

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
Notice of public hearings on rule proposed for adoption

Pursuant to the authority of Section 15 of the Interstate Medical Licensure Compact, the Interstate Medical Licensure Compact Commission (IMLC Commission) hereby proposes to adopt administrative rule Chapter 5, “Expedited Licensure.”

The purpose of Chapter 5 is to establish the qualifications for expedited licensure through the Compact and to define the application process for an expedited license. The rule delegates certain responsibilities to the IMLC Commission in the expedited licensure process.

The IMLC Commission approved this notice of intended action during a teleconference meeting on August 24, 2016. The IMLC Commission will consider the rule for adoption at a meeting on October 3, 2016, at a meeting in Kansas City, KS.

Written Comments

Any interested person may present written comments on the proposed rule not later than 5:00 p.m. Eastern Daylight Time (4:00 p.m. Central, 3:00 p.m. Mountain, 2:00 p.m. Pacific, 1 p.m. Alaska) on September 23, 2016. Such written materials should be sent to Mark Bowden, Interstate Medical Licensure Compact Commission, Bylaws and Rules Committee, In Care Of: Iowa Board of Medicine, 400 SW Eighth Street, Suite C, Des Moines, IA 50309-4689 or by e-mail to mark.bowden@iowa.gov or by telefax at (515) 242-5908.

Two public hearings are scheduled for this proposed rule:

1. A hearing will be held via teleconference at 1:00 p.m. Eastern Daylight Time (noon Central, 11 a.m. Mountain, 10 a.m. Pacific, 9 a.m. Alaska) on Friday, September 23, 2016. The

teleconference number is (866) 685-1580 and the Code is 971-913-4151. Persons planning to speak at this teleconference must notify Mark Bowden at (515) 242-3268 or mark.bowden@iowa.gov by September 21, 2016.

2. A hearing will be held at the meeting of the IMLC Commission at 11 a.m. Central Daylight Time (noon Eastern, 10 a.m. Mountain, 9 a.m. Pacific, 8 a.m. Alaska) on October 3, 2016, at the University of Kansas Medical Center, 3901 Rainbow Boulevard, Kansas City, KS 66160. Persons planning to speak at this meeting must notify Mark Bowden at (515) 242-3268 or mark.bowden@iowa.gov by September 30, 2016.

The following rule is proposed for adoption:

CHAPTER 5 - Expedited licensure.

5.1 Authority. This chapter is promulgated by the Interstate Commission pursuant to the Interstate Medical Licensure Compact. This rule shall become effective upon adoption by the IMLC Commission.

5.2 Definitions. In addition to the definitions set forth in the Interstate Medical Licensure Compact, as used in these rules, the following definitions will apply:

- a. *“Accreditation Council for Graduate Medical Education (ACGME)”* means the non-governmental organization responsible for the accreditation of graduate medical education (GME) programs within the jurisdiction of the United States of America and its territories and possessions.
- b. *“Action related to nonpayment of fees related to a license”* means adverse action taken against a physician seeking licensure through the Compact by a medical licensing agency in any state, federal, or foreign jurisdiction due to late payment or non-payment of a medical license fee.
- c. *“Active investigation”* means an investigation related to a physician seeking licensure through the Compact by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction for issues that have not been resolved.

- d. *“American Board of Medical Specialties (ABMS)”* means a non-profit organization comprising 24 certifying boards that develop and implement professional standards for the certification of physicians in their declared medical/surgical specialty.
- e. *“American Osteopathic Association (AOA)”* means the representative organization for osteopathic physicians (DOs) in the United States. AOA is the accrediting body for educational programs at osteopathic medical schools and postgraduate training for graduates of osteopathic medical schools in the United States. AOA is also the umbrella organization for osteopathic medical specialty boards in the United States.
- f. *“American Osteopathic Association’s Bureau of Osteopathic Specialists”* means the agency which certifies the postdoctoral education and regulations for certification in various specialties or fields of practice for osteopathic physicians.
- g. *“Applicant”* means a physician who seeks expedited licensure through the Interstate Medical Licensure Compact.
- h. *“Compact”* means the Interstate Medical Licensure Compact.
- i. *“Commission on Osteopathic College Accreditation (COCA)”* means a commission of the AOA that establishes, maintains, and applies accreditation standards and procedures for COMs.
- j. *“Comprehensive Osteopathic Medical Licensing Examination (COMLEX)”* means the examination series administered by the National Board of Osteopathic Medical Examiners that assesses the medical knowledge and clinical skills of osteopathic physicians.
- k. *“Conviction”* means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilty or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board. Conviction means a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States of any crime that is a felony.
- l. *“Coordinated information system”* means the database established and maintained by the Interstate Commission as set forth in the Compact.
- m. *“Crime of moral turpitude”* means an act, whether or not related to the practice of medicine, of baseness, vileness or the depravity contrary to accepted and customary rule, right, and duty between human beings.
- n. *“Criminal background check”* means a state and federal criminal background investigation of an applicant for expedited licensure by means of fingerprinting or other biometric data checks. The completed report and information shall be obtained prior to licensure of the

applicant. The applicant shall pay for the background check.

- o. "Criminal offense" means a violation of a law with possible penalties of a term in jail or prison, and/or a fine.*
- p. "Discipline by a licensing agency in any state, federal, or foreign jurisdiction" means discipline reportable to the National Practitioner Data Bank.*
- q. "Education Commission for Foreign Medical Graduates (ECFMG)" means the entity that certifies international medical graduates for entry into U.S. graduate medical education.*
- r. "Expedited license" means a full and unrestricted medical license promptly issued by a member state to an eligible applicant through the process set forth in the Compact. Expedited does not refer to the speed of the process by which the state of principal licensure qualifies an applicant for expedited licensure.*
- s. "Federation of State Medical Boards' Federation Credentials Verification Service (FCVS)" means a centralized, uniform system operated by the Federation of State Medical Boards for state medical boards to obtain a verified, primary-source record of a physician's core medical credentials.*
- t. "Felony" means the category or description of a crime defined in the jurisdiction where the crime is committed. Where not otherwise defined in state statute, a felony is a charge which is punishable by a minimum penalty of 12 months of incarceration.*
- u. "Gross misdemeanor" means a category or description of a crime defined in the jurisdiction where the crime is committed. If the jurisdiction does not have a gross misdemeanor category or description, the crime is a charge which is punishable by a minimum penalty of 6 months of incarceration.*
- v. "International Medical Education Directory" means the World Directory of Medical Schools, a public database of worldwide medical schools. The directory is a collaborative product of the Foundation for Advancement of International Medical Education and Research and the World Federation for Medical Education.*
- w. "Interstate Commission" means the Interstate Medical Licensure Compact Commission.*
- x. "Letter of qualification" means a notification issued by a state of principal licensure that expresses an applicant's eligibility or ineligibility for expedited licensure through the process set forth in the Compact.*
- y. "Liaison Committee on Medical Education (LCME)" means an entity that provides accreditation to medical education programs in the United States and Canada as a voluntary, peer-reviewed process of quality assurance that determines whether the medical education program meets established standards.*
- z. "Member board" means a state agency in a member state that acts in the sovereign*

interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

- aa. *“Member state” means* a state that has enacted the Compact.
- bb. *“Offense” means* a felony, gross misdemeanor, or crime of moral turpitude.
- cc. *“Predecessor examination” means* a generally accepted national medical licensure examination issued prior to the administration of USMLE or COMLEX, combination examinations and state licensure board examinations administered prior to 1974.
- dd. *“Primary source verification” means* verification of the authenticity of documents with the original source that issued the document or original source verification by another jurisdiction’s physician licensing agency or original source verification by an entity approved by the Interstate Commission including, but not limited to, FCVS or the ECFMG.
- ee. *“Service fee” means* fees that may be assessed by the Interstate Commission or the state of principal licensure to handle and process an application for an expedited license. A service fee is not a fee for the issuance of an expedited license.
- ff. *“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.
- gg. *“United States Medical Licensing Examination (USMLE)” means* the examination series for medical licensure in the United States administered by the National Board of Medical Examiners.

5.3 Delegation of expedited licensure responsibilities.

5.3(1) Member states are deemed to have delegated and assigned to the Interstate Commission the following responsibilities in the expedited licensure process:

- a. The Interstate Commission shall provide member states an online application for use by applicants seeking expedited licensure through their designated state of principal licensure.
- b. The Interstate Commission shall use information from a coordinated information system to facilitate an application for review by the applicant’s designated state of principal licensure.
- c. The Interstate Commission shall provide and administer a process to collect service fees and licensure fees from the applicant and remit these fees to the member boards and the Interstate Commission.

5.4 Eligibility for expedited licensure.

5.4(1) An applicant must meet the following requirements to receive an expedited license under the terms and provisions of the Compact:

- a.* Is a graduate of a medical school accredited by the LCME, the COCA, or a medical school listed in the international medical education directory or its equivalent.
- b.* Passed each component, level or step of the USMLE or COMLEX licensing examination within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes.
- c.* Successfully completed graduate medical education approved by the ACGME or the AOA. “Completed” means participation in an ACGME or AOA postgraduate training that achieves ABMS or AOA board eligibility status.
- d.* Holds specialty certification or a time-unlimited specialty certificate recognized by the ABMS or the AOA’s Bureau of Osteopathic Specialists. The specialty certification or a time-unlimited specialty certificate does not have to be maintained once a physician is initially determined to be eligible for expedited licensure through the Compact.
- e.* Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board.
- f.* Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction.
- g.* Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.
- h.* Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.
- i.* Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

5.5 Expedited licensure process.

5.5 (1) An applicant shall:

- a.* Designate a state of principal licensure.
- b.* Submit an online application to the designated state of principal licensure through the coordinated information system.

c. Submit to the state of principal licensure a completed fingerprint packet or other biometric data check sample approved by the state of principal licensure.

d. Submit to the state of principal licensure a sworn statement by the applicant attesting to the truthfulness and accuracy of all information provided by the applicant.

e. Pay the nonrefundable service fees required by the state of principal licensure and the Interstate Commission.

5.5 (2) When an application is received by the state of principal licensure through the Interstate Commission:

a. The Interstate Commission shall use information from its database to facilitate the application, which shall be reviewed by the applicant's designated state of principal licensure.

b. The designated state of principal licensure shall:

- 1) Evaluate the applicant's eligibility for expedited licensure;
- 2) Perform a criminal background check pursuant to the terms and provisions of the Compact; and
- 3) Issue a letter of qualification to the applicant and the Interstate Commission, verifying or denying the applicant's eligibility.

5.5 (3) Upon receipt of a letter verifying the applicant is eligible for expedited licensure, the applicant shall:

a. Complete the registration process established by the Interstate Commission.

b. Identify the member state(s) for which expedited licensure is requested.

c. Pay the non-refundable licensure fee required by the member board(s) and any additional service fee required by the Interstate Commission.

5.5 (4) Upon receipt of all licensure fees required by it, and receipt of the information from the application, including the letter of qualification, the member board(s) shall promptly issue a full and unrestricted license(s) to the applicant, and provide information regarding that license to the Interstate Commission to maintain in its coordinated information system.

a. An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

5.6 Expedited licensure application cycle.

5.6(1) An application for expedited licensure shall be considered open from the date the application form is received by the state of principal licensure.

- a.* If the applicant does not submit all requested materials within 60 days after the application is opened, then the application shall be deemed to have been withdrawn. The applicant must reapply and submit a new application, a new nonrefundable application service fees as determined by the state of principal licensure and the Interstate Commission.
- b.* A letter of qualification is valid for 365 days from its date of issuance to request expedited licensure in a member state. There shall be no waiver of this time limit.

5.7 Appeal of the determination of eligibility.

5.7(1) The applicant may appeal a determination of eligibility for licensure within 30 days of issuance of the letter of qualification to the member state where the application was filed and shall be subject to the law of that state.