

Senator Stephen H. Urquhart proposes the following substitute bill:

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 in relation to licensing of physician-educators.

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;
- ▶ establishes requirements for 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 described in this bill for unlawful or unprofessional conduct.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 **58-67-302.7**, Utah Code Annotated 1953

27

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

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

30 **58-67-302.7. Licensing of physician-educators.**

31 (1) As used in this section:

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

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

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) submits an application in a form prescribed by the division, which may include:

39 (i) submission by the applicant of information maintained in a practitioner data bank,
40 as designated by division rule, with respect to the applicant;

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

43 (iii) the applicant's curriculum vitae;

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

46 (c) is licensed in good standing in a foreign country, the United States, its territories, or
47 Canada.

48 (d) does not have an investigation or action pending against the physician's healthcare
49 license, does not have a healthcare license that was suspended or revoked, and has not
50 surrendered a healthcare license in lieu of disciplinary action, unless:

51 (i) the license was subsequently reinstated in good standing;

52 (ii) the board determines to its satisfaction, after full disclosure by the applicant and
53 full consideration by the board, that the conduct has been corrected, monitored, and resolved;

54 or

55 (iii) a mitigating circumstance exists that prevents resolution;

56 (e) submits documentation of legal status to work in the United States;

- 57 (f) meets at least three of the following qualifications:
58 (i) (A) published original results of clinical research, within 10 years before the day on
59 which the application is submitted, in a medical journal listed in the Index Medicus or an
60 equivalent scholarly publication; and
61 (B) submits the publication to the Board in English or in a foreign language with a
62 verifiable, certified English translation;
63 (ii) held an appointment at a medical school approved by the LCME or at any medical
64 school listed in the World Health Organization directory at the level of associate or full
65 professor, or its equivalent, for at least five years;
66 (iii) (A) developed a treatment modality, surgical technique, or other verified original
67 contribution to the field of medicine within 10 years before the day on which the application
68 was submitted; and
69 (B) has the treatment modality, surgical technique, or other verified original
70 contribution attested to by the dean of an LCME accredited school of medicine in Utah;
71 (iv) actively practiced medicine cumulatively for 10 years; or
72 (v) is a member in good standing of a board of the American Board of Medical
73 Specialities or equivalent specialty board;
74 (g) is of good moral character;
75 (h) is able to read, write, speak, understand, and be understood in the English language
76 and demonstrates proficiency to the satisfaction of the board, if requested by the board;
77 (i) is invited by an LCME accredited medical school in Utah to serve as a full-time
78 member of the medical school's academic faculty, as evidenced by written certification from:
79 (i) the dean of the medical school, stating that the applicant has been appointed to a
80 full-time faculty position, that because the applicant has unique expertise in a specific field of
81 medicine the medical school considers the applicant to be a valuable member of the faculty,
82 and that the applicant is qualified by knowledge, skill, and ability to practice medicine in the
83 state; and
84 (ii) the head of the department to which the applicant is to be appointed, stating that the
85 applicant will be under the direction of the head of the department and will be permitted to
86 practice medicine only as a necessary part of the applicant's duties, providing detailed evidence
87 of the applicant's qualifications and competence, including the nature and location of the

88 applicant's proposed responsibilities, reasons for any limitations of the applicant's practice
89 responsibilities, and the degree of supervision, if any, under which the applicant will function;

90 (j) pays a licensing fee determined by the division under 63J-1-504; and

91 (k) has practiced medicine for at least 10 years as an attending physician.

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

94 (a) satisfies the requirements of Subsections 2(a) through (e) and (g) through (j); and

95 (b) has delivered clinical care to patients cumulatively for five years after gradation
96 from medical school.

97 (4) After an initial term of one year, a type I license may be renewed for periods of two
98 years if the licensee continues to satisfy the requirements described in Subsection (2) and
99 completes the division's continuing education renewal requirements established under Section
100 58-67-303.

101 (5) A type II license may be renewed on an annual basis, up to four times, if the
102 licensee continues to satisfy the requirements described in Subsection (3) and completes the
103 division's continuing education renewal requirements established under Section 58-67-303.

104 (6) A licence issued under this section:

105 (a) authorizes the licensee to practice medicine:

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

108 (ii) at a hospital or clinic affiliated with the medical school described in Subsection
109 (2)(i) for the purpose of teaching, clinical care, or pursuing research;

110 (b) shall list the limitations described in Subsection (6)(a); and

111 (c) shall expire on the earlier of:

112 (i) one year after the day on which the type I or type II license is initially issued;

113 (ii) two years after the day on which the type I license was renewed; or

114 (iii) the day on which employment at the medical school described in Subsection (2)(i)
115 ends.

116 (7) A person who holds a type I license for five consecutive years may apply for
117 licensure as a physician and surgeon in this state and shall be licensed if the individual satisfies
118 the requirements described in Subsection (8). If the person fails to obtain licensure as a

119 physician and surgeon in this state, the person may apply for a renewal of the type I license
120 under Subsection (2).

121 (8) A person who holds a type I or type II license for five consecutive years is eligible
122 for licensure as a physician and surgeon in this state if the person:

123 (a) obtains certification from the Educational Commission for Foreign Medical
124 Graduates or any successor organization approved by the division in collaboration with the
125 board;

126 (b) obtains a passing score on the final step of the licensing examination sequence
127 required by division rule made in collaboration with the board; and

128 (c) satisfies the requirements described in Subsections 58-67-302(1)(a) through (c) and
129 (h) through (k).

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

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

134 (b) apply for a type I license.

135 (10) The division or the board may require an applicant for licensure under this section
136 to meet with the board and representatives of the division for the purpose of evaluating the
137 applicant's qualifications for licensure.

138 (11) The division in collaboration with the board may withdraw a license under this
139 section at any time for material misrepresentation or unlawful or unprofessional conduct.