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**MEMORANDUM**

TO: Marschall Smith, Executive Director, IMLC  
FROM: Kimberly C. Anderson, Chief Legal Counsel  
RE: IMLC Rule Chapter 7, Dispute Resolution  
DATE: September 3, 2021

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The State Medical Board of Ohio appreciates the opportunity to provide comments on IMLC Rule Chapter 7 regarding Dispute Resolution.

The State Medical Board of Ohio has three comments, as follows:

(1) Paragraph 1 enlarges the jurisdiction of the IMLC for dispute resolution beyond compliance and enforcement issues. Will the dispute resolution process be applicable to licensure disputes? Is it helpful or cumbersome to have such a formal dispute resolution for a single license question? We are raising this question but are not proposing any changes.

(2) Paragraph 4 as drafted states 4) If ~~the parties are unable to resolve the issue,~~ the complaining member ~~state Board is~~ not satisfied with the Executive Director's decision or does not believe that it can comply with the decision, then the complaining member Board shall provide the Secretary of the Executive Committee a written statement, not to exceed five pages.

As drafted, this paragraph does not account for the possibility that the Responding Member may be dissatisfied with the Executive Director's decision. We recommend that the rule be changed to account for that possibility and to allow for the responding member to also have the right of appeal.

(3) Paragraph 6 as drafted states: The Secretary of the Executive Committee shall place this matter on the agenda of the next Executive Committee and notify the member boards and the appointed Commissioners from each member Board's state. , of the date and time of the meeting. The ~~member state representatives may appear telephonically before the Interstate Commission at a time and place as designated by the~~ Executive Committee of the Interstate Commission shall serve as the party responsible determining potential resolutions to the conflict and shall take action to mediate the concerns and with the intention of developing a mutually agreeable resolution in. ~~for~~ mediation.

This seems to delete the ability of the member state representatives to address the Executive Committee by telephone, and may delete the ability to address the Executive Committee altogether as the language does not affirmatively state that the member boards have an opportunity to orally address the Executive Committee. Is the intent of the rule change to let the written statements of the member boards speak for

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themselves? We would be in favor of preserving the right of the member boards to telephonically or electronically address the executive committee at the meeting when the dispute will be decided.

If you have additional questions, please contact me at [Kimberly.Anderson@med.ohio.gov](mailto:Kimberly.Anderson@med.ohio.gov) or (614) 230-9077.