



**Federation of State Medical Boards (FSMB) Comments on
Federal Trade Commission (FTC) Economic Liberty Task Force Roundtable:
*Streamlining Licensing Across State Lines:
Initiatives to Enhance Occupational License Portability***

The Federation of State Medical Boards (FSMB) is pleased to offer comments in response to the Federal Trade Commission (FTC) Economic Liberty Task Force Roundtable: *Streamlining Licensing Across State Lines: Initiatives to Enhance Occupational License Portability*.

The FSMB would further like to extend its appreciation to the FTC and its staff for organizing the event, and for inviting Jon Thomas, MD, MBA, Chair of the Interstate Medical Licensure Compact Commission (IMLCC) and former Chair of the FSMB, to present on the historic launch of the Interstate Medical Licensure Compact (IMLC).

The successful development and implementation of the IMLC serves as a prime example of state innovation and cooperation, and further achieves the goals of the FTC in reducing barriers to entry, enhancing competition, and promoting economic opportunity through interstate mobility and practice – while ensuring the protection of the public.

About the FSMB

The Federation of State Medical Boards represents the 70 state medical and osteopathic regulatory boards -- commonly referred to as state medical boards -- within the United States, its territories and the District of Columbia. It supports its member boards as they fulfill their mandate of protecting the public's health, safety and welfare through the proper licensing, disciplining, and regulation of physicians and, in most jurisdictions, other health care professionals.

The Role of the FSMB in Support of Medical License Portability

For more than two decades, the FSMB has played an active role in establishing and promoting resources and policies to help facilitate multi-state practice and support medical license portability. The FSMB has developed and continues to expand utilization of efficient licensure tools, processes and policies (i.e. an online uniform license application, centralized primary source credentials verification, and medical licensing examination) whereby state medical boards can significantly streamline the licensure process and maintain jurisdiction over physicians practicing in their state.

At every stage of the discussion on license portability, the FSMB has emphasized that patient safety must be the highest priority, along with the need to preserve the constitutionally sound principle of state-based medical regulation. States have a compelling interest in the practice of medicine within their boundaries. As part of their constitutionally derived power to protect public health and safety, state governments are empowered to establish standards for licensing practitioners and regulating the practice of the professions.

Beginning in 2013, the FSMB mobilized perhaps the fastest moving initiative in our history as an organization – a recently launched effort (the Compact) to create a new pathway to expedite the licensing of qualified physicians seeking to practice medicine in multiple jurisdictions. The FSMB believes that this initiative will offer states an effective solution to the question of how best to balance patient safety and quality care with the needs of an expanding and evolving health care marketplace.

The Interstate Medical Licensure Compact (IMLC)

Among the issues driving the need for the Compact are physician shortages, the influx of millions of new patients into the health care system as a result of the *Affordable Care Act*, and the growing need to increase access to health care for individuals in underserved or rural communities through the use of telemedicine. Proponents of telemedicine have often cited the time-consuming state-by-state licensure process required for multiple-license holders as a key barrier to telemedicine’s growth—the Compact will help overcome this hurdle.

The IMLC offers a new, expedited pathway to licensure for qualified physicians who wish to practice in multiple states, increasing access to health care for patients in underserved or rural areas and allowing them to more easily connect with medical experts through the use of telemedicine technologies. Put simply, the Compact makes it easier for physicians to obtain licenses to practice in multiple states. At the same time, the Compact strengthens public protection by enhancing the ability of states to share investigative and disciplinary information.

States participating in the Compact formally agree to adopt common rules and procedures that streamline medical licensure, thus substantially reducing the time it takes for physicians to obtain multiple state licenses. The Interstate Medical Licensure Compact Commission (IMLCC) provides oversight and the administration of the Compact. The IMLC does not supersede a state’s autonomy and control over the practice of medicine, nor does it change a state’s Medical Practice Act. Participating states retain the authority to issue licenses, investigate complaints, and discipline physicians practicing in their state. The practice of medicine will continue to occur in the state where the patient is located.

The Compact is voluntary for both states and physicians. Physicians who cannot or do not want to participate in the expedited licensure process facilitated by the Compact will still be able to seek additional licenses in those states where they desire to practice by applying through that state’s traditional and existing licensure processes.

In order for a state to join the IMLC, state legislatures must enact the Compact into state law. In September 2014, state medical and osteopathic medical board representatives, along with other stakeholders, completed the crafting of model legislation for the use of states interested in participating in the Compact. As of July 2017, twenty-two (22) states have enacted the model Compact legislation. Additional Compact legislative introductions and enactments are expected in the future.

The IMLC represents a nationwide solution built upon, and reinforcing, a system of state-based regulation proven to extend health care to the underserved, protect patients and help facilitate telemedicine in the U.S. Ultimately, the IMLC offers a solution to questions of medical license portability by facilitating a streamlined licensing process for physicians seeking to practice in multiple jurisdictions while ensuring the availability of safe and effective medical care across the nation.

Medical Licenses Now Being Issued via the IMLC Process

The Interstate Medical Licensure Compact Commission recently announced the issuance of the first medical license via the IMLC process. The application process went live on April 6, 2017, and an application was received on April 8, 2017, listing Wisconsin as the State of Principal License. The Letter of Qualification was sent to Colorado on April 19, 2017 with the Colorado license issued on April 20, 2017.

The Commission's website, www.imlcc.org, provides additional information about who is eligible to apply for expedited licensure as well as a step-by-step explanation of the application process.

Public Support from Federal Policymakers for the Interstate Medical Licensure Compact

On January 9, 2014, a bi-partisan group of sixteen (16) U.S. Senators publicly commended state medical boards and the FSMB for their recent efforts to streamline the licensing process for physicians who wish to practice in multiple states – thus helping facilitate the use of telemedicine and increasing access to care throughout the United States. In the letter, the Senators noted that the proposed compact system retains important patient-protection advantages of the current state-based medical licensing process. *“We agree that allowing states to share information while allowing each state to retain jurisdiction over physicians who choose to practice in the state is in the best interest of both physicians and patients,”* the letter said. The Senators noted that the new expedited licensure system would help ensure telemedicine is practiced in a *“safe and accountable manner.”*

On February 26, 2014, Maureen K. Ohlhausen, Commissioner, Federal Trade Commission, before the Connecticut Bar Association Antitrust & Trade Regulation and Consumer Law Sections in Hartford, Connecticut, offered the following statement:

“In what I view as a positive development, a bipartisan group of sixteen U.S. Senators recently commended state medical boards and the Federation of State Medical Boards (FSMB) for their efforts to streamline the licensing process for physicians who wish to practice in multiple states. More specifically, the Senators applauded the boards’ development of the Interstate Medical Licensure Compact (Compact), which would provide a new licensing option under which qualified physicians seeking to practice in multiple states would be eligible for expedited licensure in all states participating in the Compact, which would be voluntary, for both states and physicians. This Compact, while still in development, would appear to greatly facilitate the use of telemedicine while still allowing states to regulate medicine within their borders.”

Conclusion

The FSMB wholeheartedly supports its member state medical boards and the Interstate Medical Licensure Compact Commission in developing the IMLC. The IMLC will continue to reduce barriers to efficient multi-state licensure, while ensuring patient protection.

The IMLC provides for the key component of regulation at the point of care – a fundamental principle of medical regulation that must remain in place – while dramatically streamlining the licensing process for qualified physicians who wish to practice in multiple states. It accomplishes the major goals that the FTC and telemedicine advocates promote: faster licensure, reduced barriers, and a system that can be applied nationwide, creating an enhanced environment for multi-state practice.

The FSMB appreciates the opportunity to provide comments on the FTC Economic Liberty Task Force Roundtable, as well as a continued dialogue with the FTC on ways to enhance medical license portability while ensuring patient safety.

Sincerely,

Humayun J. Chaudhry, DO, MACP
President and Chief Executive Officer
Federation of State Medical Boards

1300 Connecticut Ave NW, Suite 500
Washington, DC 20036
(202) 463-4000 / www.fsmb.org