

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
EXECUTIVE COMMITTEE

Conference Call

August 9, 2022

MEETING MINUTES

Call to Order

Chair Spangler (WV)

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 3:00 PM, Eastern Time via conference call and was called to order by Chair Spangler (WV).

Roll Call

Secretary Smith

The roll was called, and a quorum was established.

Members Present

Commissioner Spangler (WV) - Commission Chair
Commissioner Farrelly (MD) - Commission Vice Chair
Commissioner Silas (AL) - Treasurer and Chair of the Budget Committee
Commissioner Rodman (KY) - Chair of the Communications Committee
Commissioner Herlihy (VT) - Chair of the Personnel Committee
Commissioner Martinez (MN) - Chair of the Rules and Administrative Procedures Committee
Commissioner Manahan (MN) - Chair of the Technology Committee

Members Absent

Commissioner Cushman (NE) - Past Chair

Staff Present

David Clark, Operations Manager; Marschall Smith, Executive Director and Secretary; Aime Steines, Controller; Dale Watts, IT Manager

Other commission members and members of the public

None identified

Approval of agenda

Chair Spangler (WV)

An agenda was provided to the members prior to the meeting.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER HERLIHY (VT), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

Approval of the minutes

Executive Director Smith

The draft minutes from the July 12, 2022 meeting was provided to the members prior to the meeting for their consideration. A typographical error in the Personnel Committee section of the draft minutes was noted and corrected. A discussion regarding the use of the term "RFP" in the Technology Committee section of the draft minutes should be corrected to "RFQ". After discussion the Technology Committee Chair determined that the minutes as reflected in the draft were accurate and no correction was made.

MOTION

MOVED BY COMMISSIONER SILAS (AL), SECONDED BY COMMISSIONER RODMAN (KY), TO APPROVE THE AMENDED JULY 12, 2022 MINUTES.

MOTION PASSED

UNANIMOUS

Budget Committee*Commissioner Silas (AL)*

The committee met on July 19th with 6 members present. The discussion included:

- A financial report of the FY2022 budget, including revenue and expenses. The unaudited information indicates an anticipated change in net position of approximately 30%.
- The FY2022 audit is scheduled to commence in August with an anticipated draft report in December 2022.
- An Account Transfer Report was developed for the committee and the first report was reviewed at the meeting. The report contains information about transfers between accounts, interest earned, and investment account data. The report will become a regular part of each meeting.
- The next meeting is scheduled for August 16, 2022.

Communication Committee*Commissioner Rodman (KY)*

The committee did not meet in July. The next meeting is scheduled for August 30, 2022.

Personnel Committee*Commissioner Herlihy (VT)*

The committee did not meet in July. The committee will be meeting on finalizing the form for the executive director's evaluation on August 10th.

Rules & Administrative**Procedures Committee***Commissioner Martinez (MN)*

The committee did not meet in July. The next meeting is scheduled for August 23, 2022.

Technology Committee*Commissioner Manahan (MN)*

The committee met on July 14th and was well attended. The discussion included:

- The monthly IT Manager report
- Ohio is scheduled to go live on August 2nd.
- The tracked system "failure rate" continues to at a rate of less than 1% of applications submitted, with the total volume of applications submitted doubling over the previous 6 months. A very good sign about the system stability.
- The IT budget was reviewed and expenses were under projected.
- New member board orientation was completed for committee members.
- The API development is on track for the scheduled launch in September.
- The RFP for the Enhanced Physician Portal closing date for bids in August 15th. The next step is for staff to review the bids and provide a summary and recommendations.

Executive Director Update*Executive Director Smith*

An update was provided regarding:

- July work load
 - Phone calls = 811 (963 June)
 - Emails = 818 (926 June)
- July processing volume
 - Applications processed = 1,302 applications (1,951 June)
 - Licenses issued = 1,848 licenses (2,369 June)
 - Previously issued licenses renewed = 1,114 (1,990 June)
- July member board remittances

- Transactions = 4,605 (4,605 June)
- Fees paid to member boards = \$1,268,502.05 (\$1,533,996.60 June)
- June inquires on LOQs issued
 - 1 inquiry
 1. Dr. SC
 - A member board questioned if the physician had successfully completed their graduate medical education in the United States.
 - The SPL determined that the LOQ was invalid and the impacted member boards were notified.
- The IMLC staff did a great job with the on-boarding process with Ohio. The go-live was successful with issues handled quickly and effectively.
- The FSMB is working on a Physician Assistant Compact
- The State Medical Board of Ohio has announced that they will go-live on August 2nd.
- The Compact legislation passed in Rhode Island.
- Active legislation in 3 states: MA, NC, and NY
- Agenda items and discussion topics are requested from Commissioners, due no later than October 5, 2022.
- IMLCC Staff and office update
 - All staff positions are filled.
 - Office hours are Monday to Friday, 8:00 AM to 8:00 PM Eastern.

Discussion Items

Rick Masters, IMLCC Attorney

Discussion Item #1 - Request for authorization to file an Amicus Brief in the matter before the U.S. Supreme Court, Docket No. 22o156, New York v. New Jersey. At issue is whether the State of New Jersey can withdraw from the Waterfront Commission Compact through action by the Governor or if such an act requires legislative action as required in the provisions of the compact agreement. The State of New York has invited the IMLCC to file the Amicus Brief. This is the first case heard by the Supreme Court on compact issues in over 100 years. The contract nature of the compact is the focus of the question before the Court. After discussion, the question was called and a vote was taken.

MOTION

MOVED BY COMMISSIONER MARTINEZ (MN), SECONDED BY COMMISSIONER MANAHAN (MN), TO AUTHORIZE THE IMLCC'S LEGAL COUNSEL TO PARTICIPATE IN THE U.S. SUPREME COURT DOCKET NO. 22o156, INCLUDING FILING AN AMICUS BRIEF IN THE MATTER.

MOTION PASSED

UNANIMOUS

Discussion Item #2 - A draft White Paper on the recent U.S Supreme Court decision regarding reversing *Roe v. Wade*. 410 U.S. 113 (1973) in *Dobbs v. Jackson Women's Health Organization*, 596 U.S.____ (2022) which was prepared by IMLC staff and legal counsel was presented and discussed. Additionally, the members reviewed proposed changes to IMLC Rules, Chapter 6. The discussion included comments about additional rule citations which might be included in the document, the importance of the Compact remaining neutral in the political discussion while providing a clear statement regarding the Compact's protection

of its processes and the protection of each state’s right to regulate the practice of medicine in their state. The intention of the rule changes is to refine the requirements of IMLC Statute, Chapter 10 as it relates to the disciplining of physicians. The member determined that the White Paper should be replaced by an Advisory Opinion to be considered at the September 13, 2022 Executive Committee meeting. The first draft of the Advisory Opinion was to be considered and discussed at the next Rules & Administrative Procedures Committee meeting and the Chair of the Communications Committee should be invited to the meeting. Additionally, after reviewing the proposed changes to IMLC Rule, Chapter 6, it was determined that the proposed changes should be referred to the Rules & Administrative Procedures Committee for consideration of initiating the rulemaking process.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER RODMAN (KY) TO REFER THE PROPOSED CHANGES TO IMLC RULE, CHAPTER 6, TO THE RULES & ADMINISTRATIVE PROCEDURES COMMITTEE FOR CONSIDERATION OF INITIATING THE RULEMAKING PROCESS.

MOTION PASSED

UNANIMOUS

MOTION #2

MOVED BY COMMISSIONER MARTINEZ (MN), SECONDED BY COMMISSIONER MANAHAN (MN) FOR LEGAL COUNSEL TO PREPARE AN ADVISORY OPINION REGARDING THE COMPACT POSITION PROTECTING ITS INTERESTS IN MATTERS RELATED TO DISCIPLINARY ACTIONS TAKEN AGAINST A PHYSICIAN’S LICENSE TO PRACTICE IN LIGHT OF CONCERNS RAISED IN THE RECENT U.S. SUPREME COURT DECISION REGARDING REVERSING *Roe v. Wade*. 410 U.S. 113 (1973) in *Dobbs v. Jackson Women’s Health Organization*, 596 U.S. ____ (2022). FURTHER, THE MATTER SHOULD BE CONSIDERED AT THE NEXT RULES & ADMINISTRATIVE PROCEDURES COMMITTEE MEETING IN ORDER FOR THE COMMITTEE TO REVIEW AND PROVIDE RECOMMENDATIONS TO LEGAL COUNSEL.

MOTION PASSED

UNANIMOUS

Commissioner Comments
Chair Spangler (WV)

The Chair thanked Vice Chair for running the July meeting in his absence.

Public Comments
Chair Spangler (WV)

There were no comments provided.

Adjournment
Executive Director Smith

There being no further business, the meeting was adjourned at 4:22 PM Eastern Time.