

**INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
EXECUTIVE COMMITTEE**

Conference Call

April 4, 2023

MEETING MINUTES

Call to Order

Chair Spangler (WV)

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 3:02 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 Cleveland (MS) - Treasurer and Chair of the Budget Committee
Commissioner Herlihy (VT) - Chair of the Personnel Committee
Commissioner Bohall (AZ) - Chair of the Rules and Administrative Procedures Committee
Commissioner Manahan (MN) - Chair of the Technology Committee

Members Absent

Commissioner Rodman (KY) - Chair of the Communications 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

None were noted

Approval of agenda

Chair Spangler (WV)

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

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER MANAHAN (MN), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

Approval of the minutes

Executive Director Smith

The draft minutes from the March 7, 2023 meeting was provided to the members prior to the meeting for their consideration. A correction to the draft minutes was provided to reflect that Commissioner Herlihy was absent from the meeting.

MOTION

MOVED BY COMMISSIONER BOHALL (AZ), SECONDED BY COMMISSIONER MANAHAN (MN), TO APPROVE THE MINUTES FROM MARCH 7, 2023.

MOTION PASSED

WITH COMMISSIONERS HERLIHY ABSTAINING

Budget Committee

Commissioner Cleveland (MS)

The committee met on March 14, 2023. The discussion included:

- A review of the P&L Statement and financial reports and documents which all continue to indicate that the Compact is in a strong financial position for the Compact.

- An update of the Bank Diversification project, to move IMLCC restricted funds held in FDIC insured accounts to Certificates of Deposit from FDIC insured institutions was provided by Executive Director Smith. The project was completed and the IMLCC's restricted reserve funds have now been deposited in Certificate of Deposit accounts at 4 different banks in amounts under the FDIC limit of \$250,000.
- The proposed FY2024 Budget was reviewed and was unanimously approved. The committee's recommended FY2024 Budget will be presented for approval at the May 16, 2023 Commission Meeting.
- The committee's next meeting will be scheduled in June 2023.

Request for the Executive Committee's endorsement of the proposed FY2024 Budget

Treasurer Cleveland led a discussion about the proposed FY2024 budget, highlighting the anticipated increase in revenue and the significant expense items. After the discussion the question was called.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER HERLIHY (VT) TO ENDORSE THE PROPOSED FY2024 IMLCC BUDGET AS APPROVED BY THE BUDGET COMMITTEE.

MOTION PASSED

UNANIMOUS

Communication Committee
Commissioner Rodman (KY)

The executive director provided an update for Commissioner Rodman. The committee met on March 28, 2023. The discussion included:

- The ongoing review of the IMLC webpage continued with the Glossary of Key Terms the focus of the next several meetings.
- Each member of the executive committee is requested to provide a statement/summary of their committee to be included in the summer newsletter. Please provide the statement no later than June 15, 2023.
- The next meeting is scheduled for April 25, 2023 - which will be the conclusion of the webpage review project.
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Personnel Committee
Commissioner Herlihy (VT)

The committee is scheduled to meet next in early May. The search continues for a vendor to administer the IMLCC's 457b employee retirement program.

Rules & Administrative Procedures Committee
Commissioner Bohall (AZ)

The committee met on March 21, 2023. The discussion included:

- The review of IMLC Rule Chapter 6 continued with a review of paragraph 6.4. The proposed changes include making it clear that the joint investigation is an option available to member boards, but not required. The subpoena provisions are included as part of a board's participation in a joint investigation. The work on this project will continue with the final paragraphs 6.5 and 6.6 scheduled for the April meeting. A special subcommittee will be meeting next week to discuss paragraph 6.5.
- The committee discussed IMLC Rule 4, specifically making changes paragraph 4.2 - definition of employer. The draft changes make it clear that a physician's employer must have a physical presence in a member state in order for the physician to select that member state as their State of Principal License.

After review and discussion, the committee recommended that the rulemaking process commence on this draft rule.

- The executive committee discussed the proposed changes to IMLC Rule Chapter 4. Concern was raised about the proposed changes to Rule 4.2, appear to be invasive to each member state's authority to determine eligibility for applicants. The change could also create confusion as to the definition of a physical presence in a state, especially as it relates to telemedicine providers and companies. A question was raised regarding the documentation and verification requirements that an State of Principal License might be required to meet to confirm the physical presence in a state and how/who would be charged with enforcement of these new requirements. The goal of the rule changes is to ensure that the employer has created a real business relationship in a member state and the committee hoped that these changes will help to close the gap of what defines an employer for the purpose of selecting a State of Principal License.
- The next committee meeting is April 18, 2023.

Technology Committee *Commissioner Manahan (MN)*

The committee met on March 9, 2023 and was well attended by 8 of the 13 committee members. The discussion included:

- The progress regarding the API project, related to the renewal process is close to becoming operational.
- The requirements established by Microsoft for multifactor authentication continues to be of concern and staff is working with the individual boards to find solutions.
- The IMLCC system flow failure rate continues to be below industry standards - current rate is below 0.07%. The industry standard is 5%.
- The committee is exploring ideas of improving the financial aspects and what improvements and exploring the functionalities that would be beneficial to member boards.
- The next meeting is scheduled for April 13, 2023.

Executive Director Update *Executive Director Smith*

An update was provided regarding:

- March work load
 - Phone calls = 921 (871 February)
 - Emails = 776 (849 February)
- March processing volume
 - Applications processed = 1,917 (1,634 February)
 - Licenses issued = 2,941 (2,707 February)
 - Previously issued licenses renewed = 1,481 (1,895 February)
- March member board remittances
 - Transactions = 4,889 (6,029 February)
 - Fees paid to member boards = \$1,776,969.05 (\$1,902,043.20 February)
- March inquires on LOQs issued - Since 2019 there have been 21 LOQs found to be invalid and 22 physician have been the subject of disciplinary actions.
 - 2 LOQ questions and no disciplinary actions
 1. Dr. JSJ
 - A member board questioned the SPL's determination and application of the

term employer. The matter has not yet been resolved.

2. Dr. ST

- o A State of Principal License determined that the board certification was not eligible and the LOQ should not have been issued. The impacted member boards were notified.

- Active legislation in 5 states: HI, MA, MO, NC, and NY.
- The bills in NM and VA have died.

Discussion Item

Chair Spangler

Commissioner Manahan indicated that he is running for a elected position with the Federation of State Medical Boards (FSMB). He would appreciate the support and votes at the May 4 to 6 FSMB annual meeting.

The Spring meeting of IMLC Commissioner is scheduled for May 16,2023. A final call for agenda items was made. Any items are due to the executive director on April 15, 2023. The primary items for the meeting are the approval of the FY2024 budget and Commissioner comments on the draft rules.

Closed Meeting

Chair Spangler

The Executive Committee determined that it should enter a closed meeting in order to discuss and review a proposed Enhanced Physician Portal RFP, as permitted by IMLC Statute, Section 11, paragraph (h)(3) and IMLC Policy 12 - Policy on Procurement. Legal Counsel certified that the reason to close the meeting complied with the IMLC Statutes and Policies. The executive committee members, legal counsel and the executive director were invited to a segregated area of the virtual meeting space for the closed meeting portion which started at 3:55 pm Eastern time. The public space of the virtual meeting remained active during the closed meeting.

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER SILAS (AL) TO CLOSE THE EXECUTIVE COMMITTEE MEETING FOR THE PURPOSE OF DISCUSSION AND REVIEW OF THE PROPOSED ENHANCED PHYSICIAN PORTAL RFP.

MOTION PASSED

UNANIMOUS

Action items from the Closed Meeting

Chair Spangler

The closed meeting ended at 4:50 pm Eastern Time. The Executive Committee resumed its business in open session.

1ST MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER MANAHAN (MN) TO APPROVE THE PUBLICATION OF THE REQUEST FOR PROPOSAL (RFP) FOR AN ENHANCED PHYSICIAN PORTAL.

MOTION PASSED

UNANIMOUS

2ND MOTION

MOVED BY COMMISSIONER SILAS (AL), SECONDED BY COMMISSIONER BOHALL (AZ), INSTRUCTING THE EXECUTIVE DIRECTOR TO PUBLISH THE

REQUEST FOR PROPOSAL FOR THE ENHANCED PHYSICIAN PORTAL NO LATER THAN APRIL 5, 2023.

MOTION PASSED

UNANIMOUS

Commissioner Comments

Chair Spangler (WV)

No comments were provided.

Public Comments

Chair Spangler (WV)

No comments were provided.

Adjournment

Executive Director Smith

There being no further business, the meeting was adjourned at 4:54 PM Eastern Time.