

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

**RULE ON NOTICE TO LICENSEES UPON
A WITHDRAWAL OR TERMINATION OF
MEMBERSHIP IN THE COMPACT**

ADOPTED: DRAFT – AUGUST 2019

EFFECTIVE: DRAFT

AMENDMENT HISTORY (LIST WHEN AMENDED AND CITE SECTION NUMBER): _

**Chapter 8 – Notice to Licensees Upon a Withdrawal or Termination of
Membership in the Compact**

8.1 Authority

This chapter is promulgated by the Interstate Commission pursuant to the Interstate Medical Licensure Compact sections 12, 15, 18, and 21. The rule shall become effective upon adoption by the Interstate Commission.

8.2 Definitions

“Defaulting state” means a state that has defaulted under Section 18 of the Compact.

“State of principal license” means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

“Termination of membership in the Compact” means the Commission’s expulsion of a defaulting state from the Compact under the procedures set forth in Section 18 of the Compact.

“Withdrawing state” means a state that has, in accordance with Section 21 of the Compact, repealed the Compact.

8.3 Notice from Withdrawing State

- a) Within 90 days from enactment of a statute withdrawing a member state from the Compact, the withdrawing state shall send notices, pursuant to this rule, to licensees who have been licensed in the withdrawing state and licensees who list the withdrawing state as their state of principal of license.
- b) The notice from the withdrawing state to licensees who have been licensed through the Compact in the withdrawing state, shall inform the licensees that they will not be able to renew their withdrawing state's license through the Compact. The notice shall provide information concerning other methods to apply for licensure in the withdrawing state, including a link or directions to access the withdrawing state's licensure application.
- c) The notice to licensees whose state of principal license is the withdrawing state shall inform licensees that they must maintain a state of principal license through the compact under Compact Rule 4.5. The notice shall inform the licensees that they will not be able to renew their license in any state through the compact if they have not redesignated their state of principle license prior to the withdrawing state's exit from the Compact. The notice shall include instructions, created by the Commission in accordance with Compact Rule 4.4, regarding how licensees may redesignate their state of principal license.
- d) Upon notice from the withdrawing state of the enactment of a statute withdrawing a member state from the Compact, the Commission shall update its website to notify all applicants of the withdrawing state's withdrawal from the Commission. The website shall provide notice to applicants that the licenses will terminate upon the effective date of withdrawal and shall list the effective date of withdrawal.

8.4 Immunity from Suit and Liability for Withdrawal

A withdrawing state that withdraws from the compact pursuant to the laws and rules of the Interstate Medical License Compact and has complied with the rules regarding notice provided in this section shall be immune from suit and liability from a physician or entity claiming injury based on the withdrawing state's withdrawal from the compact.

8.5 Notice after Termination of Membership in the Compact

- a) Within 90 days from the vote by the Commission to terminate membership in the Compact of a defaulting state, the defaulting state shall send notices, pursuant to

this rule, to licensees who have been licensed in the defaulting state and licensees who list the defaulting state as their state of principal of license.

- b) The notice from the defaulting state to licensees who have been licensed through the Compact in the defaulting state, shall inform the licensees that they will not be able to renew their defaulting state's license through the Compact. The notice shall provide information concerning other methods to apply for licensure in the defaulting state, including a link or directions to access the defaulting state's licensure application.
- c) The notice to licensees whose state of principal license is the defaulting state shall inform licensees that they must maintain a state of principal license through the compact under Compact Rule 4.5. The notice shall inform the licensees that they will not be able to renew their license in any state through the compact if they have not redesignated their state of principle license prior to the defaulting state's exit from the Compact. The notice shall include instructions, created by the Commission in accordance with Compact Rule 4.4, regarding how licensees may redesignate their state of principal license.
- d) Upon notice from the defaulting state of the enactment of a statute defaulting a member state from the Compact, the Commission shall update its website to notify all applicants of the defaulting state's withdrawal from the Commission. The website shall provide notice to applicants that the licenses will terminate upon the effective date of withdrawal and shall list the effective date of withdrawal.
- e) The effective date of termination of membership in the Compact shall be no earlier than six months following the full Commission's vote to terminate.

Comments:

Proposed Rule Chapter 8 sets forth notice requirements for licensees who may be affected the termination or withdrawal of a member state. However, this rule does not expressly identify the effect of withdrawal/termination on a physician who holds licenses issued through the compact process except in terms of what notice must be provided. The rule would benefit from the addition of a section

after the definitions that clearly states the effect of the withdrawal of a physician's SPL from the compact and provides process information for physicians who are materially impacted by the termination/withdrawal of a member state. Sections 8.3.d and 8.5.d appear to suggest that "licenses will terminate upon the effective date of withdrawal." Unless the Commission is seeking to abrogate all licenses issued through the Compact process by exiting member states, this would only be true if the withdrawing state is a physician's SPL. A section that establishes the effect of withdrawal on licenses could clarify these issues.

Likewise, the establishment of a rule that sets forth the process for termination, including time frames would be useful for the Commission and member states. Proposed section 8.5.e is not related to notice after termination. It identifies the minimum effective date the Commission can impose with a vote of termination. This section might fit better in a different part of the rule that sets forth termination process.

Section 8.3.a- This section might read better with the following addition:

Within 90 days from enactment of a statute withdrawing a member state from the Compact, the withdrawing state shall send notices, pursuant to this rule, to licensees who have been licensed through the compact in the withdrawing state and licensees who list the withdrawing state as their state of principal of license

Section 8.3.b and 8.5.b I suggest the following modifications to these sections:

The notice from the defaulting state to licensees who have been licensed through the Compact in the defaulting state, shall inform the licensees that they will not be able to renew their defaulting state's license through the Compact. The notice shall provide information concerning other methods to apply for licensure and/or renewal in the

defaulting state, including a link or directions to access the defaulting state's licensure application.

I suggest a strikethrough of the last part of this sentence because it seems redundant and it is beyond the commission's purview to specify the manner in which a board communicates to its licensees.

Sections 8.3.c and 8.5.c The custodian of records for all SPL designations is the Commission, and reaching out to licensees with a withdrawing state as the designated SPL seems like it would be much more efficient and meaningful if it were handled by the Commission, which is in a better position to offer information concerning re-designation of the SPL.

Sections 8.3.d. and 8.5.d – The last sentence of these sections is confusing. Both refer to withdrawal, even though one is in the notice section for termination. They also provide vague guidance regarding the effect of withdrawal (and presumably termination) on licenses. What licenses will terminate upon the effective date?

Additional comments regarding Section 8.3.d. This section refers to a defaulting state enacting a statute to default from the Compact. The Compact does not require the enactment of legislation to effectuate termination of a member state by default. Perhaps this section should mirror 8.5.a and require the notice on the IMLC website occur within 90 days from the vote to terminate? Withdrawal and termination are used interchangeably.

Mark Spangler

Commissioner

