



Interstate Medical Licensure Compact

Advisory Opinion

OPINION NO. 09-2018 – ADVISORY OPINION ON QUALIFICATION TO ACT AS A STATE OF PRINCIPAL LICENSE (SPL) AND THE RELATIONSHIP BETWEEN AN SPL AND LETTERS OF QUALIFICATION (LOQ) ISSUED.

Questions were raised regarding the responsibilities of being an SPL under the IMLCC statutes and how that responsibility relates to an active LOQ and the licenses issued using that LOQ. The first issue relates to a physician, who is requesting a redesignation of SPL from the originally selected member board, which issued an LOQ that is still active, to another member board which is unable to act as an initial SPL due to the inability to obtain a criminal history record information (CHRI) for the required criminal background check. The second issue relates to a physician who has selected an SPL, has an active LOQ with licenses issued under that LOQ, but no longer meets the requirements to maintain an SPL.

AUTHORITY: The Executive Committee issues this advisory opinion under authority of the Interstate Medical Licensure Compact Commission.

- **IMLCC Statute, Section 12c** – (The commission shall) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, and actions.
- **IMLCC Statute, Section 11k** -- ...The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session....

ISSUE: There are two principal issues for discussion. The first relates to a member board's role and responsibilities as a State of Principal License (SPL). The second relates to the interaction between an SPL and issuance of the Letter of Qualifications (LOQ). There appears to be a slight difference between IMLCC Rule, Chapter 4, Section 4.5 that requires that a physician maintain eligibility requirements with an SPL and IMLCC Statute, Section 5(f) that requires that a physician only maintain a license in the SPL they have selected. Additionally, it appears that an LOQ should be treated as a standalone document separate from the SPL which issued the LOQ.

- **IMLCC Rule, Chapter 4, Section 4.3** – establishes that a physician shall designate a member state as their state of principal license and meet the eligibility requirements when the application for a letter of qualification is reviewed.
- **IMLCC Rule, Chapter 4, Section 4.4** – establishes that a physician may redesignate a member state as the state of principal license at any time, as long as the physician meets the requirements of Section 4.3.
- **IMLCC Rule, Chapter 4, Section 4.5** – requires that when a physician is unable to meet the requirements of Compact Section 4 to designate a state of principal license, then all licenses issued through the Compact to the physician shall be terminated pursuant to Section 5(f).



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- **IMLCC Statute, Section 5(f)** – states that an expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal license for a non-disciplinary reason, without redesignation of a new state of principal license.

QUESTIONS:

- Can any member board act as a State of Principal License (SPL) in a redesignation situation?
- Is a Letter of Qualification valid for 365 days from the date of issuance without regard to the physician continuing to meet the requirements to maintain a relationship with the SPL which issued the LOQ?
- Does the meaning of the word “terminate” as used in IMLCC Rules, Chapter 4, Section 4.5 mean immediately, or would it be reasonable, in this situation, to mean upon the expiration of the license?

ADVISORY OPINION:

Item 1: A member board which has determined that it is unable to act fully as a State of Principal License (SPL) to make a determination on an application for a Letter of Qualification is not prohibited by IMLCC Statute or Rule from acting as an SPL in a redesignation situation. A member board which is redesignated as a physician’s SPL is not making determinations about eligibility, rather, the member board is being designated in accordance with IMLCC Rule, Chapter 4, Section 4.3 to prevent termination of licenses issued through the Compact, as required under IMLCC Rule, Chapter 4, Section 4.5. The Letter of Qualification issued by the physician’s original SPL remains valid for 365 days.

Item 2: A Letter of Qualification (LOQ), once issued is valid for 365 days and is independent of the State of Principal License (SPL). An LOQ issued by a SPL remains valid even if the physician redesignates a new SPL.

Item 3: The word terminate as used in IMLCC Rules, Chapter 4, Section 4.5, when considered with the requirements of IMLCC Statute, Section 5(f), appears to mean that licenses issued would terminate on the expiration date of the license issued as determined by the issuing member board. Physicians who are unable to maintain a relationship with their SPL and are unable to redesignate a new SPL would be unfairly burdened with an abrupt and immediate termination of licenses issued. As the reason is not related to a disciplinary matter, can be outside of the control of the physician, does not create a harm to public safety or patients, and would create a substantial burden on the physician, allowing a currently issued license to remain in effect until the established expiration of the license is a reasonable approach that is not prohibited by IMLCC Statute or Rule.

APPLICABILITY: This opinion applies to all member states acting as a state of principal license and to member boards issuing licenses under the authority of the Interstate Medical Licensure Compact.



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EFFECTIVE DATE: This opinion is effective upon issuance by the Executive Committee of the Interstate Medical Licensure Compact Commission (September 18, 2018).