

# INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

November 16, 2021

## **DRAFT** **MEETING MINUTES**

### **Call to Order**

*Chair Cushman (NE)*

The Interstate Medical Licensure Compact Commission convened at approximately 11:00 AM Eastern time in Denver, Colorado and via video conference.

### **Roll Call**

*Secretary Smith*

The roll was called, and a quorum was established.

### **Approval of the agenda**

*Chair Cushman (NE)*

An amended agenda for the meeting was presented by Chair Cushman (NE).

MOTION

MOVED BY COMMISSIONER MARX (UT), SECONDED BY COMMISSIONER SPANGLER (WV), TO APPROVE THE AGENDA AS AMENDED.

MOTION PASSED

UNANIMOUS

### **Approval of the minutes**

*Secretary Smith*

The minutes from the November 17, 2020 and the May 18, 2021 meetings were provided to the members prior to the meeting for their consideration.

MOTION #1

MOVED BY COMMISSIONER GROSS (GA), SECONDED BY COMMISSIONER COUSINEAU (NV), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM NOVEMBER, 2020.

MOTION PASSED

WITH 35 YES VOTES, 0 NO VOTES, AND 3 ABSTENTIONS

MOTION

MOVED BY COMMISSIONER MARTINEZ (MN), SECONDED BY COMMISSIONER WASSERMAN (OH), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM MAY 18, 2021.

MOTION PASSED

WITH 36 YES VOTES, 0 NO VOTES, AND 3 ABSTENTIONS

### **Keynote Speaker**

*Dr. Sneha Thamocharan*

Dr. Thamocharan is an Assistant Professor and pediatric clinical psychologist in the Department of Psychology at the University of Colorado Denver. The keynote address as a presentation and discussion regarding diversity and bias that exist in the medical field and deliver of care, along with solutions and approaches to address and minimize.

### **Chair's Report**

*Chair Cushman (NE)*

The chair provided comments to the commissioners, highlighting the changing role of the commissioners and the importance of communication and being actively engaged. The Compact is changing and growing, with transitions to new operating systems, adding staff and expanding hours of customer service.

Change is important for the organization as we continue to grow; each member board brings a unique perspective that continues to move the Compact as a whole forward.

**Executive Director’s Report**  
*Executive Director Smith*

The executive director provided an update on the 3 major operational areas: Operations, Fiscal and Technology.

- Operations Group, headed by Dave Clark:
  - Implemented a new phone system
  - Created a tracking process for issues reported by customer service via phone calls and emails.
  - Finding way to partner with member board staff to solve problems
  - Developed an “On-boarding and Training” process for new boards to understand the system and processes
- Fiscal Group, headed by Todd Mata
  - Developed a fiscal model for revenue modeling and fee analysis
  - Completed or will be completing 3 fiscal audits covering FY 2019, 2020 and 2021 in a single year
  - Develop internal controls and written procedures to create accountability
  - Kicked of the investment of funds to start the Compact on a self-endowment pathway
- Technology Group, headed by Dale Watts
  - Finalized a comprehensive data mapping project
  - Created and implemented system and vendor controls
  - Moved from a vendor heavy maintenance and development process to a staff directed process and controls
- The overall picture of the Compact management from outside experts; auditors, system expert reviewers, and ongoing independent testing, show an IT system and management actions that are positive, indicative of good management processes and demonstrate sound decision making and appropriate risk analysis.
- The Compacts 46 member boards in the previous 12 months:
  - Processed nearly 17,000 applications
  - Issued nearly 26,000 licenses
  - Earned more than \$3.6 million dollars in fees
  - Handled over 11,000 financial transactions

**Report from Legal Counsel**  
*Rick Masters*

Mr. Masters requested that his report be conducted in a session closed to the public in order to provide legal advice.

MOTION

MOVED BY COMMISSIONER SILAS (AL), SECONDED BY COMMISSIONER HUNTHAUSEN (MT), THAT THE MEETING BE CLOSED TO THE PUBLIC IN ORDER TO RECEIVE LEGAL ADVICE AS AUTHORIZED BY IMLCC STATUTE, SECTION 11, PARAGRAPH H.

MOTION PASSED

UNANIMOUS

**Meeting closed to the public**

The meeting was closed from 10:55 am to 11:03 am Mountain Time. During this time the commissioners, IMLCC Executive Director and Legal Counsel were segregated into a private conference call room where no members of the public were included and members of the public retired from the meeting space and the room secured. The general conference call room remained active for members of the public. At the conclusion

of the closed session, the private conference call room was emptied and the meeting resumed in public session.

**Rulemaking Hearing**

*Commissioner Martinez (MN)*

At 11:10 am Mountain Time, the commission was called to order for the purpose of a rulemaking hearing as authorized by IMLCC Statute, Section 15. The rulemaking hearing was noticed and opportunity for comment was done in accordance with IMLC Rules, Chapter 1. The proposed rules were discussed and additional opportunity for comments from commissioners and the public were provided during the consideration of the proposed rule.

A copy of the proposed amendments to IMLC Rules - Chapter 2 and Chapter 7 along with proposed amendments to IMLC - Policy 9 were provided prior to the meeting. The change to IMLC Rule Chapter 2 was to provide clarification regarding paragraph 2.6. The changes to IMLC Rule Chapter 7 were a complete revision of the rule. The changes to IMLC Policy 9 were to provide clarification regarding the investment strategy and constraints regarding investment opportunities.

The proposed amendments were considered separately and a discussion was held prior to each motion.

MOTION

MOVED BY THE RULES AND ADMINISTRATIVE PROCEDURES COMMITTEE, A MOTION BY A COMMITTEE DOES NOT REQUIRE A SECOND, TO AMEND IMLCC RULE CHAPTER 2 - RULE ON INFORMATION PRACTICES.

MOTION PASSED

UNANIMOUS

MOTION #2

MOVED BY THE RULES AND ADMINISTRATIVE PROCEDURES COMMITTEE, A MOTION BY A COMMITTEE DOES NOT REQUIRE A SECOND, TO AMEND IMLC RULE CHAPTER 7 - RULE ON COMPLIANCE AND ENFORCEMENT.

MOTION PASSED

UNANIMOUS

MOTION #3

MOVED BY THE RULES AND ADMINISTRATIVE PROCEDURES COMMITTEE, A MOTION BY A COMMITTEE DOES NOT REQUIRE A SECOND, TO AMEND IMLC POLICY #9 - POLICY ON INVESTMENT STRATEGIES.

MOTION PASSED

WITH TWO COMMISSIONERS ABSTAINING

The rulemaking hearing was concluded at 11:23 am Mountain Time.

**Working Lunch Discussion**

*Controller Todd Mata*

A presentation on the IMLC internal controls and budget reporting was provided by the Todd Mata, Controller. Members were provided examples of the fiscal reporting reviewed by the Budget Committee monthly and walked to the process of reading the financial statements.

**Election of officers**

*Executive Director Smith*

Elections for the officers of the Commission were held in accordance of IMLCC Bylaws, Article III, Section 1. A call for nominations was held for each position, discussion held, nominations were then closed, and the nominations voted on by members as separate actions.

CHAIR

Commissioner Cousineau (NV) nominated Commissioner Mark Spangler (WV) to the position of IMLCC Chair. The nomination was seconded by

Commissioner Farrelly (MD). The nomination was accepted and discussion held. No other nominations were put forward.

MOTION

BY ACCLAMATION THE NOMINATIONS WERE CLOSED AND COMMISSIONER SPANGLER (WV) WAS ELECTED TO THE POSITION OF CHAIR.

VICE CHAIR

Commissioner Cousineau (NV) nominated Commissioner Christine Farrelly (MD) to the position of IMLCC Vice Chair. The nomination was seconded by Commissioner Hansen (SD). The nomination was accepted and discussion held. No other nominations were put forward.

MOTION

BY ACCLAMATION THE NOMINATIONS WERE CLOSED AND COMMISSIONER FARRELLY (MD) WAS RE-ELECTED TO THE POSITION OF VICE CHAIR.

TREASURER

Commissioner Farrelly (MD) nominated Commissioner Karen Silas (AL). The nomination was seconded by Commissioner Martinez (MN). The nomination was accepted and discussion held. No other nominations were put forward.

MOTION

BY ACCLAMATION THE NOMINATIONS WERE CLOSED AND COMMISSIONER SILAS (AL) WAS ELECTED TO THE POSITION OF TREASURER.

**Action Item #1 - Request to  
expend Reserve Funds**  
*Executive Director Smith*

The action item included 3 separate motions regarding the expenditure of reserve fund for the purpose of developing and implementing the next phase of system development. After the motions were introduced by the Executive Director and prior to the discuss of the motions by the Commissioners, a procedural motion was made to suspend discussion and postpone consideration of the matter until a later date. Such a procedural motion is permitted and must be acted on prior to the continuation of the discussion.

The concerns about the project were provided as the background behind the request to postpone consideration until additional information could be gathered. During the discussion, it was suggested that an Ad Hoc Committee be formed to review the matter and provide recommendations at the next Commission meeting.

After discussion, the question was called.

MOTION

MOVED BY COMMISSIONER FARRELLY(MD), AND SECONDED BY COMMISSIONER MARTINEZ (MN), TO SUSPEND DISCUSSION UNTIL THE MAY 2022 COMMISSION MEETING AND TO FORM AN AD HOC COMMITTEE TO STUDY THE MATTER AND PROVIDE RECOMMENDATIONS.

MOTION PASSED

WITH 6 COMMISSIONERS OPPOSED TO THE MOTION

**Discussion Topic #1**  
*Commissioner Reed (NV)*

Commissioner Reed led a discussion regarding creating criteria for the approval/refusal to accept Letters of Qualification by member boards. After discussion, no action was taken; however, commissioners were reminded that IMLC Rule Chapter 7 outlines the process for member boards to raise and resolve disputes. All commissioners were encouraged to review the rule.

**Discussion Topic #2**

*Commissioner Douglas Smith  
(MD)*

Commissioner Douglas Smith led a discussion regarding various options available to member boards regarding the use of the IMLCC process for reinstatement of lapsed or non-renewed licenses. The discussion confirmed that member boards process these requests by physicians differently, often based on the state-specific statutes regarding the reinstatement process. Those statutes would apply whether the license was obtained through the traditional process or the IMLCC process. No action was requested or taken.

**Discussion Topic #3**

*Commissioner Durrett (KS)*

Commissioner Durrett led a discussion regarding exploring the idea of offering Medical Malpractice insurance policies or partner with a provider to assist physicians with licenses in multiple state to find a multi-state policy. After discussion, no action was taken.

**Discussion Topic #4**

*Executive Director Smith*

Executive Director Smith led a discussion regarding exploring partnership opportunities to change how GME and board certification from Canadian authorities are processed for consideration of a Letter of Qualification. Guests from the American Board of Medical Specialties provided information and contributed to the discussion. After discussion, the question was called and the matter was put to a vote.

MOTION

MOVED BY COMMISSIONER BURKHOLDER (MT), AND SECONDED BY COMMISSIONER MARTINEZ (MN), TO TABLE CONSIDERATION OF THE MATTER.

MOTION PASSED

WITH 1 COMMISSIONER IN OPPOSITION

**Committee reports**

Budget Committee - Treasurer Farrelly (MD)

- The Audit Committee has been dissolved and members asked to join the Budget Committee. The Budget Committee will assume the duties and responsibilities previously held by the Audit Committee.
- There will again be no levy or collection of an annual assessment from member states to cover the cost of operations. The Commission has sufficient revenues to cover the cost of operations.
- The committee received detailed training from the IMLCC Controller about key budget matrices and how to review budget reports.
- A review of the service fees charged by the Commission has been conducted and determined that the current amounts charged are appropriate.
- The FY2020 Audit has been completed and published. The FY2021 audit has been started with the final reports expected in early 2022.
- Two issues the committee continues to monitor are the return of fund report and credit card processing fees.
- The Budget Committee charge was reviewed and has been updated to include the audit responsibilities.
- Other fee charges are being explored, such as a credit card transaction fee, a return of funds fee, etc.
- Administrative procedures are being drafted to cover internal controls, whistleblower procedures and documenting separation of duties among Commission staff.

**Communications Committee - Commissioner Spangler (WV)**

- The committee reviewed and updated the committee charge document.
- The committee's goals for 2022 include:
  - Quarterly newsletters
  - Publication and distribution of the annual report
  - Complete review of the IMLCC's webpages and content, including mobile versions
  - Holding regular monthly meetings
  - Assist the Executive Director in developing a standardized monthly Commissioner report

**Personnel Committee - Commissioner Herlihy (VT)**

- The committee's role has expanded with the addition of employees filling commission staff positions.
- An organization chart has been completed and approved positions documented in the chart.
- In 2022, the committee will be working on the process for evaluating the Executive Director's performance including creating a position description and evaluation form and process.
- The committee is working on revising its mission and documenting it through the committee charge document.

**Rules and Administrative Procedures Committee - Commissioner Martinez (MN)**

- The committee has reviewed all Rules, Policies and Administrative procedures and results were part of this meeting's rule making hearing.
- A review of the use of the terms "IMLC" and "IMLCC" through out publications will be conducted.
- Developing a policy of reimbursement for staff travel.
- Meetings will be established monthly in 2022.

**Technology Committee - Commissioner Cushman (NE)**

- The committee is working on revising its committee charge document.
- Developing an action plan for documenting system plans and development.
- Action logs are being created and reviewed monthly regarding current and historical system issues and improvements.

**Public Comments**

*Chair Cushman (NE)*

None were provided.

**Location of the next annual commission meeting**

*Chair Cushman (NE)*

There were 3 member states who offered to host the next meeting; Alabama, Kentucky, and Maine. The commissioners from each state presented information about their state's offer to host the next meeting. After the presentations, Commissioners then voted, with Alabama receiving the highest number of votes.

**Adjournment**

*Chair Cushman (NE)*

There being no further business, the meeting was adjourned at approximately 5:11 pm Eastern Time.