

LICENSING OF PHYSICIAN-EDUCATORS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Medical Practice Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for issuance of a temporary license for a foreign-educated physician who has been invited to serve as a faculty member at a Utah medical school;
- ▶ allows a foreign-educated physician who has held a temporary license for at least five years to apply for a permanent license; and
- ▶ authorizes the division to revoke a license authorized under this provision for unprofessional conduct.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

58-67-302.7, Utah Code Annotated 1953

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



28 Section 1. Section **58-67-302.7** is enacted to read:

29 **58-67-302.7. Licensing of physician-educators.**

30 (1) As used in this section:

31 (a) "Core teaching hospital" means a hospital or clinic affiliated with a medical school
32 for the purpose of teaching, clinical care, or pursuing research.

33 (b) "Foreign country" means a country other than the United States or its territories.

34 (c) "Foreign medical school" means a medical school that is outside the United States
35 and its territories.

36 (2) Notwithstanding any provision of law to the contrary, an individual may receive a
37 type I foreign teaching license if the individual:

38 (a) is a graduate of a foreign medical school that is accepted for certification by the
39 Educational Commission for Foreign Medical Graduates;

40 (b) is licensed in good standing in a foreign country, the United States, or its territories;

41 (c) is a noteworthy and recognized medical professional;

42 (d) has authored scholarly publications;

43 (e) is of good moral character;

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

46 (g) is invited by a medical school in Utah to serve as a full-time member of the medical
47 school's academic faculty;

48 (h) pays an annual licensing fee, equal to one-half of the two-year licensing for a
49 person licensed under Section 56-67-302; and

50 (i) has practiced medicine for at least 10 years.

51 (3) Notwithstanding any provision of law to the contrary, an individual may receive a
52 type II foreign teaching license if the individual:

53 (a) satisfies the requirements described in Subsections (2)(a) through (h); and

54 (b) has practiced medicine for at least five years.

55 (4) A license issued under this section:

56 (a) authorizes the licensee to practice medicine:

57 (i) within the scope of the licensee's employment at the medical school described in
58 Subsection (2)(g) and the licensee's academic position; and

59 (ii) at a core teaching hospital affiliated with the medical school described in
60 Subsection (2)(g);
61 (b) shall list the limitations described in Subsection (4)(a); and
62 (c) shall expire on the earlier of:
63 (i) one year after the day on which the license is issued; or
64 (ii) the day on which employment at the medical school described in Subsection (2)(g)
65 ends.

66 (5) A type I license may be renewed on an annual basis if the licensee satisfies the
67 requirements described in Subsection (2).

68 (6) A person who holds a type I license for five consecutive years is eligible for
69 licensure as a physician and surgeon in this state if the individual satisfies the requirements
70 described in Subsections 58-67-302(1)(a), (b), (c), (e), (h), (i), (j), and (k). If the person fails to
71 obtain licensure as a physician and surgeon in this state, the person may apply for renewal of
72 the type I license under Subsection (2).

73 (7) A type II license may be renewed on an annual basis, up to four times, if the
74 licensee satisfies the requirements described in Subsection (2).

75 (8) A person who holds a type II license for five consecutive years is eligible for
76 licensure as a physician and surgeon in this state if:

77 (a) the person obtains certification from the Educational Commission for Foreign
78 Medical Graduates;

79 (b) the individual obtains a passing score on United States Medical Licensing Exam
80 Step 3; and

81 (c) the individual satisfies the requirements described in Subsections 58-67-302(1)(a),
82 (b), (c), (h), (i), (j), and (k).

83 (9) If a person who holds a type II license fails to obtain licensure as a physician and
84 surgeon in this state after applying under the procedures described in Subsection (8), the person
85 may not:

86 (a) reapply for or renew a type II license; or

87 (b) apply for a type I license.

88 (10) The board may require an applicant for licensure under this section to appear
89 before the board for an initial interview. The board may withdraw a license under this section

90 at any time for unprofessional conduct.

Legislative Review Note
as of 1-26-11 2:48 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 129

SHORT TITLE: Licensing of Physician-educators

SPONSOR: Urquhart, S.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this legislation will result in revenue of \$500 in FY 2012, and \$1,000 in odd-numbered years thereafter. Commerce Department expenses associated with the new licensure are estimated at \$400 in FY 2012 and \$500 annually thereafter. Commerce Service Fund revenue and expenditures affect the annual transfer to the General Fund. As such, this bill will result in transfers to the General Fund of \$100 in FY 2012 and \$500 in FY 2013 and every odd numbered year thereafter. Transfers to the General Fund will decrease by \$500 in even numbered years beyond FY 2013.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund, One-Time	\$0	\$100	\$500
Commerce Service Fund	\$0	\$400	\$500
Total Revenue	\$0	\$500	\$1,000
Expenditure:			
Commerce Service Fund	\$0	\$400	\$500
Total Expenditure	\$0	\$400	\$500
Net Impact, All Funds (Rev.-Exp.)	\$0	\$100	\$500
Net Impact, General/Education Funds	\$0	\$100	\$500

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this legislation would require an estimated five licensees to pay the application fee of \$100 in FY 2012. An additional five applicants are expected in FY 2013, together with the renewal of the original five licensees.