

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1277 Licensure of Foreign-Trained Physicians

SPONSOR(S): Campbell

TIED BILLS: **IDEN./SIM. BILLS:** SB 1626

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| 1) Health Quality Subcommittee | 12 Y, 0 N | Siples | O'Callaghan |
| 2) Health Care Appropriations Subcommittee | 12 Y, 0 N | Garner | Pridgeon |
| 3) Health & Human Services Committee | | | |

SUMMARY ANALYSIS

The Department of Health (DOH), in conjunction with the Board of Medicine (board), oversees the licensure and regulation of allopathic physicians in this state, pursuant to ch. 458, F.S. Florida law prescribes the minimum standards an applicant for licensure must meet to be licensed as a physician.

For licensure by examination, an applicant must meet minimum medical education and postgraduate training standards, as well as achieve an acceptable score on a board-approved national licensing examination. Licensure by endorsement is available to an individual who is licensed in another state or U.S. territory for a specified period of time, and who can demonstrate compliance with the minimum medical education and postgraduate training standards, as well as a passing score on a board-approved national licensing examination.

The bill provides an alternative option for graduates of foreign medical schools to meet the education and training requirements for licensure as a physician. The bill allows a graduate of an allopathic foreign medical school listed in the World Directory of Medical Schools that has not been certified by the state, pursuant to s. 458.314, F.S., to apply for licensure. The World Directory of Medical Schools is a world-wide directory of medical schools that was jointly developed by the World Federation for Medical Education and the Foundation for Advancement of International Medical Education and Research, in collaboration with the World Health Organization and the University of Copenhagen. The applicant must also demonstrate that he or she is proficient in English, has completed a board-approved residency or fellowship of at least one year, and has held an active physician license and practiced medicine in a foreign jurisdiction for at least the 10 years immediately preceding the date of application for licensure.

The bill also provides that a foreign medical school graduate, who applies for licensure pursuant to its provisions, may meet the licensure examination requirement by achieving a passing score on an examination that the board determines is substantially equivalent to, or more stringent than, the United States Medical Licensing Examination (USMLE).

The bill provides that the board may certify an applicant for licensure who meets the education and training requirements, as well as any other licensure requirements, with a condition, limitation, or restriction, including a probationary period, a scope of practice limitation, or a supervision requirement, to be imposed by the DOH, for a duration specified by the board.

The bill may have an insignificant fiscal impact on the DOH and no fiscal impact on local governments.

The effective date of the bill is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Licensure and Regulation of Physicians

Chapter 458, F.S., provides for the licensure and regulation of the practice of medicine by the Florida Board of Medicine (board) in conjunction the Department of Health (DOH). The chapter provides, among other things, licensure requirements by examination for medical school graduates and licensure by endorsement requirements.

Licensure by Examination

An individual seeking to be licensed by examination as a medical doctor, must meet the following requirements:¹

- Pay an application fee;²
- Be at least 21 years of age;
- Be of good moral character;
- Has not committed an act or offense that would constitute the basis for disciplining a physician, pursuant to s. 458.331, F.S.;
- Complete 2 years of post-secondary education which includes, at a minimum, courses in fields such as anatomy, biology, and chemistry prior to entering medical school;
- Meets one of the following medical education and postgraduate training requirements:
 - Is a graduate of an allopathic medical school recognized and approved by an accrediting agency recognized by the U.S. Office of Education or recognized by an appropriate governmental body of a U.S. territorial jurisdiction, and has completed at least one year of approved residency training;
 - Is a graduate of an allopathic foreign medical school registered with the World Health Organization and certified pursuant to statute as meeting the standards required to accredit U.S. medical schools, and has completed at least one year of approved residency training; or
 - Is a graduate of an allopathic foreign medical school that has not been certified pursuant to statute; has an active, valid certificate issued by the Educational Commission for Foreign Medical Graduates (ECFMG),³ has passed that commission's examination; and has completed an approved residency or fellowship of at least 2 years in one specialty area;
- Has submitted to a background screening by the DOH; and
- Has obtained a passing score on:
 - The United States Medical Licensing Examination (USMLE);
 - A combination of the USMLE, the examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), or the examination of the National Board of Medical Examiners up to the year 2000; or
 - The Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX), if the applicant was licensed on the basis of a state board

¹ Section 458.311(1), F.S.

² Pursuant to r. 64B8-3.002(5), F.A.C., the application fee for a person desiring to be licensed as a physician by examination is \$500. The applicant must pay an initial license fee of \$429. Section 766.314(4), F.S., assesses a fee to be paid with at time of an initial license to finance the Florida Birth-Related Neurological Injury Compensation Plan. The current assessment amount is \$250.

³ A graduate of a foreign medical school does not need to present an ECFMG certification or pass its exam if the graduate received his or bachelor's degree from an accredited U.S. college or university, studied at a medical school recognized by the World Health Organization, and has completed all but the internship or social service requirements, has passed parts I and II of the National Board Medical Examiners licensing examination or the ECFMG equivalent examination. (Section 458.311, F.S.)

examination, is currently licensed in at least one other jurisdiction of the United States or Canada, and has practiced for a period of at least 10 years.

Licensure by Endorsement

An individual who holds an active license to practice medicine in another jurisdiction may seek licensure by endorsement to practice medicine in Florida.⁴ The applicant must meet the same requirements for licensure by examination. To qualify for licensure by endorsement, the applicant must also submit evidence of the licensed active practice of medicine in another jurisdiction for at least 2 of the preceding 4 years, or evidence of successful completion of either a board-approved postgraduate training program within 2 years preceding filing of an application or a board-approved clinical competency examination within the year preceding the filing of an application for licensure.

When the board determines that any applicant for licensure by endorsement has failed to meet, to the board's satisfaction, each of the appropriate requirements for licensure by endorsement, it may enter an order requiring one or more of the following terms:

- Refusal to certify to the DOH an application for licensure, certification, or registration;
- Certification to the DOH of an application for licensure, certification, or registration with restrictions on the scope of practice of the licensee; or
- Certification to the DOH of an application for licensure, certification, or registration with placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another physician.

Certification of Foreign Educational Institutions

Section 458.314, F.S., authorizes the DOH to develop standards and a process by which a foreign medical school may be certified as meeting standards comparable to those required for the accreditation of a U.S. medical school. A graduate of a foreign medical school certified as meeting the DOH's standards is eligible for licensure as a medical doctor after obtaining a passing score on a medical licensure examination, demonstrating proficiency in English, and successfully completing one year of graduate training in an approved program.⁵ In determining whether a foreign medical school is to be certified, the DOH will evaluate several areas, including governance, administration, curriculum, admissions, class size, and the availability of resources, such as faculty and budget.⁶

World Directory of Medical Schools

The World Directory of Medical Schools (world directory) is a world-wide database of medical schools jointly developed by the World Federation for Medical Education and the Foundation for Advancement of International Medical Education and Research (FAIMER), in collaboration with the World Health Organization and the University of Copenhagen.⁷ The data contained in the world directory was derived from the University of Copenhagen's Avicenna Directory, which was the successor of the World Health Organization's World Directory of Medical Schools, and the International Medical Education Directory compiled by FAIMER.⁸ The information provided in the International Medical Education Directory was derived from data collected by the ECFMG throughout its history of evaluating the medical credentials of graduates of foreign medical schools.

⁴ Section 458.313, F.S.

⁵ Rule 64B8-15, F.A.C. Prior to being admitted to an approved residency program, the Accreditation Council for Graduate Medical Education must verify that the foreign medical graduate has been certified by the ECFMG.

⁶ See generally Rule 64B8-15, F.A.C.

⁷ World Directory of Medical Schools, *About the World Directory*, available at <http://www.wdms.org/about/> (last visited Jan. 13, 2016).

⁸ World Directory of Medical Schools, *History of the World Directory of Medical Schools*, available at <http://www.wdms.org/history/> (last visited Jan. 13, 2016). The Avicenna Directory is managed by the World Federation for Medical Education.

The world directory defines a “medical school” as an educational institution that provides a complete or full program leading to a basic medical qualification that permits the holder to obtain a license to practice as a medical doctor or physician.⁹

The database provides basic details about each medical school, such as contact information, operational status, the year instruction began, the percentage of clinical training and access to clinical facilities, curriculum duration, prerequisite education, and language of instruction, if available. However, being listed in the directory does not denote any recognition, accreditation, or endorsement by the world directory or the organizations producing the world directory.¹⁰

Effective June 30, 2015, the ECFMG uses the world directory to determine eligibility for certification of foreign medical graduates by its organization.¹¹ If a foreign medical school meets the ECFMG requirements, the school’s profile contains a notation of such and its graduates are eligible to apply for ECFMG certification and the USMLE. However, if the medical school is not listed in the world directory or it is listed but its profile does not have the ECFMG notation, its students are ineligible to apply for ECFMG certification and the USMLE.

Effect of the Proposed Changes

All applicants for licensure as a physician must meet minimum medical educational standards by graduating from an accredited or government approved medical school and successfully completing postgraduate training requirements. The bill provides an additional option that graduates of foreign medical schools may use to meet the education requirements for licensure by examination. To qualify for licensure as a physician by examination, the bill allows a graduate of an allopathic foreign medical school listed in the World Directory of Medical Schools that has not been certified by the state, pursuant to s. 458.314, F.S., to qualify for licensure, if the applicant meets the following:

- Demonstrates competency in English by obtaining a satisfactory score on an approved test, if the foreign medical school provides instruction in a language other than English;
- Has completed a board-approved residency or fellowship of at least 1 year in one specialty area, which counts towards the regular or subspecialty certification by a board recognized and certified by the American Board of Medical Specialties; and
- Has held an active physician license and has practiced medicine in a foreign jurisdiction for at least 10 years immediately preceding the date of application.

All licensure applicants must achieve a passing score on a board-approved licensure examination. The bill allows applicants who apply pursuant to this provision to meet the examination requirement by obtaining a passing score on an examination determined by the board to be substantially equivalent to, or more stringent than, the USMLE.

The bill permits the DOH to impose a condition, limitation, or restriction, including but not limited to, a probationary period of practice, a scope of practice limitation, or a supervision requirement for any applicant certified by the board to be licensed pursuant to the provisions of the bill, for a duration specified by the board.

The bill provides an effective date of July 1, 2016.

B. SECTION DIRECTORY:

Section 1. Amends s. 458.311, F.S., relating to licensure by examination; requirements; fees.

Section 2. Provides an effective date of July 1, 2016.

⁹ *Supra* note 1.

¹⁰ World Directory of Medical Schools, *Search the World Directory*, available at <https://search.wdoms.org/> (last visited on Jan. 13, 2016).

¹¹ Educational Commission for Foreign Medical Graduates, *Update: World Directory of Medical Schools Replaces International Medical Education Directory for Purposes of Determining Eligibility for ECFMG Certification and USMLE*, (June 30, 2015), available at <http://www.ecfm.org/news/2015/06/30/update-world-directory-of-medical-schools-replaces-international-medical-education-directory-for-purposes-of-determining-eligibility-for-ecfm-certification-and-usmle/> (last visited Jan. 13, 2016).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate, positive fiscal impact on the DOH. The DOH may collect application, licensure, and renewal fees from additional individuals that may be eligible to apply for licensure. Section 458.311(1)(a), F.S., allows DOH to assess a nonrefundable application fee not to exceed \$500 for licensure.

2. Expenditures:

The bill may have an indeterminate, insignificant fiscal impact on the DOH. The DOH may experience a recurring workload increase as additional individuals may be eligible to apply for licensure. The DOH will incur an insignificant nonrecurring cost associated with rulemaking which current resources are adequate to absorb.¹²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

For foreign trained physicians intending to become licensed in Florida, this bill may result in cost savings associated with no longer having to take the USMLE or FLEX to become licensed if the foreign trained physician meets the new licensure criteria provided in the bill.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

¹² Department of Health, *2016 Agency Legislative Bill Analysis for House Bill 1277* (January 11, 2015), on file with the Health Care Appropriations Subcommittee.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES