



September 20, 2022

Mr. Marschall S. Smith
Executive Director
Interstate Medical Licensure Compact Commission
5401 S. Prince Street, Office 111
Littleton, CO 80120

RE: MMA Comments on Draft Amendments to IMLCC Rule Chapter 6

Dear Mr. Smith,

The Minnesota Medical Association (MMA), representing over 11,000 Minnesota physicians and physicians-in-training, writes to express its resounding support of the proposed amendments to Chapter 6 of the Interstate Medical Licensure Compact Commission (IMLCC) Rule.

The Interstate Medical Licensure Compact (IMLC) was designed to ensure an expedited pathway to licensure for physicians who already hold a license in good standing in another member state. The current landscape of medical practice acts in member states has created uncertainty within the IMLC. Specifically, how one member state may impact the actions of another member state concerning a licensee. The proposed amendments clarify that each member state has the ability to choose how and when to administer disciplinary action against a physician licensed in their own state through the authority of the medical practice act of the member state.

The MMA supports the proposed amendments to Section 6.5 which clarify that a state only has authority over licensees of their state and does not have the authority to regulate licensees of another state. However, additional amendments would be helpful to ensure that the permissive language of Section 6.5(f) and 6.5(h)(2) is consistent. By including a reference back to IMLC Statute Section 10 we are concerned that even after a state of principal license has acted to reinstate a physician license, another member board is required to keep that physician's license suspended until they take affirmative action to reinstate the license. We encourage the IMLCC to consider removal of the reference to IMLC Statute Section 10 and instead include a statement that a member state may reinstate the physician's license consistent with the medical practice act of their state. This amendment would be consistent with the permissive language contained in Section 6.5 and allow a member board to determine whether continued suspension is warranted until the completion of an investigation, as opposed to mandating continued suspension.

The MMA supports the proposed amendments to Section 6.6 which clarify that the IMLC does not grant the authority to a member board to demand the issuance of a subpoena for attendance or testimony of a witness from another member board for activities that are lawful in that member board's state. The MMA also supports the proposed amendments to 6.7 which make it clear that a member board cannot discipline a licensee for lawful activity that occurred in another member state.

The MMA encourages the IMLCC's Committee on Rules and Administrative Procedures to further clarify that a physician's license is governed by the medical practice act of the state where the patient is *located at the time of care*, which is not necessarily the state where the patient has their residence. Patients frequently travel to receive care, possibly to another state. A physician should only be subject to the laws of the state where the patient is located when receiving care, not both the state where the patient is located and the state where the patient has their residence.



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The MMA appreciates the IMLCC's Committee on Rules and Administrative Procedures acknowledgement of the current ambiguity facing member states and the development of the proposed amendments to offer clarification and urges the Rules and Administrative Procedures Committee to adopt the proposed amendments and to continue offering clarification as additional areas of concern are identified.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rice". The signature is fluid and cursive.

Randy Rice, MD
President, Minnesota Medical Association