

# SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Tuesday, July 21, 2015

**12:15 (CDT)**

Telephonic Public Board Meeting

(public may appear in person (see address below) to listen to the meeting or call in using the information below)

Board Conference Room  
101 N. Main Ave., Suite 215  
Sioux Falls, SD

Public call-in phone number: (605) 773-2323

Conference password: 7541#

## Current Board Member Meeting Attendance Record

	KLB	DKB	WOC	MSC	DKE	LBL	BJL	DEL	JAM
9/11/2013	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
11/13/2013	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
1/23/2014	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>				
3/13/2014	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
4/28/2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
6/12/2014	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>						
9/11/2014	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>					
12/04/14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
3/11/2015	<input checked="" type="checkbox"/>	<input type="checkbox"/>							
6/11/2015	<input checked="" type="checkbox"/>								

Key: Dr. Bjordahl (KLB) Ms. Bowman (DKB) Dr. Carlson (WOC) Dr. Carpenter (MSC) Dr. Erickson (DKE)  
Dr. Landeen (LBL) Dr. Lindbloom (BJL) Mr. Lust (DEL) Dr. Murray (JAM)

1. Welcome, Call to Order, Roll Call (Jane), Approval of Agenda – President Walter Carlson, MD
2. Commissioners to the Interstate Medical Licensure Compact
  - I. Commissioner eligibility requirements

**NOTE: This telephonic meeting is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/367-7781) in advance of the meeting to make any necessary arrangements.**

## **Tuesday, July 21, 2015, Special Telephonic Board Meeting**

### **SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

Board Members Present: Ms. Deb Bowman; Walter Carlson, MD; Mary Carpenter, MD, David Erickson, MD; Laurie Landeen, MD; Mr. David Lust; Jeffrey Murray, MD

Board Members Absent: Kevin Bjordahl, MD; Brent Lindbloom, DO

Board Staff Present: Margaret Hansen, PA-C; Mr. Tyler Klatt; Ms. Jane Phalen

Counsel Present: Steven Blair, Board; William H. Golden, Staff

Dr. Carlson, President of the Board, called the meeting to order at 12:15 pm. Roll was called and a quorum was confirmed.

1. A motion to approve the agenda was ratified by voice vote (Erickson/unanimous).
2. A motion to approve Board member Mary Carpenter, MD, and Ms. Margaret Hansen, executive director, as South Dakota's commissioners to the Interstate Medical Licensure Compact Commission, and Board member Ms. Deb Bowman as South Dakota's alternate commissioner, was ratified by voice vote (Murray/unanimous) Dr. Carpenter abstained from the vote.

A motion to adjourn the meeting at 12:23 pm was ratified by voice vote (Erickson/unanimous).

**Tuesday, July 21, 2015, Special Telephonic Board Meeting Summary**  
**SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

Board Members Present: Ms. Deb Bowman; Walter Carlson, MD; Mary Carpenter, MD, David Erickson, MD; Laurie Landeen, MD; Mr. David Lust; Jeffrey Murray, MD

Board Members Absent: Kevin Bjordahl, MD; Brent Lindbloom, DO

Board Staff Present: Margaret Hansen, PA-C; Mr. Tyler Klatt; Ms. Jane Phalen

Counsel Present: Steven Blair, Board; William H. Golden, Staff

Dr. Carlson, President of the Board, called the meeting to order at 12:15 pm, and a quorum was established  
The Board approved the following:

- Agenda
- Board member Mary Carpenter, MD, and Ms. Margaret Hansen, executive director, as South Dakota's commissioners to the Interstate Medical Licensure Compact Commission
- Board member Ms. Deb Bowman as South Dakota's alternate commissioner.

The next meeting is Thursday, September 10, 2015

July 15, 2015

**Memorandum:**

Kevin Bjordahl, MD  
Deb Bowman  
Mary Carpenter, MD  
David Erickson, MD  
Laurie Landeen, MD  
Brent Lindbloom, DO  
David Lust  
Jeffrey Murray, MD

Re: Interstate Medical License Compact - Commissioner Appointment

Dear Members of the Board:

I am requesting a Telephonic Meeting of the Board on Tuesday, July 21, 2015, beginning at 12:15 pm (CDT). The meeting is scheduled until 1 pm CDT, but it is anticipated that it will be shorter as there is just 1 item on the agenda.

Call in phone number is 605-773-2323  
Conference password is 7541#

The sole item on the agenda is to ratify the Board's two Commissioners to serve on the Interstate Medical License Compact. This is a time sensitive matter and is essential for South Dakota's participation in the compact. The first item of business will be to have a voice in scheduling the Compact Commission meetings.

Attached please find the Commissioner Position Description and Expectations. There is a possibility of two to six meetings in the next year and the dates for these meeting have not yet been scheduled.

Dr. Walter Carlson, President  
SDBMOE

# **The Interstate Medical Licensure Compact Commissioner Position Description and Expectations July 2015**

## **Overview**

The Interstate Medical Licensure Compact creates and, in several places, makes reference to the powers and duties of the Interstate Commission. In addition, there are specific references to the eligibility criteria and the selection process for a Commissioner to the Interstate Medical Licensure Compact. This document summarizes these elements into a general description of the position requirements for an Interstate Medical Licensure Compact Commissioner.

Summary of Responsibilities for Serving as Commissioner:

- A commissioner is an agent and voting member of the Commission who is responsible for implementation and enforcement of the Compact.
- It is essential to keep an open and transparent process in place as the Commission takes shape. It is also essential that the states, through their commissioners, act in the best interests of the states who have enacted and entered into the Interstate Medical Licensure Compact.

The Commissioner ensures the following:

- Adequate resources are available to the compact office
- Working relationships are developed and maintained with the compact office
- Their appointment complies with their State statute
- Advisory opinions regarding the interpretation of Compact Rules are requested as needed
- Feedback on the rulemaking process is provided
- Disputes between states are handled appropriately

In addition to these duties, commissioners should also understand:

- The resources available to commissioners
- The Commission structure and function

## **Eligibility**

Section 2(b) of the Interstate Medical Licensure Compact defines a “Commissioner” as a voting representative appointed by each member board pursuant to Section 11. Section 11(d) stipulates that commissioner eligibility includes state licensing board members and the executive director/secretary.

## **Performance Dimensions**

Commissioners can expect to be involved in the affairs of the organization in the following areas:

- 1) Attendance and Voting

- a. Section 11(3) states that Commission meetings will occur at least once per calendar year. It is likely that, at least for the first several years of the Commission's existence, meetings will occur more frequently. Commissioners will be expected to attend and vote on matters before the Commission.
  - b. This section does allow for the use of telecommunications or electronic communication in order for the Commission to conduct business.
  - c. This section also allows for the designation of an alternate qualifying person (i.e., must meet the eligibility criteria stated above) if the initial commissioner is not available.
- 2) Rule, Bylaws, and Policy Development and Promulgation
- a. Section 12(p) specifically empowers the Commission to adopt bylaws.
  - b. Section 14(a) requires that bylaws be adopted within 12 months of the Commission's first meeting.
  - c. The Commission is empowered (generally in Sections 12 and 15 and specifically elsewhere throughout the Interstate Medical Licensure Compact) to promulgate "reasonable rules in order to effectively and efficiently achieve the purposes of the Compact".
  - d. Section 12 (c) authorizes the Commission to issue advisory opinions; commissioners may be involved in the development, review, and promulgation of such opinions.
- 3) Strategic Direction-Setting
- a. Commissioners will provide leadership in establishing the strategic direction for the organization, and will work closely with Commission staff to carry out those strategies.
  - b. This includes crafting a strategic plan for the organization, allocating human and financial resources to achieve those goals (as laid out in Section 12), and communicating those goals via tools such as the Commission's annual report as required in Section 13.
- 4) Overall Interstate Medical Licensure Compact Administration
- a. Section 12(a) directs the Commission to "oversee and maintain the administration of the Compact".
  - b. Section 12(f) requires the Commission to generally pay for expenses related to its establishment, which includes (elsewhere within Section 12) establishing offices, hiring or contracting for staff, purchasing insurance, employing an executive director, adopting personnel policies, adopting a seal and bylaws, and reporting annually to the legislatures and governors of member states.
- 5) Financial Oversight
- a. Commissioners will be responsible for adoption of a budget for the Commission.

- b. Commissioners will work closely with Commission staff to ensure that the proper security safeguards are in place to conduct the necessary financial transactions of application and renewal fees between the Commission and member states.
  - c. Commissioners will be responsible for setting the rate of the transaction fee for physicians participating in the Interstate Medical Licensure Compact.
    - i. This is important as it will be the primary source of income for the operation of the Commission.
  - d. Section 6 of the Interstate Medical Licensure Compact authorizes Commissioners to make rules regarding fees for expedited licenses issued via the Interstate Medical Licensure Compact.
  - e. Commissioners will also need to make decisions about whether any member state assessments will be imposed, per the provisions of Section 13 of the Interstate Medical Licensure Compact.
  - f. Commissioners may also be involved with the performance of an annual financial audit as required by Section 13.
    - i. This may include participating in the process of contracting for auditors and/or review of audit results.
- 6) Information Systems Oversight
- a. Section 8 of the Interstate Medical Licensure Compact stipulates that the Commission shall establish a database of all physicians who are licensed, or who have applied for licensure via the Interstate Medical Licensure Compact.
  - b. Commissioners will have responsibility, working with Commission staff, to ensure that the accuracy, timeliness, completeness, and security of that database is maintained.
  - c. The Commission will promulgate rules regarding which data elements require mandatory reporting by the member boards, and which data elements are discretionary.
- 7) Enforcement of the Interstate Medical Licensure Compact's Provisions and Dispute Resolution
- a. Commissioners, per Sections 12(d) and 17 of the Interstate Medical Licensure Compact, may, by majority vote, initiate legal action against a member state in default. Section 18 defines default as including, but not limited to, failure of a member state to perform its duties and obligations under the provisions of the Interstate Medical Licensure Compact.
  - b. If a defaulting state fails to remediate its problems, the Commissioners are empowered in Section 18(c) to vote to terminate the state's participation in the Interstate Medical Licensure Compact.
  - c. Section 19 states that the Commission shall attempt to resolve disputes raised by member states. Commissioners may be required to opine on such disputes, or may be called upon to participate in mediation activities.

8) Committee Membership and Leadership Positions

- a. Section 11(k) directs the Commission to establish an executive committee including officers, representatives, and any others as designated by the bylaws. Commissioners may seek to serve on the executive committee.
- b. Sections 11(l) and 12(e) authorize the Commission to create other committees as needed to govern and administer the Interstate Medical Licensure Compact.
- c. Section 14 of the Interstate Medical Licensure Compact requires the Commission to elect, on an annual basis, a chair, vice-chair, and treasurer whose duties are set forth in the bylaws.

**Other Considerations**

- 1) Establishing a Compact and its Commission will take time and commitment. Of paramount importance is the need to keep all commissioners informed of all aspects of the creation and establishment of the Compact. It is essential to keep an open and transparent process in place as the Commission takes shape. It is also essential that the states, through their commissioners, act in the best interests of the states who have enacted and entered into the Interstate Medical Licensure Compact.
- 2) Compensation of officers—Section 14(c) prohibits remuneration to Commissioners serving as officers.
- 3) Ethics & Conflict of Interest—in the early stages, the Commission must establish a policy regarding ethics and conflict of interest. The policy should apply equally to all Commissioners, Commission staff, or any Commission consultants and, per Section 12(k) and (l), will govern donations and grants of money, equipment, supplies, materials, and services.
- 4) Term limitations—there is nothing in the Interstate Medical Licensure Compact regarding whether commissioners or officers should be time-limited in their service on the Commission. While service as a Commissioner may be better left to the discretion of member boards, the Commission may wish to incorporate into its bylaws some reasonable limitations on the length of service as an officer of the Commission.

# The Interstate Medical Licensure Compact Commissioner Position Description and Expectations July 2015

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