

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION  
EXECUTIVE COMMITTEE

Conference Call  
October 10, 2023

**MEETING MINUTES**

**Call to Order**

*Chair Spangler (WV)*

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 3:06 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 Rodman (KY) - Chair of the Communications 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**

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 TO APPROVE THE  
AMENDED AGENDA

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY  
COMMISSIONER SILAS (AL), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

**Approval of the minutes**

*Executive Director Smith*

The approval of the September 12, 2023 was tabled. The minutes will be considered at the next meeting of the executive committee.

**Budget Committee**

*Treasurer Cleveland (MS)*

The committee decided that it would meet quarterly until the budget preparation process starts. However, a review of the monthly reports from staff show that the revenues are positive, expenses within the budget allocated. The FY2023 audit is being conducted with a report expected in the next 4 weeks.

**Communication Committee**

*Commissioner Rodman (KY)*

The committee met on September 26, 2023. The discussion included:

- The IMLC Annual report was discussed and executive director instructed to finalize for publication.

- Discussion with Anne Lawler, FSMB, regarding Provider Bridge and the possibility of including a link on the IMLCC webpage so that physicians could sign up. The discussion will continue at the next committee meeting.

The next meeting take place on October 13, 2023.

### Personnel Committee

*Commissioner Herlihy (VT)*

The committee has not met. A copy of the executive director's performance evaluation was provided to Chair Spangler for his consideration. The next meeting of the committee will be at the November 13, 2023 Committee Day.

### Rules & Administrative Procedures Committee

*Commissioner Bohall (AZ)*

The committee did not meet in September.

### Technology Committee

*Commissioner Manahan (MN)*

The committee met on September 14, 2023 with 11 of 14 members present. The discussion included:

- The API project is working well with 3 states participating and several others in the onboarding process.
- Staff are actively training and onboard new states for participation.
- How to best approach 3<sup>rd</sup> party vendors that provide IT services to member states so that program efficiencies can be found to benefit all member states who use a particular vendor in a single system modification, rather that board by board. The discussion will be ongoing.
- Two new programmers have been added to the IMLCC staff. They are training and have been working on projects. Staff continue to develop protocols for system development and deployment.
- The annual security audit is scheduled to be launched and the results will be shared with the committee.
- The flow failure rate spiked in August but has returned to normal ranges.
- The next project for the committee is the financial aspect of iStarsII. This is the 3<sup>rd</sup> of 4 planned system enhancements.

### Executive Director Update

*Executive Director Smith*

An update was provided regarding:

- September work load
  - Phone calls = 1,008 (1,032 August)
  - Emails = 887 (871 August)
- September processing volume
  - Applications processed = 1,806 (1,980 August)
  - Licenses issued = 2,650 (3,255 August)
  - Previously issued licenses renewed = 2,675 (1,306 August)
- September member board remittances
  - Transactions = 6,092 (6,218 August)
  - Fees paid to member boards = \$1,832,920.09 (\$2,284,381.90 August)

- September inquires on LOQs issued - Since 2019 there have been 22 LOQs found to be invalid and 28 physicians have been the subject of disciplinary actions.
  - No LOQ questions was raised and no disciplinary actions were reported
- No new commissioners have been appointed.
- There is active legislation in 3 states: MA, NY, and NC

Discussion Item  
*Chair Spangler*

Discussion Item #1:

Commissioner Farrelly (MD) sent an email objecting to the Executive Committee's agenda item regarding the discussion and review of the Enhanced Physician Portal RFP. The email was read into the record and is recorded below.

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Title: Objection.

From: Christine Farrelly, MDH <email>

To: Mark Spangler <email>

Marschall Smith <email>

Ellen Douglas Smith <email>

David Finkler <email>

Rick Masters <email>

Body:

Mark and Marschall,

I would request that the Executive Committee **NOT** vote on the following proposed motion, as included in the agenda for the meeting on October 10, 2023.

*Proposed MOTION: The Executive Committee authorizes the Executive Director to enter into the negotiated contract with MyMoc, Inc (dba Modingbird) for the purposes outlined by the Enhanced Physician Portal (EPP) RFP on behalf of the Interstate Medical Licensure Compact Commission. The Executive Director is further authorized to execute such necessary subsequent documents, agreements, and make payments to ensure that the contract is properly implemented.*

The Compact permits the EC to act for the full commission "during periods when the Commission is not in session." Given that the full commission meeting is only a month away and is available for decision-making, there is no reason to rush a decision of this magnitude. This decision should be made with input from the Technology Committee and voted by the full Commission.

On May 17, 2022, the full Commission voted the following:

**Action Item #3 - Instructing the Executive Director to begin the process of developing an RFP for the Physician Portal Project**  
*Commissioner Cushman (NE)*

During the November 16, 2021 Commission meeting, a motion was made to form an Ad Hoc committee to study the matter of developing a Physician Portal and to make recommendations of its conclusions at this meeting. Commissioner Cushman was the Chair of the Ad Hoc Committee, he provided an update of the meeting and a summary of the committee's findings. The committee determined that it was in the best interest of the Commission to proceed with an RFP and authorize the executive director to proceed under the supervision of the Technology Committee. After discussion, the question was called.

MOTION

MOVED BY THE AD HOC COMMITTEE, A MOTION FROM A COMMITTEE DOES NOT REQUIRE A SECOND, TO INSTRUCT THE EXECUTIVE DIRECTOR TO BEGIN THE PROCESS OF DEVELOPING AN RFP FOR THE PHYSICIAN PORTAL PROJECT. FURTHER, THE PROJECT WILL BE SUPERVISED BY THE TECHNOLOGY COMMITTEE.

MOTION PASSED

WITH 4 COMMISSIONERS OPPOSED TO THE MOTION

Since that time, there has been no subsequent motion rescinding or modifying the above direction of the full Commission delegating the supervision of the project to the technology committee for supervision. The full Commission has not rescinded this delegation or delegated the final decision to the EC.

This does not appear to be the first time that the EC has bypassed the full Commission in making decision regarding this RFP bid. The EC went into closed session to discuss the RFP on May 9 rather than a week later at the full commission meeting on May 16th. There was no reason that this matter could not have been discussed at the full commission meeting in closed session. I would respectfully request that the EC delay and defer making this decision until the full commission has had a chance to weigh in.

Please convey my objection to the EC and note my objection on the record.

By this email, I would also ask that my request for records be expedited. I am further requesting any and all administrative procedures related to procurement.

Thanks,

-C

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Christine A. Farrelly  
 Executive Director  
 Maryland Board of Physicians

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The Chair provided an opportunity for comments or action from the members of the Executive Committee. No comments were provided.

Discussion Item #2:

Discussion and review of the Enhanced Physician Portal RFP and the contract language for the winning bidder. The discussion would take place in a Closed Meeting.

**Closed Meeting**  
*Chair Spangler*

The Executive Committee determined that it should enter a closed meeting in order to discuss the winning bid and contract for the winner bidder of the Enhanced Physician Portal RFP and to discuss the matter with legal counsel, 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 3:39 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 MANAHAN (MN) TO CLOSE THE EXECUTIVE COMMITTEE MEETING FOR THE PURPOSE OF DISCUSSION WITH LEGAL COUNSEL AND REVIEW THE CONTRACT FOR THE WINNING BIDDER OF THE ENHANCED PHYSICIAN PORTAL RFP.

MOTION PASSED

UNANIMOUS

**Action items from the Closed Meeting**  
*Chair Spangler*

The closed meeting ended at 3:53 pm Eastern Time. The Executive Committee resumed its business in open session.

MOTION

MOVED BY COMMISSIONER CLEVELAND (MS), SECONDED BY COMMISSIONER MANAHAN (MN) TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO THE NEGOTIATED CONTRACT WITH MYMOC, INC (DBA MOCINGBIRD) FOR THE PURPOSES OUTLINED BY THE ENHANCED PHYSICIAN PORTAL (EPP) RFP ON BEHALF OF THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION. THE EXECUTIVE DIRECTOR IS FURTHER AUTHORIZED TO EXECUTE SUCH NECESSARY SUBSEQUENT DOCUMENTS, AGREEMENTS, AND MAKE PAYMENTS TO ENSURE THAT THE CONTRACT IS PROPERLY IMPLEMENTED.

MOTION PASSED

UNANIMOUS

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

None were provided.

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

None were provided.

**Adjournment**  
*Executive Director Smith*

There being no further business, the meeting was adjourned at 3:59 pm Eastern Time.