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3 **INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION**
4 **Notice of adoption of emergency rules**
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6 Pursuant to the authority of Section 15 of the Interstate Medical Licensure
7 Compact and Section 1.4 “j” of Chapter 1, “Rule on Rulemaking,” the Interstate
8 Medical Licensure Compact Commission (IMLC Commission) on February 22,
9 2017, adopted emergency rules, effective immediately, concerning information
10 received from the Federal Bureau of Investigation (FBI) relating to a federal
11 criminal records check of an applicant for licensure through the Compact.

12 The emergency rules, which are amendments to Chapter 2, “Information
13 Practices,” and Chapter 5, “Expedited Licensure,” address concerns the FBI has
14 raised about maintaining the confidentiality of federal criminal background check
15 information provided to a member board to evaluate an applicant’s eligibility for
16 licensure through the Compact. The IMLC Commission requires the immediate
17 adoption these emergency rules to prevent potential loss of federal or state funding.

18 Pursuant to Section 309 of the Model State Administrative Procedures Act 2010,
19 these emergency rules may be effective for not longer than 180 days. Not later than
20 90 days after the effective date of these emergency rules, the Commission shall
21 apply the usual rulemaking procedures provided in the Compact and Chapter 1,
22 “Rule on Rulemaking,” to adopt the same rules.

23 Effective February 22, 2017, the following emergency rules are adopted:

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

25 **2.6 Federal criminal records check information.**

26 **2.6(1)** Communication between a member board and the Interstate Commission
27 and communication between member boards regarding verification of physician
28 eligibility for licensure through the Compact shall not include any information
29 received from the Federal Bureau of Investigation relating to a federal criminal
30 records check performed by a member board under Public Law 92-544 pursuant to
31 Section 1 of the Compact and rules 5.5(1) “c” and 5.5(2) “b” (2).

32 ITEM 2. Adopt the following amendment to subrule 5.5(2)“b” (2):

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