

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 542, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE PRACTICE OF MEDICINE; PROVIDING LEGISLATIVE INTENT; AMEND-
2 ING SECTION 54-1803, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION
3 54-1810, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A CERTAIN PRO-
4 VISIONAL LICENSURE PERIOD; REPEALING SECTION 54-1812, IDAHO CODE,
5 RELATING TO GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED
6 STATES AND CANADA; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE
7 ADDITION OF A NEW SECTION 54-1812, IDAHO CODE, TO ESTABLISH PROVISIONS
8 REGARDING GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED
9 STATES AND CANADA; AMENDING SECTION 54-1813, IDAHO CODE, TO REVISE
10 PROVISIONS REGARDING TEMPORARY LICENSES AND REGISTRATION; PROVIDING
11 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
15 remove barriers that prevent high-quality, internationally licensed physi-
16 cians from filling vacancies in Idaho, including in rural and primary care
17 settings, by eliminating unnecessary training duplication. All other care
18 standards and requirements remain unchanged and the Idaho state Board of
19 Medicine is empowered to continue to perform its role to ensure all interna-
20 tionally licensed applicants have the requisite knowledge and experience to
21 practice medicine in Idaho.

22 SECTION 2. That Section 54-1803, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-1803. DEFINITIONS. As used in this chapter:

25 (1) "Practice of medicine" means:

26 (a) The investigation, diagnosis, treatment, correction, or preven-
27 tion of or prescription for any human disease, ailment, injury, infir-
28 mity, deformity or other condition, physical or mental, by any means
29 or instrumentality that involves the application of principles or tech-
30 niques of medical science; or

31 (b) Offering, undertaking, or holding oneself out as able to do any of
32 the acts described in paragraph (a) of this subsection.

33 (2) "Board" means the state board of medicine.

34 (3) "Physician" means any person who holds a license to practice
35 medicine and surgery, osteopathic medicine and surgery, or osteopathic
36 medicine, provided that others authorized by law to practice any of the heal-
37 ing arts shall not be considered physicians for the purposes of this chapter.

38 (4) "Supervising physician" means a physician who is responsible for
39 the direction and supervision of the activities of and patient services pro-
40 vided by licensed or unlicensed medical personnel.

1 (5) "License to practice medicine" means a license issued by the board
2 to a person who has graduated from an acceptable school of medicine and who
3 has fulfilled the licensing requirements of this chapter.

4 (6) "License to practice osteopathic medicine" means a license issued
5 by the board to a person who either graduated from an acceptable osteopathic
6 school of medicine subsequent to January 1, 1963, or who has been licensed by
7 endorsement of a license to practice osteopathic medicine issued by another
8 state and who has fulfilled the licensing requirements of this chapter.

9 (7) "Acceptable school of medicine" means any school of medicine or
10 school of osteopathic medicine that meets the standards or requirements of a
11 national medical school accrediting organization acceptable to the board.

12 (8) "Intern" or "resident" means any person who has completed a course
13 of study at an acceptable school of medicine and who is enrolled in a post-
14 graduate medical training program.

15 (9) "Physician assistant" means any person who is a graduate of an ac-
16 ceptable physician assistant training program, who is qualified by special-
17 ized education, training, and experience, and who has been licensed by the
18 board to render patient services.

19 (10) "Graduate physician assistant" means a person who is a graduate of
20 an approved program for the education and training of physician assistants
21 and who meets all of the requirements in this chapter for licensure, but who:

22 (a) Has not yet taken and passed the certification examination ~~and who~~
23 but has been authorized by the board to render patient services under
24 the direction of a supervising physician for a period of six (6) months;
25 or

26 (b) Has passed the certification examination but who has not yet ob-
27 tained a college baccalaureate degree and who has been authorized by the
28 board to render patient services under the direction of a supervising
29 physician for a period of not more than five (5) years.

30 (11) "International medical program" means any medical school, resi-
31 dency program, medical internship program, or entity that provides physi-
32 cians with a medical education or training outside of the United States or
33 Canada that is substantially similar to the medical education or training
34 required to practice as a physician in Idaho and has been evaluated and cer-
35 tified by the educational commission for foreign medical graduates.

36 (12) "International physician" means any individual who:

37 (a) Was not a legal resident of the United States or Canada when they
38 attended and matriculated from an international medical program;

39 (b) Has been granted a medical doctorate or substantially similar de-
40 gree by an international medical program of good standing;

41 (c) Has completed a residency or post-graduate medical training;

42 (d) Has practiced medicine as a physician in good standing with the
43 regulatory institution in such individual's home country for at least
44 three (3) years after the completion of post-graduate medical training
45 or completed at least five hundred (500) hours of clinical experience
46 under direct physician supervision in a clinical setting in the United
47 States;

48 (e) Has practiced medicine within the last five (5) years or has a
49 waiver from the board; and

1 (f) Possesses basic fluency in the English language as demonstrated by
 2 a passing score on the occupational English test for medicine or other
 3 equivalent exam approved by the board.

4 (13) "Sponsoring entity" means an entity, corporation, or organiza-
 5 tion, whether for profit or nonprofit, that furnishes, bills, or is paid for
 6 health care procedures or service delivery in the normal course of business,
 7 and includes but is not limited to health systems, hospitals, freestanding
 8 emergency departments, independent physician practices, primary care clin-
 9 ics, and urgent care clinics.

10 SECTION 3. That Section 54-1810, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 54-1810. PHYSICIAN LICENSURE BY WRITTEN EXAMINATION. Any person seek-
 13 ing to be licensed to practice medicine or osteopathic medicine as a physi-
 14 cian in this state must successfully complete the following requirements be-
 15 fore a license will be issued:

16 (1) Each applicant must submit a completed written application to the
 17 board on forms furnished by the board, which shall require proof of gradu-
 18 ation from a medical school acceptable to the board and successful comple-
 19 tion of a postgraduate training program acceptable to the board. The appli-
 20 cation shall require a fingerprint-based criminal history check of the Idaho
 21 central criminal database and the federal bureau of investigation criminal
 22 history database. Each applicant must submit a full set of the applicant's
 23 fingerprints on forms supplied by the board, which shall be forwarded to the
 24 Idaho state police and the federal bureau of investigation identification
 25 division for this purpose or for the purpose of qualifying an applicant for
 26 an expedited license as the state of principal license as provided in section
 27 54-1847, Idaho Code. The board shall not disseminate data acquired from a
 28 fingerprint-based criminal history check except as allowed by law.

29 (2) Each applicant must pass an examination conducted by or acceptable
 30 to the board ~~which~~ that shall thoroughly test the applicant's fitness to
 31 practice medicine. If an applicant fails to pass any step of the examination
 32 on two (2) separate occasions, the applicant may be required to be inter-
 33 viewed, evaluated, or examined by the board.

34 (3) The board may require an applicant to be personally interviewed by
 35 the board or a designated committee of the board. Such an interview shall be
 36 limited to a review of the applicant's qualifications and professional cre-
 37 dentials.

38 (4) For an international physician licensed pursuant to section
 39 54-1812, Idaho Code, successful completion of the three (3) year provisional
 40 license period shall constitute a postgraduate training experience accept-
 41 able to the board.

42 SECTION 4. That Section 54-1812, Idaho Code, be, and the same is hereby
 43 repealed.

44 SECTION 5. That Chapter 18, Title 54, Idaho Code, be, and the same is
 45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 46 ignated as Section 54-1812, Idaho Code, and to read as follows:

1 54-1812. GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED
2 STATES AND CANADA. (1) The board shall grant a three (3) year provisional li-
3 cense to international physicians who:

4 (a) Submit a completed written application to the board on forms fur-
5 nished by the board, which shall include proof of:

6 (i) Graduation from an international medical program;

7 (ii) Post-graduate medical training; and

8 (iii) Practice in the international physician's home country or
9 clinical experience required pursuant to section 54-1803(12) (d),
10 Idaho Code;

11 (b) Have an offer for employment as a physician at any sponsoring entity
12 that operates in the state of Idaho and employs a supervising physician
13 who is:

14 (i) Licensed in Idaho and in good standing with the board;

15 (ii) A board-certified physician; and

16 (iii) Has institutional privileges;

17 (c) Report any past or pending disciplinary issues to the board and do
18 not have disqualifying disciplinary issues as determined by the board;
19 and

20 (d) Meet the qualifications described in this section.

21 (2) To be eligible for a provisional license, an international physi-
22 cian must be eligible to obtain federal immigration status that allows the
23 international physician to practice as a physician in the United States.
24 However, international physicians licensed pursuant to this section must
25 obtain federal work authorization before commencing any work for the spon-
26 soring entity.

27 (3) An international physician seeking a provisional license pursuant
28 to this section must possess a passing score on the United States medical li-
29 censing examination (USMLE) 1 and 2. If an applicant fails to pass either
30 step of the examination on two (2) separate occasions, the applicant may be
31 required to be interviewed, evaluated, or examined by the board.

32 (4) The application shall require a fingerprint-based criminal history
33 check as required by the administrator of the division of occupational and
34 professional licenses.

35 (5) The board shall refuse to issue a license to an international physi-
36 cian if it finds that such applicant does not possess the requisite qualifi-
37 cations to provide the same standard of health care as provided by licensed
38 physicians in this state.

39 (6) An international physician must notify the board of any changes in
40 employment during the provisional licensure period. The board may suspend
41 a provisional license granted pursuant to this section if the international
42 physician is separated from a sponsoring entity during the provisional li-
43 cense period. However, the international physician shall get credit toward
44 the provisional period for the time worked prior to separation.

45 (7) International physicians licensed pursuant to this section shall
46 be subject to the disciplinary procedures of the board.

47 (8) At the conclusion of the three (3) year period, an international
48 physician shall be eligible to apply for a full license pursuant to section
49 54-1810, Idaho Code, if:

1 (a) The international physician was employed and training for the full
2 three (3) years;

3 (b) The supervising physician provides a letter of recommendation;

4 (c) The international physician is not the subject of an active inves-
5 tigation by the board; and

6 (d) The international physician has passed the USMLE 3 or equivalent
7 exam as approved by the board.

8 (9) International physicians licensed pursuant to this section are
9 subject to the provisions of section 54-1842, Idaho Code, for the purposes of
10 the interstate medical licensure compact. The board may require additional
11 information, as provided in this section, from any international physician
12 from a member state seeking expedited licensure in Idaho under the inter-
13 state medical licensure compact pursuant to section 54-1845, Idaho Code.

14 SECTION 6. That Section 54-1813, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-1813. TEMPORARY LICENSE AND REGISTRATION. (1) The board may by
17 rule provide for the issuance of a temporary license to a person licensed to
18 practice medicine or osteopathic medicine in some other state, territory, or
19 district of the United States or Canada or to a person who is a diplomate of
20 the national board of medical examiners or a diplomate of the national board
21 of osteopathic medical examiners or to a physician assistant, excluding any
22 volunteer license applicant, provided that such temporary license shall be
23 issued only to persons who have made an application for a permanent license
24 in this state. The board shall fix and collect a fee for a temporary license
25 and it shall be valid from the date of issuance for one hundred twenty (120)
26 days, unless extended by the board or its designated representative upon a
27 showing of good cause.

28 (2) The board may by rule provide for temporary registration of in-
29 terns, and residents, and experienced international medical graduates who
30 are forcibly displaced persons. The board shall fix and collect a fee for the
31 temporary registration and shall specify the time period of the temporary
32 registration.

33 ~~(3) For purposes of subsection (2) of this section, "experienced inter-~~
34 ~~national medical graduate who is a forcibly displaced person" means a person~~
35 ~~who:~~

36 ~~(a) Is a graduate of a medical school recognized by the board;~~

37 ~~(b) Is an asylee, a humanitarian parolee, or a refugee holding a customs~~
38 ~~and border protection form I-94 or an equivalent document;~~

39 ~~(c) Has applied for an accredited medical residency training program in~~
40 ~~Idaho;~~

41 ~~(d) Has at least three (3) years of practice in the person's specialty;~~

42 ~~(e) Has no gap of greater than five (5) years between the person's clin-~~
43 ~~ical practice and the person's application for the accredited medical~~
44 ~~residency training program in Idaho;~~

45 ~~(f) Passes the occupational English test for medicine; and~~

46 ~~(g) Agrees to practice in a health professional shortage area, as des-~~
47 ~~ignated by the federal government, for at least three (3) years follow-~~
48 ~~ing graduation from an accredited medical residency training program in~~
49 ~~Idaho.~~

1 SECTION 7. SEVERABILITY. The provisions of this act are hereby declared
2 to be severable and if any provision of this act or the application of such
3 provision to any person or circumstance is declared invalid for any reason,
4 such declaration shall not affect the validity of the remaining portions of
5 this act.

6 SECTION 8. This act shall be in full force and effect on and after Jan-
7 uary 1, 2025.