

**INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION  
EXECUTIVE COMMITTEE**

**Conference Call**

February 7, 2023

**MEETING MINUTES**

**Call to Order**

*Chair Spangler (WV)*

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 3:03 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 Silas (AL) - Commission Vice Chair  
Commissioner Rodman (KY) - Chair of the Communications Committee  
Commissioner Herlihy (VT) - Chair of the Personnel Committee  
Commissioner Manahan (MN) - Chair of the Technology Committee

**Members Absent**

Commissioner Cleveland (MS) - Treasurer and Chair of the Budget Committee  
Commissioner Bohall (AZ) - Chair of the Rules and Administrative Procedures Committee  
Vacant - Past Chair

**Staff Present**

Keyla Blanco, Controller; David Clark, Operations Manager; Rick Masters, Legal Counsel; Marschall Smith, Executive Director; Dale Watts, IT Manager

**Other commission members and members of the public**

Commissioner Smith (MD); Commissioner Boone (MS)

**Special Comment**

*Chair Spangler*

Chair Spangler offered Commission's and staff's deepest sympathy to Commissioner Cleveland at the recent passing of a family member.

**Approval of agenda**

*Chair Spangler (WV)*

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

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER RODMAN (KY), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

**Approval of the minutes**

*Executive Director Smith*

The draft minutes from the revised December 6, 2022; January 10, 2023; special January 24, 2023 meetings was provided to the members prior to the meeting for their consideration.

MOTION

MOVED BY COMMISSIONER HERLIHY (VT), SECONDED BY COMMISSIONER SILAS (AL), TO APPROVE THE MINUTES FROM DECEMBER 6, 2022, JANUARY 10, 2023 AND JANUARY 24, 2023.

MOTION PASSED

UNANIMOUS

**Budget Committee***Commissioner Cleveland (MS)*

The executive director presented the report on behalf of Commissioner Cleveland. The committee met on January 17, 2023. The discussion included:

- Reviewing the various restricted and unrestricted accounts.
- Reviewing the P&L Statement and financial reports and documents which all indicate that the Compact is in a strong financial position for the Compact.
- The revised draft of the proposed FY2024 Budget was reviewed, with the final draft to be considered at the March committee meeting.
- The committee's next meeting is February 14, 2023.

**Communication Committee***Commissioner Rodman (KY)*

The committee met on January 14, 2023 with 6 of the committee members present. The discussion included:

- The final review of language in the IMLC emails generated by the system. The last group related to the renewal process. The review will start again in late spring. This is an ongoing process.
- The IMLC's winter newsletter was discussed, with the final draft to be reviewed at the February meeting.
- The Physician data survey document was reviewed.
- The FSMB annual data study was discussed and preliminary work regarding its publication began.
- The ongoing review of the IMLC webpage continued.
- The next meeting is scheduled for February 28, 2023.

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

The committee met on January 12, 2023 and was well attended with a busy agenda. The discussion included:

- On-going discussion about joining the "Great Place to Work" and employee requested action. The decision to join is on hold and proposal will continue to be discussed at future meetings.
- The committee received a presentation on a new Colorado payroll tax, call the FAML I act, which went into effect on 1/1/2023. The FAML I act requires a .45% payroll deduction for employees and a matching .45% for employers with over 10 employees to build a fund to support employees who take time off due to FMLA related needs. The committee discussed whether the Commission should pay the employee portion of the deduction as permitted by the act. No recommendation was finalized.
- The committee continued its discussion about changes to the employee benefits to be offered in FY2024, which starts in July 2023. The executive director is requested to provide the final draft Employee Compensation Plan at the next committee meeting, which will include the costs and proposed changes to benefits.
- The next meeting is February 10, 2023.

**Rules & Administrative Procedures Committee***Commissioner Bohall (AZ)*

The executive director presented the report on behalf of Commissioner Bohall. The committee met on January 21, 2023. The discussion included:

- The review of IMLC Rule Chapter 6 per the instructions for the November Commission was started. The first review included paragraphs 6.1 and 6.2. Several suggested changes were made in the definition section. The work on this project will continue

with the goal of being completed for review by the Commissioners at their May 2023 meeting.

- The next committee meeting is February 17, 2023.

### **Technology Committee**

*Commissioner Manahan (MN)*

The committee met on January 12, 2023 and was well attended by 8 of the 10 committee members and 2 ex-officio members. The discussion included:

- The results of the quarterly system security/penetration testing report, which indicated that the IMLC meets or exceeds industry security standards.
- The progress regarding the API project, related to the renewal process. Two member boards are participating in this pilot project. The next phase will be the LOQ/SPL process, then the Selection of States as the final process.
- The work continues to migrate OneDrive documents to SharePoint. This is a time sensitive project due to a deactivation notice from Microsoft.
- The IMLCC system flow failure rate continues to be below industry standards - current rate is below 0.50%. The industry standard is 5%.
- Review of IT expenditures, which are below budget but are expected to increase once the Enhanced Physician Portal project bid is awarded.
- Financial reporting and processes are the next phase of iStarsII. This will be the primary focus of the committee in the coming year. The initial discussion about developing member board needs and requests has started.
- The next meeting is scheduled for February 9, 2023.

### **Action Item #1**

*Chair Spangler*

Due to an administrative error, the Executive Committee was requested to again review and approve the 2023 Commission meeting scheduled for publication.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER RODMAN (KY), TO APPROVE THE 2023 COMMISSION MEETING SCHEDULE. THE EXECUTIVE DIRECTOR WAS INSTRUCTED TO PUBLISH THE SCHEDULE ON THE WEBPAGE.

MOTION PASSED

UNANIMOUS

### **Action Item #2**

*Chair Spangler*

The executive director was requesting endorsement of his action of signing a letter of support on behalf of the Commission in support of the SHARE Act from the Executive Committee.

MOTION

MOVED BY COMMISSIONER RODMAN (KY), SECONDED BY COMMISSIONER SILAS (AL), TO ENDORSE THE EXECUTIVE DIRECTOR'S ACTION OF SUPPORTING THE SHARE ACT.

MOTION PASSED

UNANIMOUS

### **Executive Director Update**

*Executive Director Smith*

An update was provided regarding:

- January work load
  - Phone calls = 819 (583 December)
  - Emails = 914 (698 December)
- January processing volume

- Applications processed = 1,619 (1,288 December)
- Licenses issued = 2,703 (2,019 December)
- Previously issued licenses renewed = 1,383 (1,243 December)
- January member board remittances
  - Transactions = 6,029 (3,706 December)
  - Fees paid to member boards = \$2,080,568.25 (\$1,325,680.90 December)
- January inquires on LOQs issued
  - No inquiry and 4 disciplinary actions
    1. Dr. LRG
      - Disciplinary action taken in the form of a “Voluntary Permanent Surrender” was reported by a non-IMLCC member board. Impacted member boards were notified.
    2. Dr. MFHB
      - Disciplinary action was taken by the SPL. Impacted member boards were notified.
    3. Dr. AS
      - Disciplinary action was taken by a member board. Impacted member boards were notified.
    4. Dr. TM
      - Emergency Suspension action was taken by 2 member boards. Impacted member boards were notified.
- Active legislation in 6 states: HI, MA, MO, NM, NY, and VA

### **Ad Hoc Committee**

*Chair Spangler*

An Ad Hoc committee was formed in December 2022, chaired by Commissioner Cousineau (NV), and included as members Commissioner Cleveland (MS) and Commissioner Dorsey (GA). The Ad Hoc committee is charged with reviewing and making inquiries into the allegations made in a letter from the Maryland Board of Physicians regarding the IMLC bidding process for the Enhanced Physician Portal. The committee has completed their work and their report will be reviewed in closed session.

### **Closed Meeting**

*Chair Spangler*

The Executive Committee determined that it should enter a closed meeting in order to discuss the awarding of a bid for technology services and review a report from the Ad Hoc Committee, as permitted under IMLC Statute, Section 11, paragraph (h)(3), and to discuss a personnel matter, as permitted under IMLC Statute, Section 11, paragraph (h)(1) and (5). Legal counsel certified that the reason to close the meeting complied with IMLC Statutes. The executive director did not participate in the closed meeting. The attendees were invited to a segregated area of the virtual meeting space for the closed meeting portion which started at 3:34 PM Eastern Time. The public space of the virtual meeting remained active during the closed meeting.

Commissioner Cousineau was invited to join the closed session in order to present the Ad Hoc Committee's report and participate the discussion.

**MOTION**

MOVED BY COMMISSIONER SILAS (AL), SECONDED BY COMMISSIONER MANAHAN (MN) TO CLOSE THE EXECUTIVE COMMITTEE MEETING FOR THE PURPOSE OF DISCUSSION THE AWARDED OF A BID FOR TECHNOLOGY SERVICES, REVIEW THE AD HOC COMMITTEE'S REPORT AND TO DISCUSS A PERSONNEL MATTER.

**MOTION PASSED**

UNANIMOUS

**Action Items from the Closed Meeting**

Chair Spangler

The closed session ended at 4:44 PM Eastern Time. The Executive Committee resumed its business in open session.

The Executive Committee wishes to express its appreciation to the Ad Hoc Committee members for their work which resulted in a thorough and detailed report. The Ad Hoc Committee was formed to review, make inquiries and investigate the allegations made in a letter from the Maryland Board of Physicians regarding the IMLC bidding process for the Enhanced Physician Portal. The Ad Hoc committee conducted a complete investigation in the matter and presented their report to the Chair, which was reviewed with legal counsel in the closed session. The Executive Committee wishes to take the following actions:

**MOTION #1**

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER RODMAN (KY), THAT THE EXECUTIVE COMMITTEE ADOPT A PROCESS FOR THE PROCUREMENT OF GOODS AND SERVICES, INCLUDING THOSE RELATED TO TECHNOLOGY, THAT IS CONSISTENT WITH THE RECOMMENDATIONS OF THE AD HOC COMMITTEE REPORT REVIEWED AT THIS MEETING. THE PROCUREMENT PROCESS WILL BE DEVELOPED AS SOON AS POSSIBLE BY STAFF, IN CONSULTATION WITH LEGAL COUNSEL, THEN REVIEWED AND CONSIDERED FOR ADOPTION BY THE EXECUTIVE COMMITTEE AT A FUTURE EXECUTIVE COMMITTEE MEETING. UPON ADOPTION BY THE EXECUTIVE COMMITTEE, STAFF WILL PREPARE A DRAFT OF A REQUEST FOR PROPOSAL FOR THE ENHANCED PHYSICIAN PORTAL THAT COMFORMS WITH THE PROCUREMENT PROCESS AS ADOPTED.

**MOTION PASSED**

UNANIMOUS

**MOTION #2**

MOVED BY COMMISSIONER HERLIHY (VT), SECONDED BY COMMISSIONER SILAS (AL), THAT THE EXECUTIVE COMMITTEE WISHES TO EXPRESS ITS APPRECIATION TO THE AD HOC COMMITTEE FOR THE DILIGENT AND THOROUGH WORK THAT RESULTED IN THE REPORT REVIEWED AT THIS MEETING. THE REPORT FOUND THAT NEITHER THE TECHNOLOGY COMMITTEE MEMBERS NOR IMLCC STAFF HAD NOT ENGAGED IN ANY WRONG DOING OR IMPROPRIETY DURING THE ENHANCED PHYSICIAN PORTAL REQUEST FOR PROPOSAL (RFP) PROCESS. THE EXECUTIVE COMMITTEE WISHES IT TO BE KNOWN THAT THIS FINDING IS A VOTE OF CONFIDENCE IN THE WORK AND INTEGRITY OF THE TECHNOLOGY COMMITTEE AND IMLCC STAFF. HOWEVER, AN INCONSISTENCY IN THE PROCESS USED AS COMPARED TO THE PROCESS SET FORTH IN IMLC ADMINISTRATIVE MEMO NO. 4 WAS DISCOVERED AND THAT INCONSISTENCY WAS SUFFICIENT TO INVALIDATE THE RFP PROCESS AND REQUIRE THAT A NEW RFP PROCESS BE DEVELOPED WHICH FOLLOWS

THE GUIDELINES OF THE ANTICIPATED POLICY GOVERNING THE PROCUREMENT OF GOODS AND SERVICES.

MOTION PASSED

UNANIMOUS

MOTION #3

MOVED BY COMMISSIONER HERLIHY (VT), SECONDED BY COMMISSIONER MANAHAN (MN) AND RODMAN (KY), TO ESTABLISH THE EXECUTIVE DIRECTOR’S SALARY COMPENSATION ANNUALLY AT \$150,000.00 EFFECTIVE JANUARY 1, 2023. ADDITIONALLY, A ONE-TIME BONUS SHALL BE PAID TO THE EXECUTIVE DIRECTOR USING A FORMULA APPROVED BY THE CHAIR THAT COMPENSATES THE EXECUTIVE DIRECTOR AS IF THE \$150,000.00 ANNUAL COMPENSATION HAD BEEN EFFECTIVE AS OF DECEMBER 6, 2022; AND FURTHER, THE EXECUTIVE COMMITTEE STRONGLY EXPRESSES ITS VOTE OF CONFIDENCE IN THE EXECUTIVE DIRECTOR AND ALL STAFF MEMBERS FOR THEIR EFFORTS ON BEHALF OF THE IMLCC.

MOTION PASSED

UNANIMOUS

**Commissioner Comments**  
*Chair Spangler (WV)*

Commissioner Smith (MD) requested clarification regarding the status of the Enhanced Physician Portal and the RFP process status. The Chair explained that a policy would be developed which will address future RFP’s and the bidding process.

**Public Comments**  
*Chair Spangler (WV)*

No comments were provided.

**Adjournment**  
*Executive Director Smith*

There being no further business, the meeting was adjourned at 4:59 PM Eastern Time.