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Marschall Smith, Executive Director
imlccexecutivedirector@imlcc.net

RE: IMLC Rule Chapter 6 Comments from the Maine Board of Licensure in Medicine

Dear Mr. Smith:

The Maine Board of Licensure in Medicine would like to make the following comments regarding the proposed changes to IMLC Rule Chapter 6.

6.5 Disciplinary Actions:

The Board is concerned with the proposed changes to Rule 6.5(e) which appear to delete the requirement imposed in Section 10 (b) of the compact law which provides that “[i]f a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status.” To the extent that the proposed law seeks to eliminate this requirement, the proposed rule appears to be in direct conflict with the compact law.

6.6 Restrictions on Subpoena Enforcement:

The Board is concerned that “otherwise lawful practice in the state” is ambiguous and that the term “lawful” may be subject to inconsistent definitions. There is also a concern that this proposed rule conflicts with Rules 6.4 (g) and (h). The following language may more clearly reflect the Commission’s intent: Notwithstanding Rule 6.4(g), nothing in this Compact authorizes a Member Board to demand the issuance of subpoenas for attendance or testimony of witnesses or the production of evidence from another Member Board for conduct that would not be actionable in the state where the conduct occurred at the time the conduct occurred.

6.7 Restrictions on Disciplinary Enforcement:

This proposed rule is ambiguous, may conflict directly with the medical practice acts of member states, and may be unnecessary. Should this proposed rule be deemed necessary, the following language may better reflect the Commission’s intent:

Nothing in this Compact authorizes a Member Board to impose discipline against a physician who is licensed pursuant to the requirements of this Compact for conduct that would not be actionable in the state where the conduct occurred at the time the conduct occurred.

Thank you for the opportunity to provide comments.

Sincerely,

Timothy Terranova
Assistant Executive Director