



## Arizona Medical Board

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August 3, 2020

Interstate Medical Licensing Compact Commission  
Commissioners & Executive Committee  
5401 S. Prince Street, Office 111  
Littleton, CO 80120

Dear IMLCC Commissioners and Members of the Executive Committee:

This letter is in response to Commissioner Gall's letter of June 30, 2020, in which he raised multiple concerns about compliance with IMLCC rules and laws by member state boards, as well as a lack of communication from or participation by IMLCC staff leadership. In his letter, Commissioner Gall references the application of Dr. LB. (Initials will be used to prevent disclosure of confidential medical information.) As he accurately states, the Arizona Medical Board (AMB) issued a LOQ to Dr. LB on May 7, 2018. Thereafter on January 23, 2019, Dr. LB applied for relicensure in Iowa with the LOQ. Commissioner Gall states that Dr. LB also applied for a license in Washington and was denied a Compact license. Dr. Gall indicates that Washington denied the license after reviewing the NPDB and finding that Arizona granted a non-disciplinary probationary license to Dr. LB for substance abuse rehabilitation and New Mexico reported a similar action for treatment and monitoring of substance abuse.

The question Commissioner Gall raises is whether the AMB appropriately issued a LOQ to Dr. LB in compliance with the applicable IMLCC Rules:

### 5.2 Definitions.

In addition to the definitions set forth in the Interstate Medical Licensure Compact, as used in these rules, the following definitions will apply:

(p) *"Discipline by a licensing agency in any state, federal, or foreign jurisdiction"* means discipline reportable to the National Practitioner Data Bank.

### 5.4 Eligibility for expedited licensure

(1) An applicant must meet the following requirements to receive an expedited license under the terms and provisions of the Compact:

(g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.

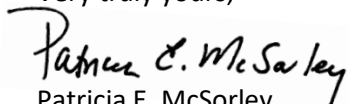
When this question was posed in February, 2019, I noted to IMLCC Executive Director Marshall Smith that this was a gray area and suggested that some interpretation or an advisory opinion may be needed. (See email of February 15, 2019.) The Arizona probationary license was non-disciplinary and for the purpose of rehabilitation for substance abuse (health condition). New Mexico's reported action was also for treatment and monitoring of substance abuse, a health condition. The New Mexico Order is silent as to whether it was disciplinary in nature. Based upon this analysis, AMB licensing staff determined that the actions did not meet the definition of Section 5.2 and issued the Letter of Qualification.

The emails establish that Washington challenged the LOQ, the AMB responded and the email chain shows as of June 10, 2019, the matter was unresolved with Wanda asking Executive Director Smith if the license should be issued.

The matter of Dr. LB did not arise out of an intent by licensing staff to disregard the rules of the IMLCC. Rather, it was the result of a good faith effort to interpret IMLCC rules. I think this situation demonstrates the need for a formal process to address concerns when there are divergent opinions as to whether an applicant qualifies for licensure.

Thank you for the opportunity to respond.

Very truly yours,

  
Patricia E. McSorley  
Commissioner



Laura Bryan <laura.bryan@azmd.gov>

**Re: FW: Interstate Medical Licensure Compact Commission - [REDACTED]**

1 message

Patricia Mcsorley <patricia.mcsorley@azmd.gov>

Fri, Feb 15, 2019 at 4:22 PM

To: Marschall Smith <imlccexecutivedirector@imlcc.net>, Wanda Bowling <inquiry@imlcc.net>, Medical.IMLC@wmc.wa.gov

Bcc: laura.bryan@azmd.gov

Marschall,

I have reviewed the documents examined by Arizona licensing staff prior to the issuance of a LOQ. This is a close call as far as I can see and may need some interpretation or advisory opinion. The Arizona probationary license reported to the NPDB clearly indicates that the probation was issued for health reasons and was not disciplinary in nature.

Both the New Mexico's report to the NPDB and the Stipulation entered into by [REDACTED] with New Mexico is silent as to whether the nature of the probation from 5/17/2001 to 12/11/2003 was disciplinary.

Arizona licensing staff drew the conclusion that the stipulation for participation in the New Mexico Monitored Treatment Program was the equivalent of the Arizona probation which allowed for entry into Arizona substance treatment rehabilitation program.

Therefore, the question remain whether the nature of the report by New Mexico is discipline. Further, as evidenced by Arizona's report to the NPDB all reports are not discipline but may consist other adverse action.

*Based on the IMLCC Rules Chapter 5.2 (P) "Discipline by a licensing agency in any state, federal, or foreign jurisdiction" means discipline reportable to the NPDB."*

*And 5.4 (1)(g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.*

Please let me know how to remedy this issue. I am copying the Washington Board as they have requested a response from the Arizona Medical Board.

Thanks so much,

--

Patricia McSorley

Executive Director

Arizona Medical Board

Arizona Regulatory Board of

Physician Assistants

On Fri, Jan 25, 2019 at 1:22 PM Marschall Smith <imlccexecutivedirector@imlcc.net> wrote:

Pat -- I received the email below regarding [REDACTED] AZ is the SPL and the LOQ was issued on 5/7/2018 with a request for additional licenses made on 1/18/2019.

"new expedited pathway to licensure"

[Quoted text hidden]

wb469812@gmail.com <wb469812@gmail.com>

Mon, Jun 10, 2019 at 2:18 PM

To: Marschall Smith <imicccexecutivedirector@imlcc.net>

Cc: "Romero, Kimberly M (WMC)" <kimberly.romero@wmc.wa.gov>, Patricia McSorley <pmcsorley@azmd.gov>, Kevin Bohnenblust <kevin.bohnenblust@wyo.gov>

Hey Marschall,

Kimberly Romero is asking if there has been a resolution for this. She never heard back. They are waiting for you to determine. The discipline documentation is attached.

Can you field whether Dr. B [REDACTED] should be issued a license or not?

Thanks,

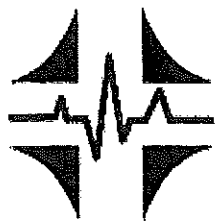
Wanda

From: Romero, Kimberly M (WMC) <kimberly.romero@wmc.wa.gov>

Sent: Monday, June 10, 2019 4:01 PM

To: wb469812@gmail.com

Subject: FW: FW: Interstate Medical Licensure Compact Commission - [REDACTED]



WASHINGTON  
**Medical  
Commission**  
Licensing. Accountability. Leadership.

**Kimberly Romero**  
Licensing Manager

Washington Medical Commission

phone: 360-236-2771

Were you satisfied with the service you received today?

Yes or No