

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

May 16, 2023

DRAFT **MEETING MINUTES**

Call to Order

Chair Spangler (WV)

The Interstate Medical Licensure Compact Commission convened at approximately 3:00 PM Eastern time via video conference.

Roll Call

Secretary Smith

The roll was called, and a quorum was established.

Approval of the agenda

Chair Spangler (WV)

An agenda for the meeting was provided prior to the meeting. There was discussion regarding an item on the agenda and whether that item should be considered. The agenda item was Commissioner Cleveland's discussion item regarding the Physician Assistant Compact. After discussion and the opportunity to comment provided to all with no further comments/discussion being offered, the question was called.

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER MCSORLEY (AZ), TO APPROVE THE AGENDA.

MOTION PASSED

WITH 35 YES VOTES, 1 NO VOTES AND 0 ABSTENTIONS

Approval of the minutes

Secretary Smith

The minutes from the November 8, 2022 meeting were provided prior to the meeting. There was discussion regarding a desire to have future commission minutes reflect more than the information provided in the Committee Reports section of the draft minutes, in these and future commission minutes. It was determined that the minutes would be approved; however, a detailed Committee Report document would be published with the publication of the November 8, 2022 minutes.

MOTION #1

MOVED BY COMMISSIONER MARSHALL (GA), SECONDED BY COMMISSIONER GILE (KS), TO APPROVE THE IMLCC COMMISSIONER MEETING MINUTES FROM NOVEMBER 8, 2022 ALONG WITH THE PUBLICATION OF A COMMITTEE REPORT DOCUMENT.

MOTION PASSED

WITH 38 YES VOTES, 0 NO VOTES, AND 1 ABSTENTIONS

Treasurer's Report

Treasurer Cleveland (MS)

The treasurer provided a summary report of the IMLCC's financial status. The IMLCC is fiscally sound in the short and long term. Funds have been established to ensure that a levy or assessment will never need to be made against the member states or boards. A financial diversification project has been launched by the Budget Committee and is well under way. The FY23 fiscal year is drawing to a close with revenues significantly in excess of the budgeted amounts due to increased, unanticipated application volume and expenses are at or below budget. The FY24 budget is a reasonable representation of the anticipated expenses and the best available model information regarding predicted revenues. The FY22 fiscal audit was recently completed and is available on the IMLCC's webpage.

Action Item #1

Treasurer Cleveland (MS)

The Budget Committee requests approval of the FY2024 Budget as presented.

MOTION

MOVED BY BUDGET COMMITTEE, ENDORSED BY THE EXECUTIVE COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, THAT THE COMMISSION APPROVE THE FISCAL YEAR 2024 BUDGET AS PRESENTED AND AUTHORIZE THE EXECUTIVE DIRECTOR, UNDER THE SUPERVISION OF THE TREASURER, TO EXECUTE THE NECESSARY CONTRACTS AND SIGN THE NECESSARY DOCUMENTS TO IMPLEMENT THE FY2024 BUDGET ON BEHALF OF THE IMLCC. FURTHER TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXPEND IMLCC FUNDS TO PAY OPERATIONAL EXPENSES UP TO THE AMOUNT OF \$5,273,603.05 APPROVED IN THE FY2024 BUDGET, TO PAY IT PROJECTS EXPENSES FROM THE IT PROJECTS FUND, AND TO REMIT SERVICE FEES AND LICENSURE FEES TO MEMBER BOARDS IN ACCORDANCE WITH IMLC STATUTE AND RULES.

MOTION PASSED

WITH 38 YES VOTES, 0 NO VOTES, AND 0 ABSTENTIONS

Action Item #2

Treasurer Cleveland (MS)

The Budget Committee requests that a statement be made regarding the assessment or levying of fees to member states for Fiscal Year 2024.

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER CULOTTA (LA), THAT THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION WISHES IT TO BE KNOWN THAT NO FEES WILL BE LEVIED OR ASSESSED TO MEMBER STATES FOR FISCAL YEAR 2024, ALTHOUGH AUTHORIZED TO DO SO BY IMLC STATUTE.

MOTION PASSED

WITH 38 YES VOTES, 0 NO VOTES, AND 0 ABSTENTIONS

Report from the Rules and Administrative Procedures Committee on Rulemaking

Commissioner Bohall (AZ)

The Rules and Administrative Procedures Committee has three (3) rules currently under consideration for a rulemaking hearing at the November 2023 commission meeting.

The rulemaking process for IMLC Rule Chapter 4 was initiated in March with Commissioner comments due by June 1, 2023.

The committee received a request for potential changes to IMLC Rule Chapter 3. The decision to initiate the rulemaking process will be decided at its June 2023 meeting.

Of special focus for the committee over the past few months was reviewing and considering changes to IMLC Rule Chapter 6 as part of the Commissioner's charge at the November 8, 2022 meeting. Each paragraph of the Rule has been reviewed and considered. The committee has reviewed all the proposed changes and will make a decision about initiating the rulemaking process at its June 2023 meeting.

Discussion Item - Physician Assistant Compact

Commissioner Cleveland (MS)

Chair Spangler (WV) opened the discussion by providing a general introduction of the topic. A version of the Physician Assistant Compact has been introduced in several states; however, there is concern is the level of involvement in the process by licensing boards. The discussion before the Commissioners is whether the Compact is an appropriate venue for action on this matter and, if it is determined to be an appropriate venue, then what actions should be considered.

Rick Masters, IMLC Legal Counsel, provided an overview of the proposed model for the Physician Assistant Compact was developed by the American Academy of Physician Assistants and the Federation of State Medical Boards and the features of that compact, noting that a privilege to practice model, similar to the Nurse Licensure Compact, is used rather than the expedited licensure model used by the IMLCC. The economics and cost of holding multiple licenses was a primary driver as to why the Physician Assistant Compact model was chosen.

Chair Spangler yielded control of the meeting to Commissioner Cleveland (MS) so that he could facilitate the discussion. He started by providing general remarks about his concern over the proposed Physician Assistant Compact and the model used. He asked that the Commissioners consider using the IMLCC as a vehicle to offer an alternative model and legislative language patterned after the IMLC. He then opened the floor for discussion.

Commissioner Farrelly (MD) stated her objection to the item being placed on the agenda for discussion and that action was being considered.

Discussion was suspended by Chair Spangler to request an opinion from legal counsel if the discussion should proceed. Rick Masters, IMLC Legal Counsel, provided his opinion that the discussion is authorized and appropriate since in a majority of states Physician Assistants are regulated by the Medical Licensure Boards and interest has been expressed in the IMLC Commission serving as a “secretariat” for the Physician Assistant’s Compact Commission.

The following comments were provided by Commissioners:

- Commissioner Gile (KS) - It is her opinion that the IMLCC does not have the authority over Physicians Assistants and consideration of action would be an over-reaching of authority.
- Commissioner Douglas Smith (MD) - It is her opinion that this is an over-reach of authority and that other matters need to be addressed.
- Commissioner Culotta (LA) - Asked a question of legal counsel. Is there a difference between holding a license authorizing practice and holding a privilege to practice?
 - Rick Masters, IMLCC Legal Counsel, stated that there is no significant legal difference between the two authorizations.
- Commissioner Hansen (SD) - It is her opinion that although the concern felt by boards about the model and the process used to develop the Physician Assistant Compact may have merit, it is not the place of the IMLCC to weigh-in on the matter.
- Commissioner Bohnenblust (WY) - It is his opinion that the Physician Assistant Compact is a bad model and followed a bad development path, it is not the IMLCC’s place to become involved in this matter. Should the IMLCC become involved it would establish a bad precedent.
- Commissioner Marx (UT) - Stated that the Physician Assistant Compact has passed in Utah without input from the licensing division. It is his opinion that he is not in favor of the Physician

Assistant Compact, as drafted, but it is not the business of the IMLCC to become involved.

- Commissioner Burkholder (MT) - It is his opinion that the FSMB failed to adequately represent the medical licensing boards in this matter, but it is not the business of the IMLCC to become involved.
- Commissioner Herlihy (VT) - It is his opinion that this matter should be considered by the FSMB or each licensing board, but not the IMLCC.

A final opportunity to provide comments was made, at that point in the discussion, Commissioner Bohnenblust (WY) requested that discussion be closed with no action taken and the next item of business be considered. There was general agreement; however, before discussion was closed, a motion was made and considered.

MOTION

MOVED BY COMMISSIONER FARRELLY (MD), THAT NO ACTION BE TAKEN ON THIS MATTER.

MOTION FAILED

DUE TO A LACK OF A SECOND. THE MOTION WAS WITHDRAWN.

MOTION #2

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER BOHNENBLUST (WY), TO CLOSE DISCUSSION AND THE NEXT ITEM OF BUSINESS CONSIDERED.

MOTION PASSED

WITH 31 YES VOTES, 2 NO VOTES, AND 4 ABSTENTIONS

Public Comments

Chair Spangler (WV)

None were provided.

**Location of the next annual
commission meeting**

Chair Spangler (WV)

The next meeting of Commissioners is scheduled for November 13th and 14th, 2023. The meeting will be held in Colorado; however, the specific location has not yet been determined. The meeting will be held in-person with the option to attend virtually.

Adjournment

Chair Spangler (WV)

There being no further business, the meeting adjourned at approximately 4:23 pm Eastern Time.