



Interstate Medical Licensure Compact

A faster pathway to medical licensure

IMLCC

Licensing Questions and Answers

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HISTORY AND AUTHORITY

1. The Interstate Medical Licensure Compact (IMLC)

The IMLC is the organization that was created when a member state's governor signs the legislation for that state. Each member state appoints two (2) commissioners to serve as the governing body of the Interstate Medical Licensure Compact Commission. The legislation passed by each member state contains the same requirements and authorities. This creates a common obligation among all the member states and their respective member boards.

2. The Interstate Medical Licensure Compact Commission (IMLCC)

The IMLCC is the governing body of the organization, with rulemaking authority. The rules passed by the IMLCC are binding on all member states and create a legal obligation that each member board must follow. This authority is granted in the IMLCC Statutes, Section 15. Additionally, the IMLCC is obligated to organize itself and provide a common set of governing principals and these are outlined in the IMLCC Bylaws. This requirement is established in the IMLCC Statutes, Section 14.

The IMLCC uses policies and advisory opinions to clarify the meaning and purpose of the IMLCC Statute, IMLCC Bylaws and IMLCC Rules. The IMLCC executive director and staff are responsible for creating administrative procedures and process documents that provide instructions to member board staff on the functions of the IMLCC's system and processes.

3. The IMLCC Licensing Questions and Answers Guide

The IMLCC executive director is offering this document with the intention of creating a common understanding about how a member board should review and process applications. The goal of this document is to provide member boards a training tool to be used for staff. This document is divided into four parts:

- When acting as a State of Principal License (SPL),
- When acting as a license granting state,
- When acting as a state renewing a license, and
- When acting as a state redesigned to be the SPL.

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4. Statutory Requirements

- IMLCC Statutes, Section 5 – Application and Issuance of Expedited Licensure
 - Section 5(b) – require a member board to “...evaluate whether the physician is eligible for expedited licensure and issue and letter of qualification, verifying or denying the physician’s eligibility, to the Interstate Commission.”
 - Section 5(b)(1) – states that the “Static qualifications” as established by IMLCC rules “...shall not be subject to additional primary source verification where already primary source verified...”
 - Section 5(b)(2) – require that the SPL perform a criminal background check
 - Section 5(d) – states a member board must issue a license upon receipt of the verification of eligibility by the SPL – the Letter of Qualification (LOQ) and the payment of fees
 - Section 5(g) – permits the IMLCC to develop rules regarding the application process, the payment of fees and the issuance of the license

5. Rule Requirements

- IMLCC Rules, Chapter 4 – Rule on State of Principal License
 - Paragraph 4.3(a) – outlines the requirements that the applicant must meet in order to designate an SPL
 - Paragraph 4.3(b) – requires that the SPL review and determine that the applicant meets the eligibility requirements to re-designate them as the SPL
- IMLCC Rules, Chapter 5 – Rule on Expedited Licensure
 - Paragraph 5.2 defines the terms used in the rule
 - Paragraph 5.3(1)(a) authorizes the IMLCC to develop the online application to be used by all applicants – a single application process
 - Paragraph 5.3(1)(b) authorizes the IMLCC to create the system used by member boards to review and process the applications
 - Paragraph 5.4 outlines the requirements that the applicant must meet in order to qualify
 - Paragraph 5.5 outlines the licensure process
 - Paragraph 5.5(1)(a) requires the SPL to evaluate that they can act as the SPL
 - Paragraph 5.5(1)(b) to (e) outline the items that must be

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submitted as part of the application packet

- Paragraph 5.5(2) authorizes the SPL to use the information in its database to review the application and requires that an evaluation be conducted by the SPL to determine the applicant's eligibility to use the IMLCC process

STATE OF PRINCIPAL LICENSE (SPL)

1. What is expected of an SPL?
 - The primary responsibility of an SPL is to ensure that the information provided on the application is accurate. Other member boards will be issuing a license to practice medicine in their state based solely on the information provided on the application. This means that the information in your system must be compared to the information provided on the application. Active steps must be taken to resolve discrepancies through primary source verification.
2. What if the information on the application is not correct?
 - Changes to information provided on the application must be noted as part of the application process on the "Core Data Correction Sheet" to ensure that all member boards involved in the process are supplied with accurate information that they will use to generate a license from their state.
3. What information is considered "Static" and what information should be reviewed as of the date of the application?
 - The IMLCC Statutes allow the SPL to rely on the information contained in their system; however, some information requires additional action to ensure that the information in your system is the most recent available. Some examples of static information would be name of the medical school attended, date of graduation, SSN, or other pieces of information that would not normally change or need to be updated. The IMLCC would encourage an SPL that notes a discrepancy between the application and their system confirm the accurate information through a review of the primary source documents that were used to input the information into their system, i.e. medical school transcripts for date of graduation, copies of driver's licenses for address and name confirmation, etc.
4. How do I determine if information on the Federal Criminal History Record Information (CHRI) or FBI background check disqualifies an application?
 - A physician whose fingerprint-based background check has conviction information requires that the SPL resolve the information provided on the CHRI document. Not all convictions will result in a

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physician being found to be ineligible and the categorization of the conviction is based on the state where the conviction was made. For example, a misdemeanor conviction that is not defined as a “gross misdemeanor” or if the state does not have a definition of moral turpitude, the conviction by itself may not disqualify an applicant. The definition of conviction and the determination is found in IMLCC Rule Chapter 5, specifically paragraph 5.4(1)(f) -which states (highlighted words have their definition shown below): "(1) An applicant must meet the following requirements to receive an expedited license under the terms and provisions of the Compact: ... (f) Has never been **convicted**, received adjudication, deferred adjudication, community supervision, or deferred disposition for any **offense** by a court of appropriate jurisdiction."

- Terms in that paragraph which are defined in IMLCC Chapter 5, Section 5.2-Definitions are:
 - (k) “Conviction” means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilty or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board. Conviction means a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States of any crime that is a felony.
 - (o) “Criminal offense” means a violation of a law with possible penalties of a term in jail or prison, and/or a fine.
 - (cc) “Offense” means a **felony, gross misdemeanor, or crime of moral turpitude.**
 - (v) “Gross misdemeanor” means a category or description of a crime defined in the jurisdiction where the crime is committed. If the jurisdiction does not have a gross misdemeanor category or description, the crime is a charge which is punishable by a minimum penalty of 6 months of incarceration.
 - (t) “Felony” means the category or description of a crime defined in the jurisdiction where the crime is committed. Where not otherwise defined in state statute, a felony is a charge which is punishable by a minimum penalty of 12 months of incarceration.
 - (m) “Crime of moral turpitude” means an act, whether or not related to the practice of medicine, of baseness, vileness or the depravity contrary to accepted and customary rule, right, and duty between human beings.

5. How is an employer defined for purposes of establishing a State of Principal License (SPL)?

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- The definition is found in the IMLCC Rules, Chapter 4, "Employer" means a person, business or organization located in a physician's designated state of principal license that employs or contracts with a physician to practice medicine."
 - There are 2 considerations in this definition:
 - the employer must be located in the SPL state, and
 - the employer must authorize the physician to practice medicine.
 - Locum tenens are generally not considered to be an employer, because they are not the person, business or organization which authorizes the practice of medicine. They provide a physician who will practice medicine, but do not authorize the practice.
 - Generally, although not required, the SPL requires documentation for the employer that the physician is an employee, either a W-2 form or a copy of the employment contract/letter of engagement.
6. How is the 25% rule calculated for purposes of establishing a State of Principal License (SPL)?
- The SPL is required to make the eligibility determination and to document how they arrived
 - Generally, most SPL's take the following steps to determine eligibility:
 - Establish the period of time that the calculation will encompass, most SPL's use either a 6- or 12-month window.
 - Establish if the patient numbers will be calculated based on patient hours billed or number of patient contacts.
 - Have the physician provide documentation that establishes:
 - The physician's total number of patients located in the SPL, divided by
 - The physician's total number of patients
7. Does discipline taken by a license issuing authority have to be reported to the National Practitioner Data Bank (NPDB) in order to disqualify applicant?
- The IMLCC Statute and Rules are clear that discipline for purposes of IMLCC eligibility must be an action by a state, federal or foreign license issuing authority that is reported to the NPDB.
 - Actions issued by a non-license issuing authority, such as a hospital or training authority, do not necessarily disqualify an applicant, unless a similar action is taken by a licensing authority and it is reported to the NPDB.
 - Action taken by a license issuing authority that is not reported to the

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NPDB does not, generally, disqualify an application from eligibility.

8. How should I handle a situation where an applicant has applied to use the IMLCC process and the applicant was determined to be ineligible, appealed that decision and our board reversed the eligibility decision?
 - An applicant is allowed by IMLCC statute to appeal the SPL's decision using that state's appeal process. If an applicant files an appeal and that appeal is successfully, the applicant then becomes eligible to use the IMLCC process.
9. Where can I find more information about what is required of an SPL?
 - In addition to the IMLCC statutes and rules, the IMLCC issues Advisory Opinions and Operational Bulletins.
 - Advisory Opinions are published on the IMLCC webpage.
 - Operational Bulletins are provided directly to member board staff.

LICENSE GRANTING MEMBER BOARD

1. What are the requirements for a member board to issue an IMLCC license?
 - A member board is obligated to issue a license if the following conditions have been satisfied:
 - A valid LOQ has been issued;
 - The core data elements have been provided; and
 - The fees owed have been paid.
2. Is there an IMLCC license to practice medicine?
 - No. Each member board issues a full, unrestricted license that provides the same authority and rights as a full, unrestricted license issued by the board through the traditional application process.
3. Is the decision to issue a license by a member board optional?
 - No. The eligibility determination is made by the State of Principal License. Once the required information has been provided the member board is required to issue the license.
4. What if our board has criteria that is different or exceeds the requirements established by the IMLCC statute or there is an applicant who was previously denied a license by our board for a reason that is not one of the IMLCC eligibility criteria, must a license be issued through the IMLCC process?
 - The IMLCC Statute is part of the member board's state statute. The result is that the traditional license application process and the IMLCC license

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application process are equal paths that the physician can use to apply for licensure in a state. Should a conflict exist between the two statutes, the IMLCC statute contains a provision that the IMLCC provisions supersede any other statutes that relate to the licensing process.

5. What if a physician was previously issued a license by the member board?
 - Member boards have an option regarding how to handle the request to issue a license:
 - A member board can allow the IMLCC application to replace or reinstate the previously issued license, or
 - A member board can decline to issue the license and require the physician to complete that state reinstatement process.
6. Do licenses issued using the IMLCC process have different expiration dates from other full, unrestricted licenses issued?
 - Once the license is issued by the member board it has the same terms and conditions as any other full, unrestricted license issued by that state, including:
 - Expiration dates,
 - Obligations to practice medicine in accordance with that state's medical practice act,
 - Meet continuing education requirements established by the member board.

RENEWALS

1. What are the eligibility requirements to renew a license issued through the IMLCC process?
 - There are four criteria to renew a license:
 - Maintains a full, unrestricted license with their State of Principal License (SPL),
 - Does not have a criminal conviction,
 - Has not had a disciplinary action taken by a licensing issuing authority
 - Has not had their controlled substance license or permit suspended or revoked by a state or the US Drug Enforcement Agency.
2. Does a physician need to maintain a State of Principal License (SPL) in order to renew their license?

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- Yes, a physician must maintain a full, unrestricted license with a designated SPL. The other criteria used to establish an SPL are not required to maintain an SPL, unless the physician wishes to obtain a new Letter of Qualification.
3. Can a physician renew licenses that were not obtained through the IMLCC process using the IMLCC webpage?
- No. Licenses obtained using the IMLCC process must be renewed through the IMLCC renewal process. Licenses obtained through any other process must be renewed in accordance with the criteria established by that state.

REDESIGNATION

1. What are the eligibility requirements for a physician to redesignate a new State of Principal License (SPL)?
- The physician must be the same requirements used to establish a State of Principal License:
 - Hold a full, unrestricted license with their State of Principal License (SPL), and
 - Meets one of the four eligibility criteria:
 - Is a resident of the state,
 - At least 25% of the physician's practice of medicine takes place in state,
 - The state is the location of the physician's employer; or
 - The state is used for federal income tax purposes.
2. Is there a fee for redesignation?
- No, the IMLCC statute does not authorize the collection of a fee for redesignation.
3. Can a member board refuse to act as a redesignated SPL?
- No, the IMLCC statute does not have a provision for a member board to decline to act as an SPL.
4. Can a member board who is not currently able to act as an SPL be redesignated as an SPL?

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- Yes, 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.