

1 **MEDICAL PRACTICE AMENDMENTS**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Robert F. Montgomery**

5 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; PERMITTING AN  
6 APPLICANT TO FULFILL THE RESIDENT TRAINING REQUIREMENT FOR  
7 LICENSURE THROUGH A PROGRAM APPROVED BY THE ROYAL COLLEGE OF  
8 PHYSICIANS AND SURGEONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **58-67-302**, as enacted by Chapter 248, Laws of Utah 1996

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **58-67-302** is amended to read:

14 **58-67-302. Qualifications for licensure.**

15 (1) An applicant for licensure as a physician and surgeon, except as set forth in  
16 Subsections (2) or (3), shall:

17 (a) submit an application in a form prescribed by the division, which may include:

18 (i) submissions by the applicant of information maintained by practitioner data banks, as  
19 designated by division rule, with respect to the applicant; and

20 (ii) a record of professional liability claims made against the applicant and settlements paid  
21 by or on behalf of the applicant;

22 (b) pay a fee determined by the department under Section 63-38-3.2;

23 (c) be of good moral character;

24 (d) provide satisfactory documentation of having successfully completed a program of  
25 professional education preparing an individual as a physician and surgeon, as evidenced by having  
26 received an earned degree of doctor of medicine from:

27 (i) an LCME accredited medical school or college; or

1 (ii) a medical school or college located outside of the United States or its jurisdictions  
2 which at the time of the applicant's graduation, met criteria for LCME accreditation;

3 (e) hold a current certification by the Educational Commission for Foreign Medical  
4 Graduates or any successor organization approved by the division in collaboration with the board,  
5 if the applicant graduated from a medical school or college located outside of the United States or  
6 its jurisdictions;

7 (f) satisfy the division and board that the applicant:

8 (i) has successfully completed 24 months of progressive resident training in [~~an ACGME~~  
9 approved] a program approved by the ACGME or the Royal College of Physicians and Surgeons  
10 after receiving a degree of doctor of medicine required under Subsection (1)(d); or

11 (ii) (A) has successfully completed 12 months of resident training in an ACGME approved  
12 program after receiving a degree of doctor of medicine as required under Subsection (1)(d);

13 (B) has been accepted in and is successfully participating in progressive resident training  
14 in an ACGME approved program within Utah, in the applicant's second or third year of  
15 postgraduate training; and

16 (C) has agreed to surrender to the division his license as a physician and surgeon without  
17 any proceedings under Title 63, Chapter 46b, Administrative Procedures Act, and has agreed his  
18 license as a physician and surgeon will be automatically revoked by the division if the applicant  
19 fails to continue in good standing in an ACGME approved progressive resident training program  
20 within the state;

21 (g) pass the licensing examination sequence required by division rule made in  
22 collaboration with the board;

23 (h) be able to read, write, speak, understand, and be understood in the English language  
24 and demonstrate proficiency to the satisfaction of the board if requested by the board; and

25 (i) meet with the board and representatives of the division, if requested, for the purpose  
26 of evaluating the applicant's qualifications for licensure.

27 (2) An applicant for licensure as a physician and surgeon qualifying under the endorsement  
28 provision of Section 58-1-302 shall:

29 (a) be currently licensed in good standing in another jurisdiction as set forth in Section  
30 58-1-302;

31 (b) (i) document having met all requirements for licensure under Subsection (1) except,

1 if an applicant received licensure in another state or jurisdiction based upon only 12 months  
2 residency training after graduation from medical school, the applicant may qualify for licensure  
3 in Utah by endorsement only if licensed in the other state prior to July 1, 1996; or

4 (ii) document having obtained licensure in another state or jurisdiction whose licensure  
5 requirements were at the time of obtaining licensure equal to licensure requirements at that time  
6 in Utah;

7 (c) have passed the SPEX examination within 12 months preceding the date of application  
8 for licensure in Utah if the date on which the applicant passed qualifying examinations for  
9 licensure is greater than five years prior to the date of the application for licensure in Utah, or meet  
10 medical specialty certification requirements which may be established by division rule made in  
11 collaboration with the board;

12 (d) have been actively engaged in the practice as a physician and surgeon for not less than  
13 6,000 hours during the five years immediately preceding the date of application for licensure in  
14 Utah; and

15 (e) meet with the board and representatives of the division, if requested for the purpose  
16 of evaluating the applicant's qualifications for licensure.

17 (3) An applicant for licensure as a physician and surgeon, who has been licensed as a  
18 physician and surgeon in Utah, who has allowed his license in Utah to expire for nonpayment of  
19 license fees, and who is currently licensed in good standing in another state or jurisdiction of the  
20 United States shall:

21 (a) submit an application in a form prescribed by the division;

22 (b) pay a fee determined by the department under Section 63-38-3.2;

23 (c) be of good moral character;

24 (d) have passed the SPEX examination within 12 months preceding the date of application  
25 for licensure in Utah if the date on which the applicant passed qualifying examinations for  
26 licensure is greater than five years prior to the date of the application for licensure in Utah, or meet  
27 medical specialty certification requirements which may be established by division rule made in  
28 collaboration with the board;

29 (e) have been actively engaged in the practice as a physician and surgeon for not less than  
30 6,000 hours during the five years immediately preceding the date of application for licensure; and

31 (f) meet with the board and representatives of the division, if requested, for the purpose

1 of evaluating the applicant's qualifications for licensure.

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**Legislative Review Note**  
**as of 1-16-98 1:56 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**