



Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

April 26, 2024

Marschall S. Smith
Executive Director
Interstate Medical Licensure Compact Commission
7921 Southpark Plaza, Suite 109
Littleton, Colorado 80120

RE: Maryland Letter regarding Bylaw Article III Changes

Marschall,

Thank you for the opportunity to comment on the proposed bylaw changes. The Maryland Board is in full support of the recommended bylaw changes.

The recommended change to the bylaws that take into account commissioner preference and size of the committees and limits arbitrary decisions by the chair in making appointments.

My own experience over the past year is instructive. I requested to be placed on the rules committee because I have concerns regarding the policies enacted by the executive committee and wanted to participate in updating the policies. The Rules Chair told me: "I am happy to have you continue to serve on the Rules committee. Your comments and participation have always been valuable to me."

However, the IMLCC Chair refused to appoint me to the rules committee because of a "potential conflict" based on my advocacy for certain policy changes. Policy #2, The Policies on Conflict of Interest defines a conflict as "a financial or other relationship might directly or indirectly benefit the private or personal interest of an IMLC commissioner. . . or prejudice an IMLC commissioner" and states that "A majority of the quorum of the IMLC Commission may determine if an actual or perceived conflict of interest exists." The Chair did not describe any actual or perceived conflict per the relevant policy. Nor did she bring this conflict for a vote by the full Commission in accordance with Policy #2 – Policy on Conflict of Interest. In essence, I was not allowed to be on the Rules Committee simply because of *too much* interest in the rules. Recently, the Rules Committee's procedures limited non-members from participating or speaking during the meetings.

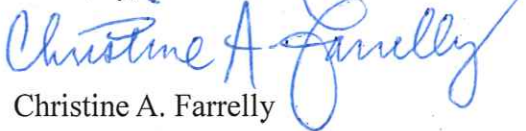
Despite the incorrect application by the chair, because appointments have no elements to consider, there is no recourse for challenging the Chair's appointment determination. This creates a situation where an IMLCC Chair can stack committees to their preferences or retaliate against commissioners whom they do not like.

Instead of being on the Rules Committee per my request and the rules committee chair's comments, I was placed on the budget committee. Unfortunately, I have a scheduling conflict and cannot meet during the Budget Committee meetings. I have not been permitted to be reassigned despite notice of my conflict and repeated requests to be reassigned.

My experiences are unique, but point to a larger problem, which is that the chair has unfettered power to appoint people to committees and potentially can arbitrarily appoint individuals without any check or recourse. Obviously, there are additional considerations aside from commissioner preference. For example, if the technology committee was the first choice of half of the commission members, it would be impractical to have several tiny committees and one very large committee. Thus, we believe consideration of the committee size is also important.

In sum, we have serious concerns about the arbitrary power wielded by the chair and would urge the Rules Committee to move changes to create some direction in the bylaws.

Sincerely,



Christine A. Farrelly
Executive Director

c: Ellen Douglas Smith, Deputy Director
David Finkler, Board Counsel
Maryland Board of Physicians