

# The Montana Board of Medical Examiners

## Telemedicine and the Interstate Medical Licensure Compact

Prepared for the 2016 MMA Annual Meeting  
by Ian Marquand, BOME Exec. Officer

# Telemedicine & SB77 (2015)

1. “Telemedicine” license eliminated.
2. “electronic and technological means such as telemedicine” added to “Practice of medicine.”
3. “The Board shall provide guidelines by administrative rule for the practice of telemedicine by physicians.”

# Proposed Telemedicine Rules

- Definitions of “In-person encounter” and “Physician-patient relationship.”
- Treatment occurs where the patient is located.
- Same standard of care as for “in-person” care.

These rules still must undergo a legal review before being published.

# Proposed Telemedicine Rules

- How physician-patient relationship is established:
  - a) in-person interview and exam.
  - b) consultation with another provider who already has a relationship with the patient.
  - c) telemedicine technology (if in-person encounter not required.)

These rules still must undergo a legal review before being published.

# Proposed Telemedicine Rules

- A Physician using telemedicine shall:
  - i) verify physician and patient identity.
  - ii) establish a physician-patient relationship.
  - iii) obtain a medical history.
  - iv) maintain all medical/billing records and make them available to patient/providers.

These rules still must undergo a legal review before being published.

# Proposed Telemedicine Rules

- A Physician may delegate care to other providers:
  - i. who the licensee knows are qualified.
  - ii. who already have a relationship with the patient.
  - iii. who have access to the licensee for consultation and follow-up during care.

These rules still must undergo a legal review before being published.

# Proposed Telemedicine Rules

- All existing rules relating to the Telemedicine license will be repealed.

These rules still must undergo a legal review before being published.

# The Interstate Compact

- Became effective in May 2015. (7 states adopted)
- Montana Commissioners (appointed by Governor):
  - 1) James Feist, M.D.
  - 2) Ian Marquand
- Compact Commission seated October 2015.
  - 17 states now in Compact.

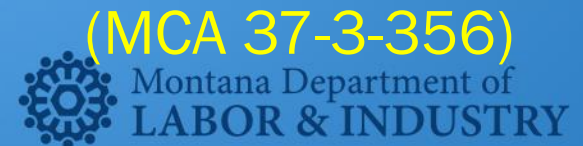
Interstate Medical Licensure Compact  
(MCA 37-3-356)



# The Interstate Compact

- Accomplishments as of September 2016:
- Committee structure created; work ongoing.
- Bylaws and first rules adopted.
- Conflict of Interest policy adopted.
- January 2017: Target date for first issuance of licenses “via the Compact.”

Interstate Medical Licensure Compact



# The Interstate Compact

- Work still to be done:
- Finalizing application process for Physicians.
- Setting Commission fees for processing.
- Creation of additional rules as needed.
- Establishing Commission website.

Interstate Medical Licensure Compact  
(MCA 37-3-356)

# The Interstate Compact

- Work still to be done:
- Establishing Commission “home base.”
- Hiring Commission staff, inc. executive director.
- Creation of personnel policies.
- Establishing 2017 Commission meeting schedule.

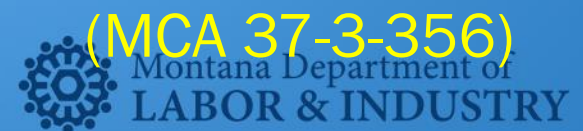
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# The Interstate Compact

For the MT Physician seeking licensure elsewhere:

- Choose Montana as “state of principal license.”
- Apply for certification as “Compact eligible.”  
(May be to Montana BOME or to Commission.)
- Pay Montana fee for certification review.  
(\$100 proposed; not yet in rule.)

Interstate Medical Licensure Compact



(MCA 37-3-356)

# The Interstate Compact

For the MT Physician seeking licensure elsewhere:

- Provide fingerprints & pay fee for state/federal criminal background check. (MT Dept. of Justice)
- Provide information to Board if asked.
- Board/Dept. staff will review qualifications.

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# The Interstate Compact

Qualifications for certification under the Compact:

- “Active” license status.
- Eligible to claim “State of Principal License.”
- Specialty Board certified. (ABMS or AOA)
- Accredited medical education.

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# The Interstate Compact

Qualifications for certification under the Compact:

- Passed licensing exam within 3 attempts.
- No criminal convictions for any offense.
- No discipline by a licensing agency.
- No active investigations by licensing agency.
- No action against prescribing privileges.

Interstate Medical Licensure Compact  
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# The Interstate Compact

If the Physician meets the qualifications:

- Board will notify Physician and Commission.
- Physician will pay Commission and state license fees. (Commission will collect these.)
- “Receiving state(s)” will issue license.

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# The Interstate Compact

If the Physician does not meet the qualifications:

- Board will notify Physician and Commission.
- Physician can seek licensure in the other state(s) using normal application pathways.

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# The Interstate Compact

For a Physician seeking Montana licensure:

- Physician will apply in his/her home state (SPL).
- That state conducts the review.
- Once Montana receives notification of eligibility and license fee, license issued.

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# Questions?

