

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 1626

INTRODUCER: Senator Hutson

SUBJECT: Licensure of Foreign-trained Physicians

DATE: February 15, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1626 establishes a fourth pathway for foreign-trained physicians to meet the educational and training requirements to obtain a Florida medical license. The additional pathway allows a foreign-trained physician to obtain a license if he or she:

- Graduated from a foreign medical school, not approved by the Board of Medicine (BOM), but listed in the World Directory of Medical Schools (WDMS), and accredited by the government in the country of location;
- Can demonstrate competency in English;
- Has completed a board-approved residency or fellowship of at least one year in a specialty which counts towards board certification; and
- Has held an active physician's license, and actively practiced for the preceding 10 years.

All other requirements for a Florida allopathic medical license must be met.

II. Present Situation:

Section 458.311, F.S, provides that any person desiring to be licensed as an allopathic physician in Florida, who does not hold a valid medical license in another U.S. state, must apply to the Department of Health (DOH) and pay a nonrefundable application fee. The DOH must license any applicant that the BOM certifies meets the following criteria:

- Is at least 21 years of age;
- Is of good moral character;
- Has not committed any act or offense anywhere which would constitute grounds for discipline under s. 458.331, F.S.;
- Has passed:

- o The U.S. Medical Licensing Examination (USMLE),^{1,2} or
- o A combination of the USMLE and the U.S. Federation of Medical Boards Examination (FLEX),³ or
- o The National Board of Medical Examiners (NBME) Examination⁴ up through the year 2000, or
- o The U.S. Special Purpose Examination (SPEX)⁵ of the Federation of Medical Boards, if the applicant has passed a state board examination, is currently licensed in another state or Canada;
- Has completed the equivalent of two academic years of pre-professional, postsecondary education which must include courses in anatomy, biology, and chemistry prior to entering medical school; and
- Meets one of the following medical education and postgraduate training requirements:
 - o Is a graduate of an allopathic medical school or college within the U.S., or its territories, recognized and approved of by an accrediting agency recognized by the U.S. Office of Education,⁶ or the accrediting agency of the U.S. territory; the medical school or college courses were taught in English, or the applicant has demonstrated competency in English by obtaining a satisfactory grade on the Test of Spoken English (TSE)⁷ or a similar test approved by BOM rule; and has completed an approved residency of at least 1 year.

¹ The USMLE is a three-step examination for medical licensure in the U.S. and is sponsored by the Federation of State Medical Boards (FSMB) and the National Board of Medical Examiners (NBME). The USMLE assesses a physician's ability to apply knowledge, concepts, and principles, and to demonstrate fundamental patient-centered skills, that are important in health and disease and that constitute the basis of safe and effective patient care. See United States Medical Licensing Examination, *What is USMLE?*, Available at: <http://www.usmle.org/>, (Last visited February 9, 2016).

² As of 1994, the USMLE has become the sole examination pathway to licensure for physicians. The National Board of Medical Examiners (NBME) part examinations and the federation licensing examinations (FLEX) have been phased out. See University of Buffalo, Office of Medical Education, *USMLE Registration*, available at: http://www.smbs.buffalo.edu/ome/ome_resources_usmle.htm, (Last visited February 9, 2016).

³ *Supra* note 2.

⁴ *Supra* note 2.

⁵ The SPEX is one of two programs available through the Post-Licensure Assessment System (PLAS), a collaborative initiative established in 1998 by the Federation of State Medical Boards (FSMB) and the National Board of Medical Examiners (NBME) to provide services for use by medical licensing authorities in assessing a licensed or previously licensed physician's aspects of competency to practice medicine. The SPEX is used by state medical boards to re-examine a licensed or previously licensed physician's ongoing level of basic medical knowledge. Situations in which a medical licensing board may require a physician to take SPEX include endorsement of licensure, reinstatement or reactivation of a license after a period of inactivity (due to illness, disciplinary action, etc.). In instances where the state medical board has or is aware of concerns and/or questions about a physician's fitness to practice, the results of the SPEX exam should be evaluated in conjunction with other available evidence to determine a physician's competence and fitness to practice. See Joint Program of the Federation of State Medical Boards of the United States, Inc., and the National Board of Medical Examiners, *Special Purpose Examination*, available at: https://www.fsmb.org/Media/Default/PDF/USMLE/SPEX_Bulletin.pdf, (Last visited February 9, 2016).

⁶ The Liaison Committee on Medical Education (LCME) is recognized by the U.S. Department of Education as the reliable authority for the accreditation of medical education programs leading to the MD degree. See LCME, available at: <http://www.lcme.org/about.htm> (Last visited February 3, 2016).

⁷ The ETS is an examination developed by the Educational Testing Service and administered worldwide to students or professionals who speaks English as a second language. It is designed to assess and measure their ability to communicate effectively in English. The test is commonly used for employment, graduate assistantships, licensure and certification purposes. See ETS, *Who We Are*, available at: <https://www.ets.org/about/who/>, (Last visited February 2, 2016).

- o Is a graduate of an allopathic foreign medical school registered with the World Health Organization (WHO) and certified pursuant to s. 458.314, F.S.,⁸ as meeting the standards required for accreditation of U.S. medical schools; the foreign medical school courses were taught in English, or the applicant has demonstrated competency in English by obtaining a satisfactory grade on the TSE or BOM approved similar test; and has completed an approved residency of at least 1 year.
- o Is a graduate of an allopathic foreign medical school which has not been certified pursuant to s. [458.314](#), F.S., but the applicant has had his or her medical credentials evaluated by the Educational Commission for Foreign Medical Graduates (ECFMG),⁹ holds an active, valid certificate issued by that commission, and has passed the examination given by the commission,¹⁰ and has completed an approved residency or fellowship of at least two years in one specialty area recognized for certification by the American Board of Medical Specialties.

World Directory of Medical Schools

The WHO's World Directory of Medical Schools is no longer incorporated in the Avicenna Directory, but has been transferred to the new WDMS.¹¹

The new WDMS is a joint venture of the World Federation for Medical Education (WFME) and the Foundation for Advancement of International Medical Education and Research (FAIMER). The WDMS was created by merging FAIMER's International Medical Education Directory (IMED) and WFME's Avicenna Directory. Contained in the directory are institutional details such as historical school names and affiliations and program details such as admission requirements and curriculum duration. The Mission of the WDMS is to list all the Medical schools in the world, with accurate, up-to-date, and comprehensive information on each school.

The listing of a medical school in the WDMS does not denote recognition, accreditation or endorsement by the WDMS, the WHO, or by the partner organizations leading to this venture, the WFME and the FAIMER.¹²

⁸ Any foreign medical school wishing to be certified by the Florida BOM must apply to the DOH, and demonstrate that their educational program is reasonably comparable to that of similar accredited institutions in the U.S.; and adequately prepares students for the practice of medicine. The curriculum, faculty qualifications, student attendance, plant and facilities, and other relevant factors are reviewed and evaluated by the BOM in conjunction with the DOH. *See* s. 458.314(4), F.S. and ch. 64B8-14 F.A.C.

⁹ Certification by ECFMG is the standard for evaluating the qualifications of international medical graduates (IMGs) before these physicians enter U.S. graduate medical education (GME), where they provide supervised patient care. ECFMG certification also is a requirement for IMGs to take Step 3 of the three-step [United States Medical Licensing Examination \(USMLE\)](#) and to obtain an unrestricted license to practice medicine in the United States. ECFMG is a private, nonprofit organization whose members are: [American Board of Medical Specialties](#); [American Medical Association](#); [Association of American Medical Colleges](#); [Association for Hospital Medical Education](#); [Federation of State Medical Boards of the United States, Inc.](#); and [National Medical Association](#). *See* ECFMG, available at: <http://www.ecfmg.org/about/index.html>, (last visited Feb. 2, 2016).

¹⁰ The ECFMG commission currently partners with the NBME in administering the Step 2 Clinical Skills component of USMLE, a requirement for IMGs. Through this collaboration, ECFMG uses its experience in assessment to ensure that all physicians entering U.S. GME can demonstrate the fundamental clinical skills essential to providing safe and effective patient care under supervision. *See* Educational Council for Foreign Medical Graduates, *Overview*, available at: <http://www.ecfmg.org/about/index.html>, (last visited Feb. 12, 2016).

¹¹ *See* World Health Organization, *Health Workforce*, <http://www.who.int/hrh/wdms/en/>, (last visited Feb. 2, 2016).

¹² *Id.*

On June 30, 2015, the ECFMG began to use the WDMS to determine eligibility of students for certification of foreign medical graduates.¹³ If a foreign medical school, meets the ECFMG requirements, then the school's profile in the WDMS contains a notation of such and its graduates are eligible to apply for ECFMG certification and the USMLE.

The ECFMG does not accredit medical schools. A foreign medical school graduate, from a medical school not certified under s. 458.315, F.S., with an ECFMG certification who passes the USMLE is currently eligible for licensure under s. 458.311(1)(f) F.S., if he or she satisfies the residency or fellowship requirements of s. 458.311(1)(f)3.c., F.S.

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 or the USMLE.

Licensing of Foreign-trained Physicians in California

The California Division of Licensing has formally published a list of approved and disapproved foreign medical schools. The education and diplomas from the following disapproved foreign medical schools will not be accepted toward meeting the requirements for training or licensure in California¹⁴:

- CETEC University, Santo Domingo, Dominican. Republic (closed);
- CIFAS University, Santo Domingo, Dominican. Republic (closed);
- UTESA University, Santo Domingo, Dominican. Republic;
- World University, Santo Domingo, Dominican. Republic (closed);
- Spartan Health Sciences University, St. Lucia;
- University of Health Sciences Antigua, St. John's, Antigua;
- Universidad Eugenio Maria de Hostos (UNIREMHOS), Dominican. Republic;
- Universidad Federico Henriquez y Carvajal, Dominican. Republic; and
- St. Matthew's University, Grand Cayman, Cayman Islands.¹⁵

All of the above California disapproved foreign medical schools are listed in the WDMS, and all are recognized by the ECFMG.¹⁶ The above schools would meet the first prong of the fourth pathway to licensure under SB 1626 for foreign-trained physicians. The schools are accredited by an accrediting agency recognized by their country's governments and they are not certified by the BOM pursuant to s. 458.314, F.S.

¹³ 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 Feb. 12, 2016).

¹⁴ As of January 1, 2013, California Business and Professional Code s. 2135.7, made it possible for graduates of unrecognized and even disapproved foreign medical schools to acquire a California Medical License. A graduate of an unrecognized school who holds an unrestricted license in another state for 10 years, and is a board-certified, can now apply for a California medical license. Graduates of disapproved schools were given the same treatment after 12 years. California remains one of the more difficult states in which to obtain a medical license.

¹⁵ http://www.credentialwatch.org/non/california_medical.shtml, (Last visited Feb. 10, 2016).

¹⁶ <https://search.wdms.org/>, (last visited Feb. 10, 2016).

A comparison of California's list of approved foreign medical schools and the WDMS shows that Afghanistan, the first country listed in the WDMS, lists 11 state accredited medical schools in the WDMS, but only two are California approved; and both of these are also ECFMG recognized along with six other medical schools. Only three of the 11 listed Afghan medical schools are not ECFMG recognized.

The WMSD also lists 48 state accredited medical schools in Columbia; only 23 of those are on the California approved list; and 46 are eligible for their graduates to apply for ECFMG certification.

III. Effect of Proposed Changes:

SB 1626 amends s. 458.311, F.S., to establish another pathway for foreign-trained physicians to obtain an allopathic physician licensure in Florida. The additional pathway allows the BOM to certify a foreign-trained physician for licensure if, in addition to the requirements of s. 358.311(1)(a) through (e), and (g) through (h), F.S., he or she can provide evidence of the following medical education and postgraduate training:

- Graduation from a foreign allopathic medical school listed in the WDMS, accredited by an accrediting agency¹⁷ recognized by the governmental body of the foreign jurisdiction, but which is not certified pursuant to s. 458.314, F.S.;
- Competency in English by achieving a satisfactory grade on the Test of English as a Foreign Language (TOEFL)¹⁸ of the ETS or a similar test approved by the BOM, if the language of instruction in the foreign medical school was not English;
- Completion of a board-approved residency or fellowship of at least 1 year in a specialty which will count toward a certification by a board certified by the American Board of Medical Specialties; and
- An active physician license in a foreign jurisdiction, and at least ten years of active practice. in that foreign jurisdiction immediately preceding the application.

The bill also authorizes the BOM to certify an applicant who has met the medical education and post graduate training requirements under s. 458.311(1)(f)4., F.S., for licensure through this route and impose a probationary period, scope of practice limitation or supervision requirement that the DOH will impose on the license for the duration specified.

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

¹⁷ ECFMG certification is not an accreditation. If a foreign medical school meets ECFMG requirements it means that students from that school are eligible to apply to EFCM for EFCM certification, and for examination, if all other eligibility requirements are met. See World Medical School Directory, Detail of ECFMG approval notation, available at: <https://search.wdms.org/home/SchoolDetail/F0001899>, (last visited Feb. 12, 2016).

¹⁸ TOEFL is a written test given by ETS designed to measure the English proficiency of non-English speaking people and is divided into three sections. It is designed to measure a candidate's ability to use and understand English at the university level. It tests four language skills — listening, reading, speaking and writing; and is administered via the Internet. Test fees vary by country and range from a low of \$170.00 in Haiti to a high of \$270.00 in Switzerland. EST, *About the TOEFL iBT Test*, available at: http://www.ets.org/toefl/ibt/about?WT.ac=toeflhome_ibtabout2_121127, (last visited Feb. 10, 2016).

IV. Constitutional Issues: Dominican Republic**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may aid foreign-trained physicians, intending to become licensed in Florida, and 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. The bill may increase the number of physicians in Florida and help reduce the physician shortages.

C. Government Sector Impact:

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. The DOH may also 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.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 458.311 of the Florida Statutes.

¹⁹ Department of Health, *House Bill 1277 Analysis* (January 11, 2015) (on file with the Senate Committee on Health Policy).

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
