

## INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

### **Notice of public hearing via teleconference on June 23, 2017, on rule amendments to address information relating to federal criminal records check of applicant for licensure through Compact**

Pursuant to the authority of Section 15 of the Interstate Medical Licensure Compact, the Interstate Medical Licensure Compact Commission (IMLC Commission) hereby proposes to amend administrative rules Chapter 2, “Information Practices,” and Chapter 5, “Expedited Licensure,” to address the handling of information received from the Federal Bureau of Investigation relating to a federal criminal records check of an applicant for licensure through the Compact.

Section 2.6 and Section 5.5(2) “b” (2) were adopted by the IMLC Commission on February 22, 2017, in an emergency rulemaking action. An emergency rule may remain effective for not longer than 180 days from date of adoption, but can be formally adopted by the rulemaking process set forth in administrative rule Chapter 1, “Rulemaking.”

The IMLC Commission on May 22, 2017, approved this notice of intended action to formally adopt the emergency rules and will consider adoption of these amendments on June 27, 2017.

#### **Written Comments**

Any interested person may present written comments on the proposed amendments not later than 5:00 p.m. Eastern Daylight Time (4:00 p.m. Central, 3:00 p.m. Mountain, 2:00 p.m. Pacific, 1 p.m. Alaska) on June 27, 2017. Such written materials should be sent to Mark Bowden, Interstate Medical Licensure Compact Commission, Bylaws and Rules Committee, In Care Of: Iowa Board of Medicine, 400 SW Eighth Street, Suite C, Des Moines, IA 50309-4689 or by e-mail to mark.bowden@iowa.gov or by telefax at (515) 242-5908.

### **Public Hearing**

A public hearing on this rulemaking will be held via teleconference at noon (12:00 p.m.) Eastern Daylight Time (11:00 a.m. Central, 10:00 a.m. Mountain, 9:00 a.m. Pacific) on June 23, 2017. The teleconference number is (866) 685-1580 and the Code is 971-913-4151.

### **The following amendments are proposed for adoption:**

ITEM 1. Adopt the following **new** subrule 2.6:

#### **2.6 Federal criminal records check information.**

**2.6(1) Communication between a member board and the Interstate Commission and communication between member boards regarding verification of physician eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal**

44 records check performed by a member board under Public Law 92-544 pursuant to  
45 Section 1 of the Compact and rules 5.5(1) “c” and 5.5(2) “b” (2).

46 ITEM 2. Amend subrule 5.5(2) “b” (2) as follows:

47 **5.5 (2)** When an application is received by the state of principal license through the  
48 Interstate Commission:

49 *a.* The Interstate Commission shall use information from its database to  
50 facilitate the application, which shall be reviewed by the applicant’s designated  
51 state of principal license.

52 *b.* The designated state of principal license shall:

53 *1)* Evaluate the applicant’s eligibility for expedited licensure;

54 *2)* Perform a criminal background check pursuant to Public Law 92-  
55 544 as required by terms and provisions of the Compact; and

56 *3)* Issue a letter of qualification to the applicant and the Interstate  
57 Commission, verifying or denying the applicant’s eligibility.