QCZV44-1

By Representatives Lee, Mooney, Marques, Shirey, Warren, Holk-Jones, Lipscomb, Kitchens, Rigsby, Cole, DuBose, Rafferty, Sorrells, Hall, Oliver, Faulkner

RFD: Health

First Read: 04-Apr-23
SYNOPSIS:

Under existing law, a postgraduate of a medical college that is not accredited must complete three years of postgraduate or residency training in order to qualify for licensure by the Medical Licensure Commission as a physician.

This bill would change the postgraduate or residency training requirement to two years of training.

Under existing law, applicants for licensure as a physician who have not passed certain examinations within the 10-year period immediately preceding the date of application must take a prescribed examination with a passing score in order to qualify for licensure.

This bill would remove this requirement.

This bill would also authorize the Board of Medical Examiners to issue permits to individuals who have completed medical school but have not been accepted into a postgraduate or residency training program to practice under the supervision of a licensed physician for one year, would establish certain criteria for the permitting of these individuals, would authorize the board to convene a working group to assist in drafting rules relating to the practice of bridge year graduate physicians, and would authorize
bridge year graduate physicians to prescribe and administer certain drugs in certain circumstances.

A BILL TO BE ENTITLED
AN ACT

Relating to the Board of Medical Examiners; to amend Sections 34-24-50.1 and 34-24-70, Code of Alabama 1975, to provide further for qualifications for licensure as a physician; and to add Section 34-24-75.2 to the Code of Alabama 1975, to authorize the board to issue permits for certain medical school graduates to practice medicine in a limited capacity for a limited time as bridge year graduate physicians.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Physician Workforce Act.

Section 2. Sections 34-24-50.1 and 34-24-70, Code of Alabama 1975, are amended to read as follows:

"§34-24-50.1

Unless otherwise indicated from the context, the terms set out below as used in Articles 3, 8, 9, and 10 of this chapter shall have the following meanings:

(1) BOARD. The Board of Medical Examiners.

(5) PHYSICIAN. Either a doctor of medicine or a
doctor of osteopathy.

(3) LEGEND DRUG. Any drug, medicine, chemical, or poison, bearing on the label the words, "Caution: Federal Law prohibits dispensing without a prescription" or similar words indicating that the drug, medicine, chemical, or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance, or compound that is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

LICENSED TO PRACTICE MEDICINE. Both the practice of medicine by a doctor of medicine or the practice of osteopathy by a doctor of osteopathy.

DOCTOR. Both doctors of medicine and doctors of osteopathy."

"§34-24-70

(a) The following constitute the requirements for the issuance of a certificate of qualification for a license to practice medicine in this state:

(1) MEDICAL EDUCATION REQUIREMENT. All applicants for a certificate of qualification shall present a diploma or evidence of graduation from any of the following institutions:

a. A college of medicine or school of medicine accredited by the Liaison Committee on Medical Education.

b. A college of osteopathy accredited by the Commission on Osteopathic College Accreditation.

c. A college of medicine or school of medicine not accredited by the Liaison Committee on Medical Education which
is approved by the Board of Medical Examiners. The board, within its discretion, may withhold approval of any college of medicine not designated in either paragraph a. or b. which:

1. Has had its accreditation withdrawn by a national or regional accreditation organization; or

2. Has had its authorization, certification, or licensure revoked or withdrawn by a national or regional governmental supervisory agency; or

3. Has been denied approval or has had its approval withdrawn by any national, state, or territorial licensing jurisdiction based upon an evaluation of the college of medicine or upon a finding of misconduct by the college; or

4. Has engaged in fraudulent, criminal, or other practices which are inconsistent with quality medical education, as determined by the board.

(2) POSTGRADUATE EDUCATION REQUIREMENT.

a. Applicants for a certificate of qualification who graduated from a college of medicine accredited by the Liaison Committee on Medical Education or a college of osteopathy accredited by the Commission on Osteopathic College Accreditation shall present evidence satisfactory to the board that the applicant has completed one year of postgraduate or residency training in any of the following programs:

1. A program accredited by the Accreditation Council for Graduate Medical Education.


3. A program accredited by the Accreditation Committee
of the Royal College of Physicians and Surgeons of Canada.

4. A program accredited by the College of Family Physicians of Canada.

b. All other applicants for a certificate of qualification who graduated from a college of medicine not accredited by the Liaison Committee on Medical Education or a college of osteopathy not accredited by the Commission on Osteopathic College Accreditation shall present evidence satisfactory to the board that the applicant has completed three years of postgraduate or residency training in any of the following programs:

1. A program accredited by the Accreditation Council for Graduate Medical Education.

2. A program accredited by the Commission on Osteopathic College Accreditation.

3. A program accredited by the Accreditation Committee of the Royal College of Physicians and Surgeons of Canada.

4. A program accredited by the College of Family Physicians of Canada.

(3) EXAMINATION REQUIREMENTS. Applicants for a certificate of qualification shall achieve a passing score on one of the licensure examinations listed below. The minimum passing score, maximum number of attempts, and period of time within which all portions of the examination must be completed may be determined by rule of the Board of Medical Examiners. The following examinations shall satisfy this requirement:

a. The United States Medical Licensing Examination.
b. The Comprehensive Osteopathic Medical Licensing Examination or its predecessor examination administered by the National Board of Osteopathic Medical Examiners.

c. The Licentiate of the Medical Council of Canada Examination.

d. If the examination was completed before January 1, 2000, applicants by endorsement who are licensed in another state, the District of Columbia, a territory of the United States, or a province of Canada are eligible for licensure upon proof of a passing score on one of the following examinations:

1. The Federation Licensing Examination.
2. The National Board of Medical Examiners Examination.

e. The board may establish by rule acceptable combinations of the Federation Licensing Examination, National Board of Medical Examiners Examination, and/or United States Medical Licensing Examination through January 1, 2000, in satisfaction of the examination requirement for a certificate of qualification.

(4) APPLICATION FEE REQUIREMENT. All applicants shall pay in advance to the board of the required application fee in an amount established in the rules of the board. This fee is not refundable once payment is received by the board.

(5) CRIMINAL HISTORY BACKGROUND CHECK. In addition to other requirements established by law and for the purpose of determining an applicant's suitability for a certificate of qualification for a license to practice medicine, each applicant shall submit to a criminal history background check.
Each applicant shall submit a complete set of fingerprints to the State Board of Medical Examiners, or any channeler approved by the board. The board, or its channeler, shall submit the fingerprints provided by each applicant for a certificate of qualification for a license to practice medicine to the Alabama State Bureau of Investigation (SBI). The fingerprints shall be forwarded by the SBI to the Federal Bureau of Investigation (FBI) for a national criminal history record check. Costs associated with conducting a criminal history background check shall be borne by the applicant and are payable directly to the board, or its designee. The State Board of Medical Examiners shall keep information received pursuant to this section confidential, except that such information received and relied upon in denying the issuance of a certificate of qualification for a license to practice medicine in this state may be disclosed as may be necessary to support the denial.

(6) ADDITIONAL REQUIREMENTS FOR EXAMINATION FOR CERTAIN APPLICANTS.

a. All applicants who have not passed the United States Medical Licensing Examination, the Comprehensive Osteopathic Medical Licensing Examination, the Licentiate of the Medical Council of Canada Examination, or the Special Purpose Examination within 10 years immediately preceding the date of the application shall either:

1. Achieve a passing score on the Special Purpose Examination.

2. Be certified by or achieve a passing score on a
recertification examination given by one of the specialty boards approved by the American Board of Medical Specialties or one of the specialty boards approved by the American Osteopathic Association within 10 years immediately preceding the date of the application. This requirement may be satisfied by active participation by the applicant in a maintenance of certification program, established by one of the specialty boards approved pursuant to this subparagraph, for a period of at least one year before submission of the application.

b. All applicants who graduated from a college of medicine not accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation shall achieve a certification given by the Education Council for Foreign Medical Graduates.

(b) Administration of examinations by the board.

(1) Applicants for a certificate of qualification who are applying for initial licensure in the State of Alabama, and who meet all qualifications for administration of Step 3 of the United States Medical Licensing Examination are eligible to take the United States Medical Licensing Examination.

(2) The following individuals are eligible to take the Special Purpose Examination:

a. Applicants who are applying for licensure in Alabama who are required to take the examination under another provision of this section.

b. Individuals required to take the examination pursuant to an order or directive of the State Board of
Medical Examiners board or the Medical Licensure Commission.

(3) Any individual eligible to take the Special Purpose Examination pursuant to paragraph (2)a. or (2)b. of subdivision (2) who has not achieved a passing score within three administrations shall no longer be eligible to take the Special Purpose Examination.

(c) Grounds for denial of a certificate of qualification. The board may deny an application for a certificate of qualification on any of the following grounds:

(1) Failure of the applicant to achieve a passing score on any examination required under this section.

(2) Failure of the applicant to complete the application form as specified by the board or to provide additional information requested by the board in connection with the application, including failure to provide information to or submit to an evaluation recommended by the Alabama Physician Wellness Committee, or its designee.

(3) A finding that the applicant has submitted or caused to be submitted false, misleading, or untruthful information to the board in connection with an application for a certificate of qualification.

(4) Failure to appear before the board or a committee of the board if formally requested to appear in connection with an application for a certificate of qualification.

(5) A finding by the board that the applicant has committed any of the acts or offenses constituting grounds to discipline the licensee to practice medicine in this state pursuant to, but not limited to, Sections 16-47-128,
(6) Failure of the applicant to comply with any of the requirements or rules for the issuance of a certificate of qualification for a license to practice medicine in this state.

(d) Non-disciplinary citation with administrative charge.

(1) When a ground for denial of a certificate of qualification exists, an applicant for a certificate of qualification may request in writing to the Board of Medical Examiners that a non-disciplinary citation with administrative charge be assessed against the applicant in lieu of a decision by the board to deny the application for a certificate of qualification. The board may grant, if it deems appropriate, a request for an assessment of a non-disciplinary citation with administrative charge and issue a certificate of qualification to the applicant.

(2) The administrative charge shall be in amounts established by the board in its rules, not to exceed ten thousand dollars ($10,000). Payment of an administrative charge assessed in a non-disciplinary citation shall be made to the board prior to the issuance of a certificate of qualification.

(3) The administrative charge is not refundable once payment is received by the board. The imposition of a non-disciplinary citation with administrative charge is considered public information and is not considered a disciplinary action against the applicant.
(e) Withdrawal of application for certificate of qualification and certificate of qualification.

(1) An applicant for a certificate of qualification shall have six months from the date the initial signed application form is received by the board to complete the application, except that an applicant for a certificate of qualification who is required to pass an examination as part of the application process shall have 12 months from the date the initial signed application form is received to complete the application. After the expiration of the deadline for completing an application established in the preceding sentence, an incomplete application shall be withdrawn by the board.

(2) A certificate of qualification issued by the board shall be withdrawn by the board after a period of six months from the date of issuance unless the applicant has filed an application for a license to practice medicine with the Medical Licensure Commission of Alabama and paid the required fee.

(3) If either an application for a certificate of qualification or a certificate of qualification is withdrawn by the board, the applicant, to reapply, shall submit a new application form including a new application fee.

(f) Each applicant for a certificate of qualification shall be a citizen of the United States or, if not a citizen of the United States, a person who is lawfully present in the United States with appropriate documentation from the federal government."
Section 3. Section 34-24-75.2 is added to the Code of Alabama 1975, to read as follows:

§34-24-75.2

(a) The board may develop, implement, and maintain a permit that allows an individual who meets certain criteria and qualifications, as further provided in subsection (c), to practice medicine as a bridge year graduate physician. A permitted bridge year graduate physician shall practice only under the supervision of a licensed physician approved by the board.

(b) (1) The board shall convene a standing working group to consult and assist in the drafting of rules related to the practice of bridge year graduate physicians, consisting of the following:

a. Two members appointed by the Medical Association of the State of Alabama.

b. One member appointed by the Alabama Academy of Family Physicians.

c. One member appointed by the Alabama Chapter of the American Academy of Pediatrics.

d. One member appointed by the Alabama Chapter of the American College of Physicians.

e. One member appointed by the Alabama Primary Health Care Association.

f. One member appointed by the Board of Medical Examiners.

g. The director of a residency program appointed by the Dean of The University of Alabama at Birmingham School of
h. The director of a residency program appointed by the Dean of the University of South Alabama College of Medicine.

i. The Director of the Cahaba Medicine Family Residency Program.

(2) Members of the standing working group shall receive, out of the funds of the board, reimbursement for subsistence and travel in accordance with state law for each day actively engaged in official business of the standing working group.

(3) The standing working group may conduct its business in person or by electronic means.

(c) The board shall provide by rule for the criteria for participation in the bridge year graduate physician program which, at a minimum, shall require the individual seeking a permit to meet the following qualifications:

(1) Is a graduate of a medical educational institution as set forth in Section 34-24-70(a)(1).

(2) Has applied, but was not accepted into, a postgraduate or residency training program, as set forth in Section 34-24-70(a)(2), for the first year following medical school graduation. The board may establish a process for otherwise qualified applicants to petition the board to waive this requirement.

(3) Has submitted to the board an application on a form approved by the board.

(4) Has paid to the board in advance the required application fee in an amount established by board rule. This
(d) In addition to the qualifications described in subsection (c), and for the purposes of determining an applicant's suitability to obtain a permit to practice as a bridge year graduate physician in this state, each applicant shall submit to a criminal history background check. Each applicant shall submit a complete set of fingerprints to the board or any channeler approved by the board. The board, or its channeler, shall submit the fingerprints provided by each applicant for a permit to the State Bureau of Investigation (SBI). The fingerprints shall be forwarded by the SBI to the Federal Bureau of Investigation (FBI) for a national criminal history record check. Costs associated with conducting a criminal history background check shall be borne by the applicant and are payable directly to the board or its designee. The board shall keep information received pursuant to this subsection confidential, except that such information received and relied upon in denying the issuance of a permit to practice as a bridge year graduate physician in this state may be disclosed as may be necessary to support the denial.

(e) Upon the filing of an application in the proper form, if the board is satisfied that all requirements of the law have been met and that the application should be approved in the interest of public welfare, the board shall issue to the applicant a permit to practice as a bridge year graduate physician. The permit shall be of a size and design to be determined by the board. Every permit issued by the board shall be dated, shall be numbered in the order of issuance,
and shall be signed by the chair of the board or the chair's
designee.

(f) A permit issued pursuant to this section shall be
valid for one year and may be renewed, upon application and
payment of a renewal fee, as determined by the board, by rule,
for no more than one additional one-year period.

(g) The board may adopt rules further setting forth the
qualifications of a physician eligible to supervise a bridge
year graduate physician and for the level of supervisory
oversight required, which, at a minimum, shall include on-site
physician supervision.

(h)(1) An individual holding a permit to practice as a
bridge year graduate physician may prescribe, dispense, or
administer legend drugs to patients, subject to both of the
following conditions:

a. The drug shall be on the formulary approved under
the guidelines of the board.

b. The drug is administered or issued pursuant to a job
description approved by the board and signed by the bridge
year graduate physician's supervising physician.

(2) Permitted bridge year graduate physicians may
administer any legend drug which they are authorized to
prescribe under this subsection. A bridge year graduate
physician may not initiate a call-in prescription in the name
of his or her supervising physician for any drug, whether
legend drug or controlled substance, which the bridge year
graduate physician is not authorized to prescribe under the
job description signed by his or her supervising physician and
approved under this subsection, unless the drug is specifically ordered for the patient by the supervising physician, either in writing or by a verbal order which has been reduced to writing and which has been signed by the supervising physician within a time specified in the guidelines of the board.

(i) The board may deny, suspend, terminate, or revoke a bridge year graduate physician permit for any reason provided by law or board rule for the termination of licenses, permits, registrations, or certificates issued by the board or the Medical Licensure Commission, including, but not limited to, a violation of any provision of this section or the rules adopted by the board pursuant to this section.

(j) At the end of the bridge year, the physician supervising a bridge year graduate physician, in a manner prescribed by the board, shall submit a report to the board indicating the scope and breadth of the practice of the participating bridge year graduate physician and the instruction and training given to the bridge year graduate physician. The training physician's report shall contain a statement as to whether or not the bridge year graduate physician would be recommended for a residency position upon reapplication.

(k) A permit issued in accordance with this section shall not confer any future right to licensure to practice medicine in this state.

(l) The board may adopt rules regulating the permitting and practice of bridge year graduate physicians in this state,
even if the rules displace competition.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.