

# IMLC Rule Chapter 6 Comments

Marschall,

The Maryland Board requests that this written testimony be distributed to all Commissioners at or before the Full Commission Meeting.

We further request that our comments be read into the record during the rule-making hearing.

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The Maryland Board of Physicians opposes the adoption of new Rule 6.6 as we believe that it goes beyond the text of the Compact Statute - Section 10(b). Section 10(b) created an automatic suspension in all jurisdictions if the state of principal license suspended or revoked a licensee. The Statute allows for the lifting of the suspension in the other states after the state of principal license lifts the suspension.

Rule 6.6, in allowing an immediate termination, reversal, or rescission of the suspension, contradicts that plain reading of the statute. Under this reading, Rule 10(b) is rendered meaningless because the automatic suspension in the state of principal license may be immediately removed. If a suspension can automatically be immediately removed, then Rule 10(b) does not do anything at all differently from 10(d), which imposes an automatic 90-day reciprocal suspension of a suspension, revocation, or surrender in a primary state that can be terminated at any point by the reciprocating state.

Further, this new rule degrades the statute and rules pertaining to a state of principal license. Section 4 states "[a] physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state."

The IMLC created strict rules so that a licensee would always have a state of principal license. Upon adoption of Rule 6.6, a licensee can practice indefinitely without a state of principal license and can do so even after engaging in conduct sufficiently serious that resulted in a revocation or suspension of the primary license in the state of principal license. In sum, this rule goes beyond the scope of the statute, directly contradicting the plain text of Section 10(b), which requires an automatic suspension in all states if there is a suspension in the state of principal license.

Because we believe this rule is illegal overreach that creates an interpretation that is contradicted by the statutory text, we recommend rejecting Rule 6.6.

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Executive Director  
Maryland Board of Physicians