NE), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

Statement from the Chair

Chair Terranova (ME)

Chair Terranova provided information to the committee about the events and actions regarding personnel decisions that took place in June 2020 and his response to the commissioner requests to hold emergency meetings.

Approval of the minutes

Executive Director Smith

The minutes from the May 5, 2020 meeting was provided to the members prior to the meeting for their consideration.

MOTION

MOVED BY COMMISSIONER CUSHMAN (NE), SECONDED BY COMMISSIONER LAWLER (ID), TO APPROVE THE MAY 5, 2020 MINUTES.

MOTION PASSED

UNANIMOUS

Audit Committee

Commissioner Lawler (ID)

The committee met with the IMLCC's auditors, CliftonLarsonAllen, on June 22, 2020 to discuss and review the IMLCC Fiscal Year 2018 Audit.

The audit was of the ILMCC's first full year of operations and was considered a "clean" audit with no significant findings or exceptions. However, a material weakness regarding internal controls was noted by the auditors.

After the discussion the audit was unanimously approved as presented and the executive director was instructed to publish the audit report on the IMLCC webpage.

The committee requested the executive director to provide a written explanation regarding the internal control issue, which was provided to the committee on June 29, 2020. In summary, the internal control issue was caused by 3 primary factors that occurred in FY2018 but have since been corrected. Those factors are:

- 1) The lack of assigned responsibility for financial aspects of the IMLCC;
- 2) The rapid expansion of application volume and financial activities; and
- 3) Lack of system support to record transactions and insufficient staff.

Work on the FY2019 audit will start in July 2020.

Budget Committee

Commissioner Farrelly (MD)

The IMLCC ended its fiscal year on June 30, 2020. It was a successful year and the IMLCC has continued to improve its net position. Preliminary budget documents were provided to the executive committee for their review and discussion.

The future committee meetings will include:

- A review of the FY2020 financial statements.
- A discussion regarding investment strategies for the IMLCC reserve funds and net position funds.
- A review of the fees charged by the IMLCC to ensure that they are appropriate.

Communication Committee

Commissioner Spangler (WV)

- The committee met on June 23, 2020.
- The next newsletter is targeted to be published in July/August 2020.
- Assignments for The Toolkit document were made and a target publication date of October 2020 was approved.
- Commissioner Herlihy (VT) is the newest commissioner. He was sent the IMLCC New Commissioner Handbook and welcomed to the commission.

Personnel Committee

Commissioner McSorley (AZ)

The committee met on June 8, 2020 with Ms. Jennifer Ellerkamp from the Employers Council, IMLCC's legal counsel, and the executive director to review and discuss the executive director's 12 recommendations regarding the initiative to transfer IMLCC staff from Independent Contractor status to employees.

The committee met again on June 16, 2020. After reviewing the information provided at the June 8th meeting and discussion from this meeting the committee developed 8 recommendations regarding the staffing initiative, which were provided to the executive director.

**Rules & Administrative
Procedures Committee**
Commissioner Martinez (MN)

- The committee met on June 16, 2020.
- The final draft IMLCC Rule - Chapter 5 was approved in order to hold a rulemaking hearing at the September 15, 2020 commission meeting.
- The committee reviewed an initial draft of IMLCC Rule - Chapter 10 regarding the process for levying and assessing an annual fee to member states, if such an action should be required in the future. The committee is intending that the Chapter 10 rule be part of a rulemaking hearing at the IMLCC's annual meeting in November 2020.
- The document formerly known as the "IMLCC Minimum Standards Guide" was reviewed and guidance provided to the executive director about changing the name of the document and presenting the information in a Q&A format.
- There was a discussion regarding the initial draft document requested from the November 19, 2019 annual meeting regarding instructions to the IMLCC regarding legal actions. The committee intends to have a final draft for the November 2020 annual meeting.

Technology Committee
Commissioner Cushman (NE)

The committee is developing the processes and tools that can provide a greater level of overall IT project management and future system development. These tools include:

- An oversight tool regarding implementation and budget
- A change request documentation and tracking process
- An error and system issue identification log
- A project request form and process

Executive Director Update
Executive Director Smith

- An update was provided regarding:
 - June work load
 - Phone calls = 332 (May = 264)
 - Emails = 546 (May = 428)
 - Includes 45 Core Data Corrections (May = 34)
 - June processing volume
 - Applications processed = 479 (May = 421)
 - Licenses issued = 538 (May = 401)
 - Previously issued licenses renewed = 702 (May = 457)
 - June member board remittances
 - Transactions = 1,730 (May = 1,438)
 - Fees paid to member boards = \$585,554.00 (May = \$495,802.00)
 - June inquires on LOQs issued
 - 4 inquires received
 - 4 decisions that the LOQ was valid and correct
- The executive director participated in a CLEAR podcast scheduled to be aired on June 14, 2020.
- The bill to join the compact in New York is moving forward in its assigned committee.
- The U.S. Virgin Islands is considering introducing a bill to join the compact and a copy of the IMLCC statute was provided.

- Discussions are being held with the Kentucky Board of Medical Licensure so that they can begin active participation.
- The conversation of the IMLCC Independent Contractors to employees is on target to be fully implemented on August 1, 2020. Action steps to implement the Personnel Committee's 8 recommendations are:
 - Contract for independent HR services - The IMLCC has contracted with the Employers Council starting 7/1/2020.
 - Finalize the IMLCC Employee Handbook and Employee Agreement. Completed 7/1/2020.
 - Purchase and install a payroll software program to be used by the IMLCC HR Representative. Completed 7/1/2020.
 - Select a Health Care Benefits provider - on going
 - Select a Workers Compensation provider - on going
 - Establish an account for payment of federal taxes and obligations - on going
 - Establish an account for payment of state taxes and obligations - on going
- After review of the 8 recommendations regarding the staffing initiative from the Personnel Committee, the executive director determined, based on advice received, that Recommendation #2 and #4 would not be implemented. Recommendation #2, to make the conversion take place on July 1, 2020, was not an obtainable deadline and Recommendation #4, to offer simultaneous contracts, created a legally ambiguous situation where the IMLCC could be placed in a vulnerable and untenable position.

Discussion Items

Chair Terranova (ME)

- The scheduled discussion regarding the Letter from Commissioner Gall was postponed to the August 4, 2020 meeting due to technical issues related to the sound quality of the meeting.
- After discussion it was determined that future IMLCC committee meetings would be held on a platform that would allow for video and audio participation.

MOTION

MOVED BY COMMISSIONER SPANGLER (WV), SECONDED BY COMMISSIONER MARTINEZ (MN), THAT ALL FUTURE IMLCC COMMITTEE MEETINGS, IF PRACTICABLE, INCLUDE A VIDEO AND AUDIO PARTICIPATION OPTIONS.

MOTION PASSED

UNANIMOUS

Commissioner Comments

Chair Terranova (ME)

- Commissioner Reed (NV) requested that she be allowed to participate in the Executive Committee's closed meeting.
- Commissioner Bohnenblust (WY) commented that the personnel issue is concerning and would like a continued discussion of the matter.
- Commissioner Romanco (IA) commented that she is concerned about the LOQ process and does not have confidence in the procedures currently in place.

Public Comments

Chair Terranova (ME)

- Ms. Jaime Dunbar, licensing specialist for the Iowa Medical Board, commented that she shares Commissioner Romanco’s concern about the LOQ process and lacks confidence in the procedures currently in place.

Closed Meeting

Chair Terranova (ME)

The Executive Committee determined that it should enter a closed meeting in order to discuss a personnel matter. Legal counsel certified that the reason to close the meeting complied with IMLCC statutes. There was a discussion regarding allowing participation in the closed meeting by Commissioners who were not members of the Executive Committee. Legal counsel advised that this is an exceptional action that is not generally permitted by other IMLCC committees and could establish an unadvisable precedence for future meetings. However, such an action would be permissible if a motion is passed by a major of the Executive Committee members. If allowed the non-Executive Committee members would not be allowed to vote or participate in the discussion. There was a discussion regarding the advisability of taking this type of unusual action.

The executive director did not participate in the closed portion of the meeting. The closed meeting started at 4:46 PM Eastern Time.

MOTION

MOVED BY COMMISSIONER MCSORLEY (AZ), THAT A SPECIAL ACTION BE PERMITTED TO ALLOW COMMISSIONER REED (NV) TO PARTICIPATE IN THE CLOSED SESSION, ALTHOUGH NOT A MEMBER OF THE EXECUTIVE COMMITTEE.

MOTION FAILED

DUE TO A LACK OF A SECOND

MOTION #2

MOVED BY COMMISSIONER CUSHMAN (NE), SECONDED BY COMMISSIONER MCSORLEY, THAT A SPECIAL ACTION BE PERMITTED THAT WOULD ALLOW ANY IMLCC COMMISSIONER TO PARTICIPATE IN THE CLOSED SESSION, ALTHOUGH NOT A MEMBER OF THE EXECUTIVE COMMITTEE.

MOTION FAILED

THE MOTION WAS WITHDRAWN

MOTION #3

MOVED BY COMMISSIONER MARTINEZ (MN), SECONDED BY COMMISSIONER FARRELLY (MD), TO CLOSE THE EXECUTIVE COMMITTEE MEETING TO CONSIDER A PERSONNEL MATTER AND RECEIVE LEGAL ADVICE, WITH ONLY EXECUTIVE COMMITTEE MEMBERS AND IMLCC LEGAL COUNCIL TO BE ADMITTED TO THE CLOSED SESSION.

MOTION PASSED

UNANIMOUS

Resumption of the meeting open to the public

Chair Terranova (ME)

MOTION

The Executive Committee resumed its business in a session open to the public at 6:07 PM Eastern Time.

MOVED BY COMMISSIONER CUSHMAN (NE), SECONDED BY COMMISSIONER MARTINEZ (MN), THAT THE POSITION OF IMLCC EXECUTIVE DIRECTOR BE OPENED FOR APPLICATIONS FROM INTERESTED, QUALIFIED PARTIES AND THAT THE CURRENT INDEPENDENT CONTRACTOR EXECUTIVE DIRECTOR AGREEMENT REMAIN IN EFFECT UNDER ITS CURRENT TERMS AND CONDITIONS.

MOTION PASSED

UNANIMOUS

Adjournment

Chair Terranova (ME)

There being no further business, the meeting was adjourned at 6:09 PM Eastern Time.