

PHYSICIAN LICENSING - VISITING

PROFESSORS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act.

Highlighted Provisions:

This bill:

► provides that a physician or surgeon who is licensed in another jurisdiction in good standing may obtain a license to practice medicine or osteopathic medicine in this state if:

- the applicant has received a faculty appointment at a medical school in the state;
- the dean of the medical school verifies certain information and submits that information to the division; and
- the applicant limits the applicant's medical or osteopathic practice to the medical school facilities and its designated clinical settings.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **58-67-302**, as last amended by Laws of Utah 2009, Chapter 183

29 **58-68-302**, as last amended by Laws of Utah 2009, Chapter 183



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

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

33 **58-67-302. Qualifications for licensure.**

34 (1) An applicant for licensure as a physician and surgeon, except as set forth in

35 [~~Subsection~~] Subsections (2) and (5), shall:

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

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

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

41 (b) pay a fee determined by the department under Section 63J-1-504;

42 (c) be of good moral character;

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

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

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

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

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

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

58 (ii) (A) has successfully completed 12 months of resident training in an ACGME

59 approved program after receiving a degree of doctor of medicine as required under Subsection
60 (1)(d);

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

64 (C) has agreed to surrender to the division the applicant's license as a physician and
65 surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act,
66 and has agreed the applicant's license as a physician and surgeon will be automatically revoked
67 by the division if the applicant fails to continue in good standing in an ACGME approved
68 progressive resident training program within the state;

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

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

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

75 (j) designate:

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

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

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

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

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

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

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

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

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

95 (3) An applicant for licensure by endorsement may engage in the practice of medicine
96 under a temporary license while the applicant's application for licensure is being processed by
97 the division, provided:

98 (a) the applicant submits a complete application required for temporary licensure to the
99 division;

100 (b) the applicant submits a written document to the division from:

101 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
102 Licensing and Inspection Act, stating that the applicant is practicing under the invitation of the
103 health care facility; or

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

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

107 (B) the applicant will practice at the same clinical location as the individual;

108 (c) the applicant submits a signed certification to the division that the applicant meets
109 the requirements of Subsection (2);

110 (d) the applicant does not engage in the practice of medicine until the division has
111 issued a temporary license;

112 (e) the temporary license is only issued for and may not be extended beyond the
113 duration of one year from issuance; and

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

117 (4) The division shall issue a temporary license under Subsection (3) within 15
118 business days after the applicant satisfies the requirements of Subsection (3).

119 (5) (a) Notwithstanding the provisions of Section 58-67-302.5, an applicant for a
120 license as a visiting professor physician and surgeon shall demonstrate to the division:

121 (i) that the person maintains an equivalent authorization to practice medicine in good
122 standing in the person's native licensing jurisdiction during the period of the visiting professor
123 physician and surgeon license; and

124 (ii) that the person has received a faculty appointment to teach in a medical school in
125 the state.

126 (b) The applicant shall submit to the division with the application for a license a
127 statement from the dean of the medical school at which the applicant will be employed:

128 (i) describing the applicant's qualifications;

129 (ii) listing every affiliated institution in which the applicant will be providing
130 instruction as part of the medical school's education program;

131 (iii) justifying any clinical activities at each of the institutions listed by the dean; and

132 (iv) confirming that the applicant is able to read, write, speak, understand, and be
133 understood in the English language.

134 (c) An application for a license as a visiting professor physician and surgeon shall:

135 (i) be made to the division in the form established by the division; and

136 (ii) be accompanied by the required fee established by the division in accordance with
137 Title 63J, Chapter 1, Budgetary Procedures Act.

138 (d) The division may adopt administrative rules pursuant to Title 63G, Chapter 3, Utah
139 Administrative Rulemaking Act, as necessary to establish equivalent authorization to practice
140 medicine in good standing in other jurisdictions as required by Subsection (5)(a)(i).

141 (e) The term of a license for a visiting professor physician and surgeon is two years as
142 provided in Section 58-67-303, and may be renewed as provided in Section 58-67-304.

143 Section 2. Section **58-68-302** is amended to read:

144 **58-68-302. Qualifications for licensure.**

145 (1) An applicant for licensure as an osteopathic physician and surgeon, except as set
146 forth in [~~Subsection (2) or (3)~~] Subsection (2), (3), or (6), shall:

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

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

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

- 152 (b) pay a fee determined by the department under Section 63J-1-504;
- 153 (c) be of good moral character;
- 154 (d) provide satisfactory documentation of having successfully completed a program of
155 professional education preparing an individual as an osteopathic physician and surgeon, as
156 evidenced by having received an earned degree of doctor of osteopathic medicine from:
 - 157 (i) an AOA approved medical school or college; or
 - 158 (ii) an osteopathic medical school or college located outside of the United States or its
159 jurisdictions which at the time of the applicant's graduation, met criteria for accreditation by the
160 AOA;
- 161 (e) hold a current certification by the Educational Commission for Foreign Medical
162 Graduates or any successor organization approved by the division in collaboration with the
163 board, if the applicant graduated from a medical school or college located outside of the United
164 States or its jurisdictions;
- 165 (f) satisfy the division and board that the applicant:
 - 166 (i) has successfully completed 24 months of progressive resident training in an
167 ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine
168 required under Subsection (1)(d); or
 - 169 (ii) (A) has successfully completed 12 months of resident training in an ACGME or
170 AOA approved program after receiving a degree of doctor of osteopathic medicine as required
171 under Subsection (1)(d);
 - 172 (B) has been accepted in and is successfully participating in progressive resident
173 training in an ACGME or AOA approved program within Utah, in the applicant's second or
174 third year of postgraduate training; and
 - 175 (C) has agreed to surrender to the division the applicant's license as an osteopathic
176 physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative
177 Procedures Act, and has agreed the applicant's license as an osteopathic physician and surgeon
178 will be automatically revoked by the division if the applicant fails to continue in good standing
179 in an ACGME or AOA approved progressive resident training program within the state;
- 180 (g) pass the licensing examination sequence required by division rule, as made in
181 collaboration with the board;
- 182 (h) be able to read, write, speak, understand, and be understood in the English language

- 183 and demonstrate proficiency to the satisfaction of the board, if requested by the board;
- 184 (i) meet with the board and representatives of the division, if requested for the purpose
185 of evaluating the applicant's qualifications for licensure;
- 186 (j) designate:
- 187 (i) a contact person for access to medical records in accordance with the federal Health
188 Insurance Portability and Accountability Act; and
- 189 (ii) an alternate contact person for access to medical records, in the event the original
190 contact person is unable or unwilling to serve as the contact person; and
- 191 (k) establish a method for notifying patients of the identity and location of the contact
192 person and alternate contact person, if the applicant will practice in a location with no other
193 persons licensed under this chapter.
- 194 (2) An applicant for licensure as an osteopathic physician and surgeon qualifying under
195 the endorsement provision of Section 58-1-302 shall:
- 196 (a) be currently licensed in good standing in another jurisdiction as set forth in Section
197 58-1-302;
- 198 (b) (i) document having met all requirements for licensure under Subsection (1) except,
199 if an applicant received licensure in another state or jurisdiction based upon only 12 months
200 residency training after graduation from medical school, the applicant may qualify for licensure
201 in Utah by endorsement only if licensed in the other state prior to July 1, 1996; or
- 202 (ii) document having obtained licensure in another state or jurisdiction whose licensure
203 requirements were at the time of obtaining licensure equal to licensure requirements at that
204 time in Utah;
- 205 (c) have passed the SPEX examination within 12 months preceding the date of
206 application for licensure in Utah if the date on which the applicant passed qualifying
207 examinations for licensure is greater than five years prior to the date of the application for
208 licensure in Utah, or meet medical specialty certification requirements which may be
209 established by division rule made in collaboration with the board;
- 210 (d) have been actively engaged in the practice as an osteopathic physician and surgeon
211 for not less than 6,000 hours during the five years immediately preceding the date of
212 application for licensure in Utah;
- 213 (e) meet with the board and representatives of the division, if requested for the purpose

214 of evaluating the applicant's qualifications for licensure; and

215 (f) not have a license that was suspended or revoked in any state, unless the license was
216 subsequently reinstated as a full unrestricted license in good standing.

217 (3) An applicant for licensure as an osteopathic physician and surgeon, who has been
218 licensed as an osteopathic physician in Utah, who has allowed the applicant's license in Utah to
219 expire for nonpayment of license fees, and who is currently licensed in good standing in
220 another state or jurisdiction of the United States shall:

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

222 (b) pay a fee determined by the department under Section 63J-1-504;

223 (c) be of good moral character;

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

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

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

233 (4) An applicant for licensure by endorsement may engage in the practice of medicine
234 under a temporary license while the applicant's application for licensure is being processed by
235 the division, provided:

236 (a) the applicant submits a complete application required for temporary licensure to the
237 division;

238 (b) the applicant submits a written document to the division from:

239 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
240 Licensing and Inspection Act, stating that the applicant is practicing under the invitation of the
241 health care facility; or

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

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

- 245 (B) the applicant will practice at the same clinical location as the individual;
- 246 (c) the applicant submits a signed certification to the division that the applicant meets
- 247 the requirements of Subsection (2);
- 248 (d) the applicant does not engage in the practice of medicine until the division has
- 249 issued a temporary license;
- 250 (e) the temporary license is only issued for and may not be extended beyond the
- 251 duration of one year from issuance; and
- 252 (f) the temporary license expires immediately and prior to the expiration of one year
- 253 from issuance, upon notification from the division that the applicant's application for licensure
- 254 by endorsement is denied.
- 255 (5) The division shall issue a temporary license under Subsection (4) within 15
- 256 business days after the applicant satisfies the requirements of Subsection (4).
- 257 (6) (a) An applicant for a license as a visiting professor osteopathic physician and
- 258 surgeon shall demonstrate to the division:
- 259 (i) that the person maintains an equivalent authorization to practice medicine in good
- 260 standing in the person's native licensing jurisdiction during the period of the visiting professor
- 261 osteopathic physician and surgeon license; and
- 262 (ii) that the person has received a faculty appointment to teach in a medical school in
- 263 the state.
- 264 (b) The applicant shall submit to the division with the application for a license a
- 265 statement from the dean of the medical school at which the applicant will be employed:
- 266 (i) describing the applicant's qualifications;
- 267 (ii) listing every affiliated institution in which the applicant will be providing
- 268 instruction as part of the medical school's education program;
- 269 (iii) justifying any clinical activities at each of the institutions listed by the dean; and
- 270 (iv) confirming that the applicant is able to read, write, speak, understand, and be
- 271 understood in the English language.
- 272 (c) An application for a visiting professor osteopathic physician and surgeon license
- 273 shall:
- 274 (i) be made to the division in the form established by the division; and
- 275 (ii) be accompanied by the required fee established by the division in accordance with

276 Title 63J, Chapter 1, Budgetary Procedures Act.

277 (d) The division may adopt administrative rules pursuant to Title 63G, Chapter 3, Utah
278 Administrative Rulemaking Act, as necessary to establish equivalent authorization to practice
279 medicine in good standing in other jurisdictions as required by Subsection (6)(a)(i).

280 (e) The term of a license for a visiting professor osteopathic physician and surgeon is
281 two years and may be renewed as provided in Section 58-68-303.

Legislative Review Note
as of 10-27-09 9:42 AM

Office of Legislative Research and General Counsel

S.B. 80 - Physician Licensing - Visiting Professors

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will require a one-time appropriation of \$2,000 from the Commerce Service Fund. Commerce Service Fund spending affects the annual transfer to the General Fund

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$0	\$0	\$0	(\$2,000)	\$0
Commerce Service, One-time	\$0	\$2,000	\$0	\$0	\$0	\$0
Total	\$0	\$2,000	\$0	\$0	(\$2,000)	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measureable costs and/or benefits for local governments. Individuals who could become licensed under the provisions of this bill could find the licensing process easier.