

## Scenarios for MD with Primary License in MA

All scenarios assume that Dr. X has received license in other State (through normal process if MA not in Compact and expedited if MA in Compact) and provided care to patient in other State.

Description of impact should include: what MA must do vis-à-vis investigation, how other State's actions would impact MA licensure, what Dr. X would have to indicate on future license application.

### **NOTE:**

- Responses below in **BLACK** – provided by IMLCC
- Responses below in **BLUE** – provided by BORIM

### **Overall comments and citations:**

- The reporting of disciplinary actions on an application to be processed as state-based applications are established by each individual board. The reporting of disciplinary action to the National Practitioner Data Bank (NPDB) are governed by the NPDB. The reporting requirements are the same without regard to the process used to obtain the license.
- A physician with any disciplinary action reported to the NPDB is not eligible to participate in the IMLCC process.
- The MA medical practice act governs how disciplinary action is treated for initial and renewal applications for state-based applications.
- IMLCC Model Statute, Section 8 – reporting requirements are applicable to a physician “...who has applied or received an expedited license through the Compact.”
- IMLCC Model Statute, Section 9 - At the board's discretion, it may apply the Joint Investigation provisions to any physician licensed by that state.
- IMLCC Model Statute, Section 10 - Actions taken by another member state are deemed “unprofessional conduct” and these provisions apply to a physician who is “...licensed through the Compact...”

- IMLCC Rule, Chapter 6 provides details and clarification to the IMLCC Model Statute, Section 8, 9, & 10 as authorized in IMLCC Model Statute, Section 8, paragraph (g). Special focus should be placed on the terms defined in the Rule, paragraph 6.2
- These provisions are designed to provide the highest level of public protection and to ensure that member boards have the authority to cooperate with each other in their mission of public protection.
- As of 1/31/2026 - 132 physicians have received 284 disciplinary actions since 2017 out of the 54,596 physicians using the IMLCC.
  - Those 284 actions break down as follows:
    - 162 Disciplinary actions
    - 112 Suspension, Termination or Surrender actions
    - 4 Consent Orders
    - 2 DEA actions
    - 2 Interim Actions
    - 1 Emergency Suspension
    - 1 Waiver Order

Scenario	Brief description	What would happen if MA <u>not</u> in Compact	What would happen if MA <u>were</u> in Compact	Comments
A	Other State decides to investigate Dr. X for care provided in their State	BORIM would not know about another state’s investigation unless one of two things occur: (a) the physician is aware of the investigation in the other state and self-reports to BORIM, either on a license application, or as a stand alone self-report, or (b) the other state reaches out to MA to inform MA about the investigation	Paths: <ol style="list-style-type: none"> <li>1. If no active investigation in MA, then can request the information from the other state and open its own investigation. [IMLCC Section 8(d) and IMLCC Rule, Chapter 6, 6.3(e) &amp; (f)].</li> <li>2. If an active investigation in MA, then can ask the other state to share information</li> </ol>	<ul style="list-style-type: none"> <li>• Unless public disciplinary action is taken, then there are no obligations on MA.</li> <li>• Investigations are not a disqualifying event unless the physician is applying for a Letter of Qualification.</li> </ul>

Scenario	Brief description	What would happen if MA <u>not</u> in Compact	What would happen if MA <u>were</u> in Compact	Comments
		<p><u>Assuming that Shield Law protections do not apply:</u></p> <ul style="list-style-type: none"> <li>• On learning of the other state’s investigation, BORIM could: <ul style="list-style-type: none"> <li>○ Open its own investigation if the underlying allegations involve conduct that would be a violation of BORIM regulations or applicable law, or</li> <li>○ Defer action pending resolution of the other state’s investigation, or</li> <li>○ Determine that the underlying allegations would not be a violation of BORIM regulations or applicable law and thus decide that no investigation or action is warranted</li> </ul> </li> <li>• If BORIM opened its own investigation, it may request investigation materials from the other state and the other state’s response would be based on the other state’s laws.</li> <li>• On receiving a request for information about the physician from the other state,</li> </ul>	<p>and if requested share MA information with the other member board [Same as above, plus IMLCC Section 8(e) &amp; IMLCC Rule Chapter 6, 6.3(f).</p> <p>3. Request that a Joint Investigation be formed or join and existing Joint Investigation. [IMLCC Section 9 &amp; IMLCC Rule, Chapter 6, 6.4</p>	

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		<p>BORIM would provide public records but not provide any records that are confidential by law or regulation.</p> <p><u>If Shield Law protections do apply:</u></p> <ul style="list-style-type: none"> <li>• On learning of the other state’s investigation, BORIM would determine no investigation or action is warranted.</li> <li>• On receiving a request for information about the physician from the other state, BORIM would provide no records or assistance.</li> </ul>		
B	Other State initiates disciplinary action against Dr. X for care provided in their State	<p>If “initiates” means commences a disciplinary proceeding that still needs to go through a hearing process, the response would be the same as for Scenario A. If it means the other state imposes a discipline that does not remove the physician from practice, then:</p> <p>BORIM would learn of the other state’s imposition of discipline from multiple sources: FSMB notifications, NPDB constant</p>	<p>Provided that the action does not impact the physician’s license to practice (i.e. revocation, suspension, termination, etc.)</p> <p>Paths:</p> <ol style="list-style-type: none"> <li>1. MA may open an investigation to determine the appropriate action. [IMLC Section 10 (a)]</li> <li>2. MA issue a similar discipline or reciprocal action without an investigation. [IMLCC Section 10(c) &amp; IMLCC Rule, Chapter 6, 6.5(b)]</li> </ol>	<p>All disciplinary actions taken against a physician, &amp; reported to the NPDB, are disqualifying events. The physician is no longer eligible to use the IMLCC process for obtaining licenses or renewing licenses received.</p> <p>Each member state may at its discretion take the licensing action permitted by its medical practice act. This includes converting the license to a “traditional state issued license”, take no action until</p>

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		<p>query notifications, physician self report.</p> <p><u>If Shield Law protections do not apply</u>, BORIM could:</p> <ul style="list-style-type: none"> <li>• Determine preliminarily that the conduct that is the basis of the other state’s discipline that would be a violation of BORIM regulations or applicable law and open a complaint. BORIM would need to initiate a disciplinary proceeding and succeed on a motion for summary decision. BORIM could then impose a discipline that is the same, greater or lesser than the discipline imposed in the other state. The discipline does not need to match the other state’s discipline but does need to match the discipline imposed in MA for that type of conduct. As a general rule, BORIM would not require the other state’s investigation materials as MA law allows BORIM to rely on the discipline imposed in the other state without having to independently prove that the</li> </ul>	<p>3. MA can determine to take no action. [IMLCC Rule, Chapter 6, 6.5(b)(3)]</p>	<p>the issued license expires, end the license effective immediately.</p>

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		<p>conduct on which the other state’s discipline was based occurred<sup>1</sup>.</p> <ul style="list-style-type: none"> <li>Determine that the underlying allegations would not be a violation of BORIM regulations or applicable law and thus decide that no investigation or action is warranted.</li> </ul> <p>If Shield Law protections do apply BORIM would take no action.</p>		
C	Other State terminates license of Dr. X in their State	If this means the other state imposes a discipline that removes the physician from practice (suspension, revocation, surrender), the response here is identical to the response for Scenario B.	<p>Paths:</p> <ol style="list-style-type: none"> <li>If the other state is the SPL - MA must place the license in the same status are reported by the SPL. [IMLCC Section 10(b)]</li> <li>If the other state is not the SPL - MA must place the license in a suspension for a 90-day period in order to perform an investigation into the matter. [IMLCC Section 10(d)]</li> <li>MA may open an investigation to determine</li> </ol>	<p>How the suspension action is reported to the NPDB is handled by each member board in compliance with their medical practice act and the requirements established by the NPDB.</p> <p>The IMLCC is not permitted to receive or maintain NPDB information nor is the IMLCC able to access the reports.</p>

<sup>1</sup> See *Anusavice v. Board of Registration in Dentistry*, 451 Mass. 786, 796-798, 889 N.E.2d 953 (2008); *Ramirez v. Board of Registration in Medicine*, 441 Mass. 479, 482-484, 806 N.E.2d 410 (2004).

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			<p>appropriate next steps. [IMLCC Section 8(d)]</p> <ol style="list-style-type: none"> <li>4. MA can request the investigative file from the other member board [IMLCC Section 8(e)]</li> <li>5. MA can determine to end its action or continue its action, as permitted by its medical practice act. [IMLCC Rule, Chapter 6, paragraph 6.6]</li> </ol>	