

PHYSICIAN LICENSING AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Beverly Ann Evans

House Sponsor: Gordon E. Snow

LONG TITLE

General Description:

This bill amends the licensure by endorsement provisions and the exemption from licensure provisions of the Utah Medical Practices Act.

Highlighted Provisions:

This bill:

► amends the licensure by endorsement provisions of the Utah Medical Practices Act to require applicants for licensure by endorsement to practice in the state for up to one year while the application is pending.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-67-302, as last amended by Chapter 94, Laws of Utah 2005

⚠→ 58-68-302, as last amended by Chapter 94, Laws of Utah 2005 ←⚠

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



28 Subsection (2), shall:

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

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

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

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

35 (c) be of good moral character;

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

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

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

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

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

47 (i) has successfully completed 24 months of progressive resident training in a program
48 approved by the ACGME, the Royal College of Physicians and Surgeons, the College of
49 Family Physicians of Canada, or any similar body in the United States or Canada approved by
50 the division in collaboration with the board; or

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

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

57 (C) has agreed to surrender to the division his license as a physician and surgeon
58 without any proceedings under Title 63, Chapter 46b, Administrative Procedures Act, and has

59 agreed his license as a physician and surgeon will be automatically revoked by the division if
60 the applicant fails to continue in good standing in an ACGME approved progressive resident
61 training program within the state;

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

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

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

68 (j) designate:

69 (i) a contact person for access to medical records in accordance with the federal Health
70 Insurance Portability and Accountability Act; and

71 (ii) an alternate contact person for access to medical records, in the event the original
72 contact person is unable or unwilling to serve as the contact person for access to medical
73 records; and

74 (k) establish a method for notifying patients of the identity and location of the contact
75 person and alternate contact person, if the applicant will practice in a location with no other
76 persons licensed under this chapter.

77 (2) An applicant for licensure as a physician and surgeon by endorsement shall:

78 (a) be currently licensed with a full unrestricted license in good standing in any state,
79 district, or territory of the United States;

80 (b) have been actively engaged in the legal practice of medicine in any state, district, or
81 territory of the United States for not less than 6,000 hours during the five years immediately
82 preceding the date of application for licensure in Utah;

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

84 (d) not have a license that was suspended or revoked in any state, unless the license
85 was subsequently reinstated as a full unrestricted license in good standing; and

86 [~~(e)~~] (e) produce satisfactory evidence of the applicant's qualifications, identity, and
87 good standing to the satisfaction of the division in collaboration with the board.

88 (3) An applicant for licensure by endorsement may engage in the practice of medicine
89 under a temporary license while the applicant's application for licensure is being processed by

90 the division, provided:

91 (a) the applicant submits a complete application required for temporary licensure to the
92 division;

93 (b) the applicant ~~§~~ [documents] submits a written document to the division from ~~§~~ :

93a1 (i) ~~§~~ a

93a health care facility licensed under Title 26, Chapter 21, Health Care Facility Licensing and

93b Inspection Act, stating ~~§~~ that the applicant is practicing under the invitation of ~~§~~ [a

94 sponsoring entity;] the health care facility; ~~§~~ ~~§~~ or

94a (ii) two individuals licensed under this chapter, whose license is in good standing and

94b who practice in the same clinical location, both stating that:

94c (A) the applicant is practicing under the invitation of the individual; and

94d (B) the applicant will practice at the same clinical location as the individual; ~~§~~

95 (c) the applicant submits a ~~§~~ [verification] signed certification to the division ~~§~~ that

95a the applicant meets the requirements of

96 Subsection (2);

97 (d) the applicant does not engage in the practice of medicine until the division has

98 issued a temporary license;

99 (e) the temporary license is only issued for and may not be extended beyond the

100 duration of one year from issuance; and

101 (f) the temporary license expires immediately and prior to the expiration of one year

102 from issuance, upon notification from the division that the applicant's application for licensure

103 by endorsement is denied.

103a ~~§~~ (4) The division shall issue a temporary license under Subsection (3) within 15 business

103b days after the applicant satisfies the requirements of Subsection (3). ~~§~~

103c ~~§~~ Section 2. Section 58-68-302 is amended to read:

103d 58-68-302. Qualifications for licensure.

103e (1) An applicant for licensure as an osteopathic physician and surgeon, except as set forth in

103f Subsection (2) or (3), shall:

103g (a) submit an application in a form prescribed by the division, which may include:

103h (i) submissions by the applicant of information maintained by practitioner data banks, as

103i designated by division rule, with respect to the applicant; and

103j (ii) a record of professional liability claims made against the applicant and settlements paid by

103k or on behalf of the applicant;

103l (b) pay a fee determined by the department under Section 63-38-3.2;

103m (c) be of good moral character;

- 103n **Ĥ→(d) provide satisfactory documentation of having successfully completed a program of**
 103o **professional education preparing an individual as an osteopathic physician and surgeon, as evidenced**
 103p **by having received an earned degree of doctor of osteopathic medicine from:**
- 103q **(i) an AOA approved medical school or college; or**
 - 103r **(ii) an osteopathic medical school or college located outside of the United States or its**
 103s **jurisdictions which at the time of the applicant's graduation, met criteria for accreditation by the**
 103t **AOA;**
 - 103u **(e) hold a current certification by the Educational Commission for Foreign Medical Graduates**
 103v **or any successor organization approved by the division in collaboration with the board, if the applicant**
 103w **graduated from a medical school or college located outside of the United States or its jurisdictions;**
 - 103x **(f) satisfy the division and board that the applicant:**
 - 103y **(i) has successfully completed 24 months of progressive resident training in an ACGME or**
 103z **AOA approved program after receiving a degree of doctor of osteopathic medicine required under**
 103aa **Subsection (1)(d); or**
 - 103ab **(ii) (A) has successfully completed 12 months of resident training in an ACGME or AOA**
 103ac **approved program after receiving a degree of doctor of osteopathic medicine as required under**
 103ad **Subsection (1)(d);**
 - 103ae **(B) has been accepted in and is successfully participating in progressive resident training in an**
 103af **ACGME or AOA approved program within Utah, in the applicant's second or third year of**
 103ag **postgraduate training; and**
 - 103ah **(C) has agreed to surrender to the division his license as an osteopathic physician and surgeon**
 103ai **without any proceedings under Title 63, Chapter 46b, Administrative Procedures Act, and has agreed**
 103aj **his license as an osteopathic physician and surgeon will be automatically revoked by the division if the**
 103ak **applicant fails to continue in good standing in an ACGME or AOA approved progressive resident**
 103al **training program within the state;**
 - 103am **(g) pass the licensing examination sequence required by division rule, as made in collaboration**
 103an **with the board;**
 - 103ao **(h) be able to read, write, speak, understand, and be understood in the English language and**
 103ap **demonstrate proficiency to the satisfaction of the board, if requested by the board;**
 - 103aq **(i) meet with the board and representatives of the division, if requested for the purpose of**
 103ar **evaluating the applicant's qualifications for licensure;**
 - 103as **(j) designate:**
 - 103at **(i) a contact person for access to medical records in accordance with the federal Health**
 103au **Insurance Portability and Accountability Act; and**
 - 103av **(ii) an alternate contact person for access to medical records, in the event the original contact**
 103aw **person is unable or unwilling to serve as the contact person; and**
 - 103ax **(k) establish a method for notifying patients of the identity and location of the contact ←Ĥ**

103ay **↔** person and alternate contact person, if the applicant will practice in a location with no other
 103az persons licensed under this chapter.

103ba (2) An applicant for licensure as an osteopathic physician and surgeon qualifying under the
 103bb endorsement provision of Section 58-1-302 shall:

103bc (a) be currently licensed in good standing in another jurisdiction as set forth in Section
 103bd 58-1-302;

103be (b) (i) document having met all requirements for licensure under Subsection (1) except, if an
 103bf applicant received licensure in another state or jurisdiction based upon only 12 months residency
 103bg training after graduation from medical school, the applicant may qualify for licensure in Utah by
 103bh endorsement only if licensed in the other state prior to July 1, 1996; or

103bi (ii) document having obtained licensure in another state or jurisdiction whose licensure
 103bj requirements were at the time of obtaining licensure equal to licensure requirements at that time in
 103bk Utah;

103bl (c) have passed the SPEX examination within 12 months preceding the date of application for
 103bm licensure in Utah if the date on which the applicant passed qualifying examinations for licensure is
 103bn greater than five years prior to the date of the application for licensure in Utah, or meet medical
 103bo specialty certification requirements which may be established by division rule made in collaboration
 103bp with the board;

103bq (d) have been actively engaged in the practice as an osteopathic physician and surgeon for not
 103br less than 6,000 hours during the five years immediately preceding the date of application for licensure
 103bs in Utah; **[and]**

103bt (e) meet with the board and representatives of the division, if requested for the purpose of
 103bu evaluating the applicant's qualifications for licensure [-] ; **and**

103bv **(f) not have a license that was suspended or revoked in any state, unless the license was**
 103bw **subsequently reinstated as a full unrestricted license in good standing; and**

103bx (3) An applicant for licensure as an osteopathic physician and surgeon, who has been licensed
 103by as an osteopathic physician in Utah, who has allowed his license in Utah to expire for nonpayment of
 103bz license fees, and who is currently licensed in good standing in another state or jurisdiction of the
 103ca United States shall:

103cb (a) submit an application in a form prescribed by the division;

103cc (b) pay a fee determined by the department under Section 63-38-3.2;

103cd (c) be of good moral character;

103ce (d) have passed the SPEX examination within 12 months preceding the date of application for
 103cf licensure in Utah if the date on which the applicant passed qualifying examinations for licensure is
 103cg greater than five years prior to the date of the application for licensure in Utah;

103ch (e) have been actively engaged in the practice as an osteopathic physician for not fewer than
 103ci 6,000 hours during the five years immediately preceding the date of application for licensure; and **↔**

103cj (f) meet with the board and representatives of the division, if requested for the purpose of
 103ck evaluating the applicant's qualifications for licensure.

103cl **(4) An applicant for licensure by endorsement may engage in the practice of medicine**
 103cm **under a temporary license while the applicant's application for licensure is being processed by**
 103cn **the division, provided:**

103co **(a) the applicant submits a complete application required for temporary licensure to**
 103cp **the division;**

103cq **(b) the applicant submits a written document to the division from:**

103cr **(i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility**

103cs **Licensing and Inspection Act, stating that the applicant is practicing under the invitation of**
 103ct **the health care facility; or**

103cu **(ii) two individuals licensed under this chapter, whose license is in good standing and**
 103cv **who practice in the same clinical location, both stating that:**

103ew **(A) the applicant is practicing under the invitation of the individual; and**

103cx **(B) the applicant will practice at the same clinical location as the individual;**

103cy **(c) the applicant submits a signed certification to the division that the applicant meets**
 103cz **the requirements of Subsection (2);**

103da **(d) the applicant does not engage in the practice of medicine until the division has**
 103db **issued a temporary license;**

103dc **(e) the temporary license is only issued for and may not be extended beyond the**
 103dd **duration of one year from issuance; and**

103de **(f) the temporary license expires immediately and prior to the expiration of one year**
 103df **from issuance, upon notification from the division that the applicant's application for licensure**
 103dg **by endorsement is denied.**

103dh **(5) The division shall issue a temporary license under Subsection (4) within 15 business**
 103di **days after the applicant satisfies the requirements of Subsection (4).** ←H

Legislative Review Note

as of 1-17-06 3:34 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0160

Physician Licensing Amendments

24-Jan-06

2:39 PM

State Impact

Any fiscal impact can be handled within existing budgets

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst