

INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT



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INTRODUCTION

The Federation of Podiatric Medical Boards (FPMB) is a national non-profit association representing podiatric medical licensing boards (Licensing Boards) across all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. FPMB serves as the national voice for its member Licensing Boards while collaborating with allied organizations, supporting Member Boards with services and initiatives that protect and promote patient safety, integrity of podiatric medicine, access to high-quality health care, and regulatory best practices. With a focus on regulatory best practices, FPMB aims to establish an effective and efficient podiatric medical regulatory system that safeguards patient interests while ensuring the integrity of podiatric medicine and supporting license portability.

Building upon its track record of collaboration with Licensing Boards to address licensure barriers, FPMB is leveraging past successes to advance telemedicine provision across state lines. The creation of an Interstate Podiatric Medical License Compact (Compact) is a strategic avenue to further reduce statutory and regulatory barriers to telemedicine by enhancing the portability of podiatric physicians' licenses. This Compact is modeled after the existing Interstate Medical Licensure Compact (IMLC) that currently has participation of 42 jurisdictions that license and regulate allopathic (MD) and osteopathic (DO) physicians. The IMLC is overseen by the Interstate Medical Licensure Compact Commission (IMLCC). FPMB has established a memorandum of understanding with the IMLCC, securing their support in providing technological infrastructure and administrative assistance for the successful implementation of this Compact.

Recognizing the evolving landscape of healthcare delivery and the imperative to strengthen access to care, the Compact aims to provide a streamlined pathway for podiatric physicians to obtain licenses in multiple states. Furthermore, the Compact adheres to the prevailing standards for licensure and emphasizes that the practice of podiatric medicine is governed by the location of the patient during the physician-patient encounter. As such, it mandates that podiatric physicians operate under the jurisdiction of the Licensing Board in the patient's location. Additionally, Licensing Boards participating in the Compact retain the authority to take disciplinary action against a podiatric physician's license issued within their jurisdiction through the processes outlined in the Compact.

In the United States, the regulation of podiatric medical practice is managed at the state or territorial level, resulting in the creation of state-based licensing boards responsible for establishing and enforcing licensure standards and professional ethics. While the existing regulatory structure guarantees patient safety by verifying the credentials of podiatric physicians and offering avenues for addressing misconduct, changes in healthcare delivery methods, notably the rise of telemedicine, have emphasized the necessity for enhanced license portability. With telehealth's growing integration into conventional healthcare services, policymakers and stakeholders across all tiers of governance acknowledge the imperative to adjust regulatory frameworks to ensure equitable access to healthcare.

Enhanced license portability holds significant potential in harnessing telehealth technologies to address healthcare access disparities, especially for vulnerable populations like individuals residing in rural or remote areas, those requiring specialized care (i.e., diabetes), the elderly or homebound, and patients who speak languages other than English. By facilitating easier access to specialized care and consultations, the Compact endeavors to mitigate disparities in healthcare distribution and reduce structural barriers that restrict the availability of podiatric physicians, ultimately leading to improved health outcomes, including better limb preservation.

The Compact provides a balanced solution, streamlining licensure procedures while maintaining unwavering commitment to patient safety. FPMB is leading this initiative, drawing on its wealth of expertise and track record in fostering collaboration among member Licensing Boards. Recognizing patient safety as paramount, FPMB remains dedicated to upholding rigorous regulatory standards throughout discussions on licensure portability. With a legacy spanning over 88 years, FPMB has consistently demonstrated its unwavering commitment to public protection, adapting to evolving healthcare landscapes while ensuring the highest standards of regulatory integrity.

An Interstate Podiatric Medical Licensure Compact Commission (Commission), consisting of representation from each participating Licensing Board, will oversee the Compact's operations. It will also foster interstate collaboration for sustainability. The Commission will ensure that the Compact addresses various barriers, including varying licensure qualifications, redundant application processes, administrative and financial burdens for podiatric physicians, time-consuming licensure procedures, and inadequate sharing of complaints and investigations between state boards.

Podiatry is well-suited for participation in this Compact. With roughly 18,000 podiatric physicians practicing in the United States, over half are licensed in multiple states according to the American Podiatric Medical Association (APMA). The Compact offers a chance to expedite licensure processes for podiatric physicians aiming to practice across state borders, addressing existing challenges. Through enhanced healthcare accessibility and interstate collaboration, the Compact aims to fortify patient safeguards while promoting license portability and telemedicine objectives.

NEED

Vulnerable populations, including individuals in rural or remote areas, those requiring specialized care such as diabetes management, the elderly or homebound, and non-English-speaking patients, face disparities in healthcare distribution that can be alleviated through telemedicine.

Additionally, license portability for veterans and spouses became Federal law January 5, 2023, H.R.7939 - Veterans Auto and Education Improvement Act of 2022 - Portability of Professional Licenses of Members of the Uniformed Services and Their Spouses. This law federally requires portability for professional licenses, other than a law license, of service-members and their spouse, if they must relocate due to military orders.

In the United States, regulation of podiatric medical practice is overseen at the state or territorial level, leading to state-based licensing boards responsible for setting and enforcing licensure standards and professional ethics. However, this decentralized system results in barriers such as varying licensure qualifications, redundant application processes, administrative and financial burdens for podiatric physicians, lengthy licensure procedures, and insufficient sharing of complaints and investigations between state boards.

In 1999, FPMB drafted a Model Law to promote consistency among state licensing requirements and enhance license portability. Recognizing the need for additional solutions, FPMB participated in a 2017 Federal Trade Commission roundtable on enhancing occupational license portability that identified interstate licensure compacts as a potential solution. In 2023, FPMB's Board of Directors developed an Impact Statement advocating for an efficient podiatric medical regulatory system that supports license portability.

With the maturity of the IMLC and support from IMLCC for technological infrastructure and administrative assistance, FPMB initiated the development of the Compact. This was in response to increased demand for license portability from patients and legislators. The Compact aims to streamline the licensing process for podiatric physicians, enabling them to practice in multiple states more easily and promptly. By promoting healthcare professionals' mobility to address workforce shortages, enhance access, and optimize licensing systems, the initiative mitigates disparities in healthcare distribution and reduces structural barriers hindering podiatric physician availability, ultimately leading to improved health outcomes, including better limb preservation.

APPROACH

The United States Constitution's Compact Clause empowers states to collaboratively address shared interests, operating as a contract among participating states and standalone statute within each state's legal framework. Forming a compact requires agreement from at least two states, with oversight delegated to a Compact Commission comprising representatives from each participating state. This governance structure fosters efficiency and effectiveness, facilitating the exchange of best practices and focused efforts toward compact objectives.

Interstate compacts have demonstrated efficacy in addressing complex multi-state issues, such as telemedicine. A prime example is the Interstate Medical Licensure Compact (IMLC), which currently boasts participation from 42 jurisdictions regulating allopathic (MD) and osteopathic (DO) physicians. Since its inception in April 2017 through April 2023, the IMLC has facilitated over 15,000 physicians in securing more than 63,000 licenses across member states.

Given the educational, training, and licensure parallels between podiatric physicians and their allopathic and osteopathic counterparts, FPMB and its Licensing Boards recognize the potential of an interstate podiatric medical licensure compact. Such a compact offers a promising avenue to streamline regulatory processes and foster multi- state medical practice, building upon the successes seen with the IMLC.

The foundational principles of the Interstate Podiatric Medical Licensure Compact echo those of the Interstate Medical Licensure Compact (IMLC):

- **Maintain State Authority and Control:** The Compact upholds the authority and control of state-based licensure, ensuring that Licensing Boards retain jurisdiction over the licensing process. While streamlining license application and renewal for eligible podiatric physicians, it's important to note that the Compact does not establish a national license. Licensing Boards retain their autonomy and are not compelled to relinquish their fee-generating capabilities.
- **Establish High Standards for Physician Eligibility:** The Compact adheres to stringent eligibility standards for podiatric physicians practicing within its framework, prioritizing patient safety and protection. Participation is reserved for podiatrists meeting rigorous requirements, emphasizing the maintenance of quality standards. Podiatric physicians who do not meet Compact criteria can pursue additional state licenses through existing procedures.
- **Ensure a Well-Coordinated and Fairly-Applied System of Oversight and Discipline:** The Compact implements a cooperative system for sharing information and swiftly addressing disciplinary matters across participating states. This mechanism underscores the commitment of Licensing Boards to uphold robust oversight of podiatric medicine, reassuring both boards and the public of the system's effectiveness.

Moreover, akin to the IMLC, the Compact enshrines the following eight key principles:

- **Voluntary Participation:** Both podiatric physicians and Licensing Boards have the voluntary option to participate in the Compact.
- **Additional Pathway for Licensure:** Generally, Compact participation offers an alternative route for licensure without altering a state's existing Podiatric Medical Practice Act.
- **Patient-Centric Jurisdiction:** The Compact reaffirms that podiatric medicine practice occurs where the patient is situated during the physician-patient encounter, necessitating the podiatric physician's jurisdiction under the Licensing Board where the patient is located.
- **State Board Jurisdiction:** It establishes a mechanism by which any podiatric physician practicing in a state fall under the jurisdiction of that state's Licensing Board.
- **Retained Regulatory Authority:** Regulatory authority remains with participating Licensing Boards and is not delegated to any external entity administering the Compact.
- **Compliance Obligation:** Podiatric physicians practicing under Compact-issued licenses must adhere to the statutes, rules, and regulations of each Compact state in which they choose to practice.
- **Information Sharing:** Licensing Boards participating in the Compact are mandated to share complaint and investigative information with one another.
- **License Revocation:** Any or all Compact states reserve the right to revoke the license to practice podiatric medicine.

The process to apply for licenses via the Compact is as follows:

- Eligible podiatric physician receives license in a Compact state (state of principal license)
- Eligible Physician applies for expedited licensure in the state of principal license. State of principal license verifies eligibility.
- State of Principal License sends attestation to commission. Eligible Podiatric Physician transmits appropriate fees to Commission
- Compact commission sends fees and podiatric physician information to other Compact states indicated by the podiatric physicians
- Indicated Compact states issue podiatric physician a license
- Ongoing - Commission used as clearinghouse for shared discipline and investigatory information.

It is crucial to emphasize that the Compact's pathway to multi-state licensure complements rather than replaces the traditional licensure application process. Podiatric physicians retain the option to utilize the Compact process for acquiring licensure in multiple jurisdictions; it's not obligatory.

In October 2023, FPMB created the IPMLC Task Force (Task Force), composed of representation from podiatric medical licensing boards across the country, to draft proposed legislative language for a model interstate podiatric medical licensure compact. While the model law draws inspiration from the existing IMLC model, the Task Force meticulously examined all 24 sections to tailor them to the unique requirements of podiatric medical licensure and regulation. This entailed refining terms related to podiatric physician eligibility, disciplinary information sharing, expedited licensure implementation, and Commission establishment. With the Task Force's completion of this comprehensive review and consensus-building process, the model law has undergone legal review by a compact law specialist to ensure its legal soundness. Now it is being presented to all Podiatric Licensing Boards for further evaluation.

Following this review by all Podiatric Licensing Boards, it will undergo review and endorsement by stakeholders, including national and state podiatric medical associations, education and training organizations, and certification bodies. Leveraging the IMLC model law as a foundation is expected to streamline this process and minimize hurdles.

RESOLUTION OF CHALLENGES

The FPMB, along with its participating member Licensing Boards and allied organizations, will tackle challenges during the design and implementation of this project. The FPMB has a commitment to and a strong record of working with Licensing Boards to overcome licensure barriers.

The FPMB is prepared to assist Licensing Boards by offering research and support as Licensing Boards and their respective state legislatures deliberate on the Compact legislation. While this Compact follows a pathway established by the IMLC, there is no guarantee that this will expedite the legislative process.

Finally, the FPMB is dedicated to addressing and dispelling any misconceptions and misinformation surrounding interstate compacts in general, and this Compact in particular. Ensuring that interested Licensing Boards, state legislators, podiatric physicians, and other stakeholders have access to accurate and up-to-date information regarding how the Compact will streamline the process for podiatric physicians to acquire licensure across multiple states, thereby reducing statutory and regulatory barriers to telemedicine and enhancing health outcomes for patients in their respective states, will promote participation in this initiative.

ORGANIZATIONAL INFORMATION

FPMB fulfills its mission to support its member Licensing Boards through various means, including public policy and advocacy, collaboration and communication, primary source verification, and representation. In the realm of primary source verification, FPMB plays a crucial and direct role in the podiatric licensure process by supplying certified podiatric licensing examination scores and disciplinary action reports to Licensing Boards.

Moreover, FPMB ensures the representation of its member podiatric Licensing Boards in numerous podiatric organizations, including the American Association of Colleges of Podiatric Medicine, American Podiatric Medical Association, Council on Podiatric Medical Education, and National Board of Podiatric Medical Examiners. Additionally, FPMB holds membership in the Federation of State Medical Boards (FSMB), the organization that established the IMLC and IMLCC.

Through its affiliation with FSMB and its direct relationship with IMLCC, FPMB is strategically leveraging its connections to establish the podiatric Compact and Commission, furthering its commitment to advancing podiatric medicine licensure initiatives that increase license portability.

In recognition of the need for a podiatric compact and support this effort, the Health Resources and Services Administration (HRSA), Department of Health and Human Services is providing financial support for this Compact project. The award provides 91% of total costs and totaled \$750,000. Overall, FPMB will prioritize transparency, accountability, and compliance with grant regulations throughout the project's duration to ensure the effective and efficient use of federal funds.

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