

# Interstate Medical Licensure Compact

- Overview
  - Define
  - Need for compact
    - Compacts in Idaho
    - Key Principles of the Compact
    - Eligibility for compact licensure
  - Compact Commission
  - Benefits for Idaho
  - Next Steps

# What is an Interstate Compact?

- A contract between compact states
  - Constitutionally authorized (Article 1 Section 10)
  - Retains state sovereignty on issues traditionally reserved to state jurisdictions
  - A commission is established to coordinate cooperation
  - Idaho Board authority to make and enter into contracts 54-1806 (6)

# The Need for License Portability

- Health care rapidly changing
  - Rise of telemedicine and new technology
  - Passage of *Affordable Care Act* and need for greater access to care
  - Integration of health care delivery systems
  - Increase in multi-state practice (Idaho example)

	MD	DO
• <b>Totals</b>	<b>5,139</b>	<b>610</b>
• <b>In State</b>	<b>2,916</b>	<b>400</b>
• <b>Out-State</b>	<b>2,223</b>	<b>210</b>

- Goal: Facilitate multi-state practice without compromising patient safety or quality

# Current Regulatory Environment

- Combating Aggressive Push for a 'National' License
  - Legislation in Congress calling for “nationalized” licensure system
  - Proposals tie licensure to federal health programs (i.e. Medicare)
- Need for a Nationwide Solution, Implemented by the States, without Federalizing Licensure
  - State solution would preserve proven regulatory approach
  - State solution does not require overhaul or new federal program
  - Licensing is constitutionally a state power (10<sup>th</sup> Amendment)
- Options for interstate cooperation
  - Uniform Law?
  - Interstate Compact?

# Idaho Compacts (26)

Name:	Issue	Formation Date
<u>Agreement on Detainers</u>	<u>Corrections</u>	1970
<u>Agreement on Qualifications of Education Personnel</u>	<u>Education</u>	1968
<u>Bear River Compact</u>	<u>Water apportionment</u>	1978
<u>Compact on Mental Health</u>	<u>Public health</u>	1956
<u>Driver License Agreement</u>	<u>Licensure</u>	2002
<u>Driver License Compact</u>	<u>Licensure</u>	
<u>Emergency Management Assistance Compact</u>	<u>Emergency management</u>	1996
<u>Interstate Compact for Adult Offender Supervision</u>	<u>Corrections</u>	
<u>Interstate Compact for Juveniles</u>	<u>Corrections</u>	
<u>Compact for Adoption and Medical Assistance</u>	<u>Children</u>	1986
<u>Interstate Compact on Placement of Children</u>	<u>Children</u>	
<u>Interstate Insurance Product Regulation Compact</u>	<u>Industry regulation</u>	2006
<u>Interstate Wildlife Violator Compact</u>	<u>Law enforcement</u>	1989

# Idaho Compacts (26)

<u>Multistate Highway Transportation Agreement</u>	<u>Transportation</u>	1978
<u>Multistate Lottery Agreement</u>	<u>Lottery</u>	1987
<u>Multistate Tax Compact</u>	<u>Taxation</u>	1967
<u>National Crime Prevention and Privacy Compact</u>	<u>Law enforcement</u>	1999
<u>Nonresident Violator Compact</u>	<u>Licensure</u>	1977
<u>Northwest Compact on Low-Level Radioactive Waste Management Compact</u>	<u>Waste</u>	1985
<u>Northwest Wildland Fire Protection Agreement</u>	<u>Fire protection</u>	
<u>Nurse Licensure Compact</u>	<u>Licensure</u>	2000
<u>Pacific Marine Fisheries Compact</u>	<u>Fisheries</u>	1947
<u>Pacific States Agreement on Radioactive Materials Transportation</u>	<u>Health</u>	1988
<u>Snake River Compact</u>	<u>Water apportionment</u>	1949
<u>The NASDTEC Interstate Contract</u>	<u>Licensure; Education</u>	1928
<u>Western Regional Higher Education Compact</u>	<u>Education</u>	

# Interstate Compact Key Principles

- Participation **voluntary** for both physicians and state boards of medicine
- Creates **another pathway** for licensure, but does **not** otherwise change a state's existing *Medical Practice Act*
- Regulatory authority remains with the participating state medical boards

# Interstate Compact Key Principles

- The practice of medicine occurs **where the patient is located**
- Compliance with the statutes, rules and regulations of **state where patient located**
- State boards **aware of physicians practicing in the state**

# Interstate Compact Key Principles

- Improved **sharing of complaint, investigative and licensure information** between medical boards
- The ability of boards to **assess fees** will not be compromised
- The license to practice medicine may be **revoked** by member state once issued

# Compact Eligibility Requirements

- Not all Physicians will be eligible
- Must meet the following requirements:
  - Successfully passed USMLE or COMLEX-USA
  - Successful completion of a GME program
  - AOA/ABMS Specialty certification
  - No discipline on any state medical license
  - No discipline related to controlled substances
  - Not under investigation by any agency
    - Criminal Background check

# State of Principal License

- Serves as the entry point for eligible physician
  - State must be a Compact State
  - Physician must obtain a full and unrestricted license
- What state can serve as State of Principal License?
  - State of physician's primary residence
  - State where 25% of medical practice occurs
  - Location of physician's employer
  - State designated for federal income taxes

# Proposed Interstate Compact Pathway

## Step 1

- **Eligible Physician is/becomes licensed in a Compact State (State of Principal License)**

## Step 2

- **Eligible Physician applies for expedited licensure in other Compact states via State of Principal License**
- **State of Principal License verifies eligibility**

## Step 3

- **State of Principal License sends attestation to an Interstate Commission**
- **Eligible physician transmits fees to Interstate Commission**

# Proposed Interstate Compact Pathway

## Step 4

- Interstate Commission sends fees and physician information to other Compact states selected by Physician

## Step 5

- Selected member states issue physician a license

## Step 6

- **ONGOING:** Commission is used as a clearinghouse for shared discipline and investigatory information, renewals

# Coordinated Information System

- Commission to establish database of all physicians who apply or are licensed through Compact
- Member Boards will report complaint/disciplinary information to the Commission
- Increased permissive sharing of complaints and other investigatory information

# Joint Investigations

- Member Boards may participate with other member boards in joint investigations of physicians licensed by the member boards
- Boards may share information and other materials
- Subpoenas issued by member states enforceable in other member states

# Interstate Compact Commission

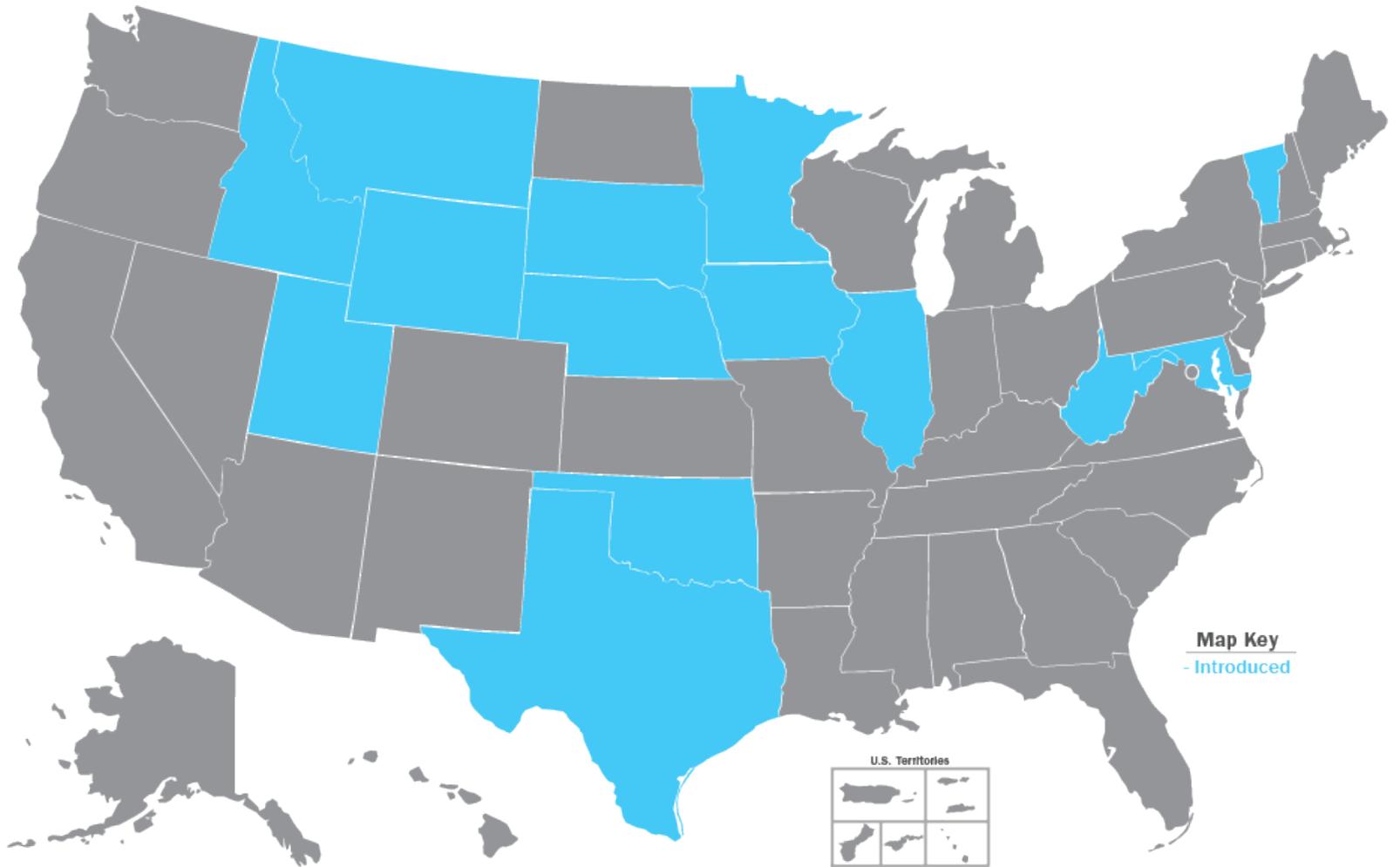
- State Boards retain licensing authority, participate as Commission members
- Administrative Role Only
  - Coordinate education and training
  - Empowered to determine when a state has breached its obligations under Compact
  - Can raise own funds to remain budget neutral

# Benefits for Idaho

- **Telemedicine**
  - Enhanced expedited process for licensure
- **Locum Tenens coverage for hospitals**
  - Temporary coverage for small or rural hospitals
  - Specialty coverage (ICU, NICU, neonatal teams)
- **Specialty Consultation**
  - Telemedicine
  - In-person
  - Rural healthcare
- **Physicians able to practice , apply for hospital privileges in shorter time**
- **Potential for attracting new physicians**

# Compact-Next Steps

- Why the rush to join the compact?
  - The initial states involved will be the states that establish rules and fees for the compact
  - All states will have two votes (equity in representation)
  - The initial states that have introduced legislation so far are IA, MN, NE, OK, SD, TX, UT, VT, WY



# Endorsements

- **American Academy of Dermatology**

<https://www.aad.org/members/practice-and-advocacy-resource-center/patient-health-advocacy/state-affairs/federation-of-state-medical-boards-interstate-compact>

- **American Academy of Family Physicians**

[http://blogs.aafp.org/cfr/leadervoices/entry/fsmb\\_offers\\_licensing\\_solution\\_for](http://blogs.aafp.org/cfr/leadervoices/entry/fsmb_offers_licensing_solution_for)

- **American Medical Association**

<http://www.ama-assn.org/ama/pub/ama-wire/ama-wire/post/ama-backs-interstate-compact-streamline-medical-licensure>

- **Avera Health**

[https://www.fsmb.org/Media/Default/PDF/Advocacy/Avera\\_Letter\\_of\\_Support\\_Interstate\\_Compact\\_02092015.pdf](https://www.fsmb.org/Media/Default/PDF/Advocacy/Avera_Letter_of_Support_Interstate_Compact_02092015.pdf)

- **FTC Commissioner Maureen Ohlhausen,**

<http://healthaffairs.org/blog/2015/01/26/beyond-law-enforcement-the-ftcs-role-in-promoting-health-care-competition-and-innovation/>

# Endorsements

- **Helmsley Charitable Trust Foundation**

[https://www.fsmb.org/Media/Default/PDF/Advocacy/Helmsley\\_Trust\\_letter\\_of\\_support.pdf](https://www.fsmb.org/Media/Default/PDF/Advocacy/Helmsley_Trust_letter_of_support.pdf)

- **Mayo Clinic**

[https://www.fsmb.org/Media/Default/PDF/Advocacy/Mayo\\_Letter\\_of\\_Support\\_SF\\_253\\_02092015.pdf](https://www.fsmb.org/Media/Default/PDF/Advocacy/Mayo_Letter_of_Support_SF_253_02092015.pdf)

- **National Association Medical Staff Services**

[https://www.fsmb.org/Media/Default/PDF/Advocacy/NAMSS\\_Letter\\_in\\_Support\\_of\\_FS\\_MB\\_Compact.pdf](https://www.fsmb.org/Media/Default/PDF/Advocacy/NAMSS_Letter_in_Support_of_FS_MB_Compact.pdf)

- **Society of Hospital Medicine**

[https://www.fsmb.org/Media/Default/PDF/Advocacy/Society\\_of\\_Hospital\\_Medicine.pdf](https://www.fsmb.org/Media/Default/PDF/Advocacy/Society_of_Hospital_Medicine.pdf)

- **U.S. Senate**

[http://www.thune.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=9fa6c905-ec33-4191-bd79-ad6991942dac](http://www.thune.senate.gov/public/index.cfm?a=Files.Serve&File_id=9fa6c905-ec33-4191-bd79-ad6991942dac)

- **vRad**

- [http://corporate.vrad.com/Portals/2/PDF/Press%20releases/Strong\\_FSMB\\_vRad\\_Press\\_Release\\_07\\_08\\_14.pdf](http://corporate.vrad.com/Portals/2/PDF/Press%20releases/Strong_FSMB_vRad_Press_Release_07_08_14.pdf)

# Review

- Overview
  - Define
    - Contract between states
  - Need for compact
    - Current regulatory environment
  - Key Principles of the Compact
    - Voluntary
    - Alternate path for licensure
    - State sovereignty retained

# Review

- Eligibility for Compact Licensure
  - Similar to Idaho expedited process in place since 2009
- Compact Commission
  - Administrative
  - Composed of member states (2 votes each state)
  - Budget neutral
- Next Steps
  - States adoption/first group defines rules

# Questions and Resources

- Questions?
- <http://www.fsmb.org/policy/advocacy-policy/interstate-model-proposed-medical-lic>