

# Interstate Medical Licensure Compact

## DRAFT - Administrative Memo - DRAFT

Adopted: DRAFT  
Effective: DRAFT  
Revised: NA

### ADMINISTRATIVE PROCEDURE NO. 6 – IMLCC LEGAL ACTION

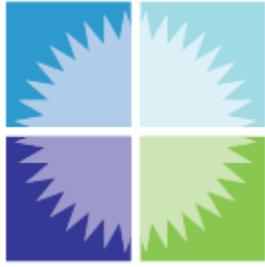
The Interstate Medical Licensure Compact Commission (IMLCC) is created in the statute of the member states and as part of that statute is empowered to enforce the provisions and rules of the IMLCC. This procedure will place limits on the executive committee's power to initiate legal actions on behalf of the IMLCC against a member state believed to be in default. Additionally, this procedure outlines the administrative processes that will be followed by IMLCC Executive Committee and IMLCC staff.

**ISSUE:** These procedures are established to provide instruction to the executive committee as they relate to the steps necessary to initiate legal action against a member state only. Actions that are against individuals, responsive to actions initiated against the IMLCC, or responsive to active proceedings are not subject to the procedure.

- **IMLCC Statute, Section 17** – authorizes the IMLCC to enforce the provisions and rules of Compact, including the ability to initiate legal action in the federal district court. This action requires a majority vote of the Commission.
- **IMLCC Bylaws, Article VII, Section 1** – establishes an executive committee which is empowered to act on behalf of the Commission during the interim between Commission meetings. This power excludes rulemaking, amending the statute or bylaws, and other limitations imposed by the IMLCC.

### **ADMINISTRATIVE ACTION regarding the ability of the executive committee to initiate legal action against a member state:**

1. The IMLCC staff shall report to the executive committee matters of concern where it appears that a member state has taken action or has failed to take action which, if true, might place that member state in default of its obligations as established by the IMLCC Statute. The report should be a part of the agenda of the executive committee with the identifying information of the member state redacted. Upon the recommendation of legal counsel, the report from the IMLCC staff may be considered in a closed session. The report shall include efforts taken by the IMLCC staff to resolve the matter, responses from the member state and notifications provided to the member state regarding the matter.
2. The executive committee shall consider the report from IMLCC staff and efforts taken to resolve the situation, including an invitation extended to the member state to discuss the matter in a closed session.
3. After due consideration of the available information, should the executive committee



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find that legal action is a reasonable exercise of its discretion, the matter must be presented to the Commissioners for a vote within 45 days of the finding or at a regular meeting, if one is scheduled within 60 days. The member board involved in the proposed legal action shall have the opportunity to present its position at the scheduled regular meeting.

4. The meeting to consider a vote in support of executive committee's recommendation for legal action shall be held in a session closed to the public. The Commissioners from the member state against whom the action is being considered shall recuse themselves from the deliberations beyond the involvement requested by the Commission Chair and shall not vote on the matter.
5. After consideration, the Commissioners shall vote on the executive committee's recommendation, including authorizing the executive committee to act and make decisions on behalf of the IMLCC in all aspects of this matter.
6. Should the Commissioners vote to authorize that legal action be taken, the member state shall first be allowed to request that the matter be resolved through mediation under the terms and conditions agreed to by both parties.
7. The IMLCC staff and executive director shall remain neutral in the action.

**EFFECTIVE DATE:** These administrative procedures shall be effective upon approval by the Commissioners of the Interstate Medical Licensure Compact Commission. Amendments to these administrative procedures shall note their effective date.