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)

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- 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 (10th Amendment)

- Options for interstate cooperation
  - Uniform Law?
  - Interstate Compact?
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<tr>
<th>Name:</th>
<th>Issue</th>
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<tr>
<td>Agreement on Detainers</td>
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<td>Compact on Mental Health</td>
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<td>Interstate Compact for Juveniles</td>
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<td>Compact for Adoption and Medical Assistance</td>
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<td>Interstate Compact on Placement of Children</td>
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<td>Interstate Insurance Product Regulation Compact</td>
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<td>Interstate Wildlife Violator Compact</td>
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### Idaho Compacts (26)

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<thead>
<tr>
<th>Compact</th>
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<td>Multistate Highway Transportation Agreement</td>
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<td>Northwest Compact on Low-Level Radioactive Waste Management Compact</td>
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<td>Northwest Wildland Fire Protection Agreement</td>
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<td>Nurse Licensure Compact</td>
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<td>Pacific Marine Fisheries Compact</td>
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<td>Pacific States Agreement on Radioactive Materials Transportation</td>
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<td>The NASDTEC Interstate Contract</td>
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<td>Western Regional Higher Education Compact</td>
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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 the state where the 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**

- **American Academy of Family Physicians**
  http://blogs.aafp.org/cfr/leadervvoices/entry/fsmb_offers_licensing_solution_for

- **American Medical Association**

- **Avera Health**

- **FTC Commissioner Maureen Ohlhausen,**
Endorsements

- **Helmsley Charitable Trust Foundation**

- **Mayo Clinic**

- **National Association Medical Staff Services**

- **Society of Hospital Medicine**

- **U.S. Senate**

- **vRad**
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?