

September 23, 2019

Senator Tom Davis
Chairman, Medical Affairs Subcommittee
604 Gressette Building
Columbia, SC 29201
Dear Chairman Davis:

Thank you for taking time to hear testimony on H.3101, a bill to join the Interstate Medical Licensure Compact (IMLC). The robust testimony on the bill showcased the importance of the issue for our state.

In the meeting, Subcommittee Members raised questions to SCHA and other interested parties, which we are working to address and return to you with answers.

1. Is there empirical data to show improvement in access to physicians and/or medical care in states which have joined the compact?
2. How have other state Medical Boards responded to joining the IMLC, and has there been any issues in those states with conforming with the law?
3. More information about the rules and rulemaking procedures.

1. Empirical Data to Support Improved Access to Care

SCHA will look extensively into current compact member states to see if any evidence exists at this point to support improved access to care. We will also look to other states, and our counterparts in those states, to hear about any specific problematic issues that have occurred related to the IMLC licensure process or individuals who have entered their states through the IMLC. I will share what we are able to collect with you no later than October 31, 2019.

2. State Medical Boards

While our state's Board of Medical Examiners may be better positioned to solicit information regarding the experience of other individual state medical boards in the IMLC, I want to be sure the subcommittee has seen a letter in support of the IMLC from the Federation of State Medical Boards (FSMB). The FSMB is the national organization representing all 70 state medical and osteopathic regulatory boards in the United States.

Of note, the letter – which is attached for your reference – states the following:

“The Interstate Medical Licensure Compact is a testament to the work of medical regulatory boards, physicians, and other key stakeholders to reach consensus in support of a state-based solution that simultaneously expedites state medical license portability while ensuring public protection.”

3. Rules and Rulemaking Procedure

I have attached the IMLC Commission Rules Index, which includes all seven of the Commission's current rules. Chapter 1 is the Rule on Rulemaking, adopted June 24, 2016. This document outlines the procedure for creating a rule, which includes issuing a proposed rule, accepting comments from IMLC Commissioners which are published on the IMLC website, and a public hearing on the rule prior to a vote of the Commission. The rules for the IMLC Commission are much like a regulation that is

promulgated in response to legislation, which provides additional detail to the topic within the confines of the enacted law. A majority vote of the Commission is required to adopt a rule. South Carolina would have two seats on the Commission if H.3101 were enacted.

The Chapter defines "Rule" as, *"a written statement by the IMLC Commission promulgated pursuant to Section 12 of the IMLC that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organization, procedural or practice requirement of the IMLC Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule."*

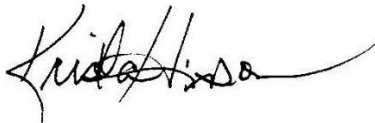
This definition is important because it outlines that rules made by the Commission can only be in accordance with the Compact law and are intended to interpret, define, or add clarity to policies outlined within the law.

Additionally, the specific issue of having the eligibility criteria created in rule *only* was brought up during the subcommittee hearing as a concern. The eligibility standards for expedited licensure are outlined in Chapter 5 of the rules; however, the same nine requirements are also included in Section 40-47-305(11) of the legislation, and therefore would be included in state law should the bill be enacted. These nine requirements could not be deleted except by amendment to the state law of each member state.

Again, we appreciate the time you took to hear support and concern for H.3101. I hope these responses provide clarity for some of the questions raised during the subcommittee meeting.

Please reach out to me directly with any questions or concerns. I can be reached by email at khinson@scha.org or cell phone at 507.530.1300.

Sincerely,



Krista Hinson
Director, Federal and State Government Relations

Enclosures

cc: Senator Brad Hutto
Senator Thomas Alexander
Senator John Scott
Senator Paul Campbell
Senator Floyd Nicholson
Senator Sandy Senn
Senator Danny Verdin
Mr. Gene Hogan