

**MEDICAL PRACTICE ACT AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Peter C. Knudson**

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; CLARIFYING WHEN A PERSON MAY SATISFY THE RESIDENT TRAINING REQUIREMENT FOR LICENSURE; AND CLARIFYING WHEN A PERSON LICENSED IN ANOTHER STATE MAY QUALIFY FOR A LICENSE BY ENDORSEMENT.

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

AMENDS:

**58-67-302**, as last amended by Chapter 178, Laws of Utah 1998

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

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

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

- (1) An applicant for licensure as a physician and surgeon, except as set forth in [Subsections] Subsection (2) [~~or (3)~~], shall:
- (a) submit an application in a form prescribed by the division, which may include:
    - (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and
    - (ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant;
  - (b) pay a fee determined by the department under Section 63-38-3.2;
  - (c) be of good moral character;
  - (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a physician and surgeon, as evidenced by having received an earned degree of doctor of medicine from:
    - (i) an LCME accredited medical school or college; or
    - (ii) a medical school or college located outside of the United States or its jurisdictions which at the time of the applicant's graduation, met criteria for LCME accreditation;

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

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

(i) has successfully completed 24 months of progressive resident training in a program approved by the ACGME, the Royal College of Physicians and Surgeons, the College of Family Physicians of Canada, or any similar body in the United States or Canada approved by the division in collaboration with the board [~~after receiving a degree of doctor of medicine required under Subsection (1)(d)~~]; or

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

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

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

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

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

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

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

~~(a) be currently licensed with a full unrestricted license in good standing in [another jurisdiction as set forth in Section 58-1-302] any state, district, or territory of the United States;~~

~~[(b) (i) document having met all requirements for licensure under Subsection (1) except, if an applicant received licensure in another state or jurisdiction based upon only 12 months residency training after graduation from medical school, the applicant may qualify for licensure in Utah by endorsement only if licensed in the other state prior to July 1, 1996; or]~~

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

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

~~[(d)] (b) have been actively engaged in the legal practice [as a physician and surgeon for] of medicine in any state, district, or territory of the United States for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah; [and]~~

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

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

~~[(a) submit an application in a form prescribed by the division;]~~

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

~~[(c) be of good moral character;]~~

~~[(d) have passed the SPEX examination within 12 months preceding the date of application for licensure in Utah if the date on which the applicant passed qualifying examinations for licensure~~

is greater than five years prior to the date of the application for licensure in Utah, or meet medical specialty certification requirements which may be established by division rule made in collaboration with the board;]

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

~~[(f) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure.]~~

(c) not have any action pending against the applicant's license; and

(d) produce satisfactory evidence of the applicant's qualifications, identity, and good standing to the satisfaction of the division in collaboration with the board.