
HOUSE BILL 1409

State of Washington

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By Representatives Tharinger, Schmick, Cody, Clibborn, Ross, and Jinkins; by request of Department of Health

Read first time 01/25/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the requirements of allopathic physician
2 licensure; amending RCW 18.71.050, 18.71.051, 18.71.055, and 18.71.095;
3 and adding a new section to chapter 18.71 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.71.050 and 1994 sp.s. c 9 s 307 are each amended to
6 read as follows:

7 (1) Each applicant who has graduated from a school of medicine
8 located in any state, territory, or possession of the United States,
9 the District of Columbia, ~~((or))~~ the Dominion of Canada, the United
10 Kingdom, Australia, New Zealand, France, Germany, or South Africa,
11 shall file an application for licensure with the commission on a form
12 prepared by the secretary with the approval of the commission or
13 another commission-approved method. Each applicant shall furnish proof
14 satisfactory to the commission of the following:

15 (a) That the applicant has attended and graduated from a school of
16 medicine approved by the commission. The commission must adopt by rule
17 the list of commission-approved medical schools;

18 (b) That the applicant has successfully completed ~~((two years of))~~
19 a postgraduate medical training ~~((in a))~~ program acceptable to the

1 commission(~~, provided that applicants graduating before July 28, 1985,~~
2 ~~may complete only one year of postgraduate medical training~~). The
3 commission must define by rule the requirements for commission-approved
4 postgraduate medical training programs;

5 (c) That the applicant has successfully completed the exam
6 requirements set forth by the commission by rule;

7 (d) That the applicant, if a graduate of a medical school outside
8 of the United States, the District of Columbia, or the Dominion of
9 Canada, has completed the certification process with the educational
10 commission on foreign medical graduates;

11 (e) That the applicant has the ability to read, write, speak,
12 understand, and be understood in the English language at a level
13 acceptable for performing competent medical care in all practice
14 settings;

15 ~~((+e))~~ (f) That the applicant is of good moral character; and

16 ~~((+d))~~ (g) That the applicant is physically and mentally capable
17 of safely carrying on the practice of medicine. The commission may
18 require any applicant to submit to such examination or examinations as
19 it deems necessary to determine an applicant's physical and/or mental
20 capability to safely practice medicine.

21 (2) Nothing in this section shall be construed as prohibiting the
22 commission from requiring such additional information from applicants
23 as it deems necessary. The issuance and denial of licenses are subject
24 to chapter 18.130 RCW, the Uniform Disciplinary Act.

25 **Sec. 2.** RCW 18.71.051 and 2011 c 138 s 1 are each amended to read
26 as follows:

27 Applicants for licensure to practice medicine who have graduated
28 from a school of medicine located outside of the states, territories,
29 and possessions of the United States, the District of Columbia, ~~((or))~~
30 the Dominion of Canada, the United Kingdom, Australia, New Zealand,
31 France, Germany, or South Africa, shall file an application for
32 licensure with the commission on a form prepared by the secretary with
33 the approval of the commission or another commission-approved method.
34 Each applicant shall furnish proof satisfactory to the commission of
35 the following:

36 (1) That he or she has completed in a school of medicine a resident

1 course of professional instruction equivalent to that required in this
2 chapter for applicants generally;

3 ~~(2)((a) Except as provided in (b) of this subsection, that he or~~
4 ~~she meets all the requirements which must be met by graduates of the~~
5 ~~United States and Canadian school of medicine except that he or she~~
6 ~~need not have graduated from a school of medicine approved by the~~
7 ~~commission;~~

8 ~~(b) An applicant for licensure under this section is not required~~
9 ~~to meet the requirements of RCW 18.71.050(1)(b) if he or she furnishes~~
10 ~~proof satisfactory to the commission that he or she has:~~

11 ~~(i)(A) Been admitted as a permanent immigrant to the United States~~
12 ~~as a person of exceptional ability in sciences pursuant to the rules of~~
13 ~~the United States department of labor; or~~

14 ~~(B) Been issued a permanent immigration visa; and~~

15 ~~(ii) Received multiple sclerosis certified specialist status from~~
16 ~~the consortium of multiple sclerosis centers; and~~

17 ~~(iii) Successfully completed at least twenty four months of~~
18 ~~training in multiple sclerosis at an educational institution in the~~
19 ~~United States with an accredited residency program in neurology or~~
20 ~~rehabilitation;~~

21 ~~(3)) That he or she has satisfactorily passed the ((examination~~
22 ~~given)) certification process by the educational ((council)) commission~~
23 ~~for foreign medical graduates or has met the requirements in lieu~~
24 ~~thereof as set forth in rules adopted by the commission;~~

25 (3) That the applicant has successfully completed the exam
26 requirements set forth by the commission by rule; and

27 (4) That ~~((he or she has the ability to read, write, speak,~~
28 ~~understand, and be understood in the English language)) the applicant~~
29 has the ability to read, write, speak, understand, and be understood in
30 the English language at a level acceptable for performing competent
31 medical care in all practice settings.

32 **Sec. 3.** RCW 18.71.055 and 1996 c 178 s 5 are each amended to read
33 as follows:

34 The commission may approve any school of medicine which is located
35 in any state, territory, or possession of the United States, the
36 District of Columbia, ~~((or in))~~ the Dominion of Canada, the United

1 Kingdom, Australia, New Zealand, France, Germany, or South Africa,
2 provided that it:

3 (1) Requires collegiate instruction which includes courses deemed
4 by the commission to be prerequisites to medical education;

5 (2) Provides adequate instruction in the following subjects:
6 Anatomy, biochemistry, microbiology and immunology, pathology,
7 pharmacology, physiology, anaesthesiology, dermatology, gynecology,
8 internal medicine, neurology, obstetrics, ophthalmology, orthopedic
9 surgery, otolaryngology, pediatrics, physical medicine and
10 rehabilitation, preventive medicine and public health, psychiatry,
11 radiology, surgery, and urology, and such other subjects determined by
12 the commission;

13 (3) Provides clinical instruction in hospital wards and outpatient
14 clinics under guidance.

15 Approval may be withdrawn by the commission at any time a medical
16 school ceases to comply with one or more of the requirements of this
17 section.

18 (4) Nothing in this section shall be construed to authorize the
19 commission to approve a school of osteopathic medicine and surgery, or
20 osteopathic medicine, for purposes of qualifying an applicant to be
21 licensed under this chapter by direct licensure, reciprocity, or
22 otherwise.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.71 RCW
24 to read as follows:

25 The commission may grant a license to an applicant upon a finding
26 by the commission that, based on the applicant's exceptional education,
27 training, and practice credentials, the applicant's practice in the
28 state would benefit the public welfare. Individually considered
29 applicants must submit an application as described in this chapter and
30 undergo the same background check processes required of all other
31 applicants for licensure. The commission shall adopt rules regarding
32 qualifications that may be considered exceptional.

33 **Sec. 5.** RCW 18.71.095 and 2001 c 114 s 1 are each amended to read
34 as follows:

35 The commission may, without examination, issue a limited license to
36 persons who possess the qualifications set forth herein:

1 (1) The commission may, upon the written request of the secretary
2 of the department of social and health services or the secretary of
3 corrections, issue a limited license to practice medicine in this state
4 to persons who have been accepted for employment by the department of
5 social and health services or the department of corrections as
6 physicians; who are licensed to practice medicine in another state of
7 the United States or in the country of Canada or any province or
8 territory thereof; and who meet all of the qualifications for licensure
9 set forth in RCW 18.71.050.

10 Such license shall permit the holder thereof to practice medicine
11 only in connection with patients, residents, or inmates of the state
12 institutions under the control and supervision of the secretary of the
13 department of social and health services or the department of
14 corrections.

15 (2) The commission may issue a limited license to practice medicine
16 in this state to persons who have been accepted for employment by a
17 county or city health department as physicians; who are licensed to
18 practice medicine in another state of the United States or in the
19 country of Canada or any province or territory thereof; and who meet
20 all of the qualifications for licensure set forth in RCW 18.71.050.

21 Such license shall permit the holder thereof to practice medicine
22 only in connection with his or her duties in employment with the city
23 or county health department.

24 (3) Upon receipt of a completed application showing that the
25 applicant meets all of the requirements for licensure set forth in RCW
26 18.71.050 except for completion of (~~two years of~~) an approved
27 postgraduate medical training program, and that the applicant has been
28 appointed as a resident physician in a program of postgraduate clinical
29 training in this state approved by the commission, the commission may
30 issue a limited license to a resident physician. Such license shall
31 permit the resident physician to practice medicine only in connection
32 with his or her duties as a resident physician and shall not authorize
33 the physician to engage in any other form of practice. Each resident
34 physician shall practice medicine only under the supervision and
35 control of a physician licensed in this state, but such supervision and
36 control shall not be construed to necessarily require the personal
37 presence of the supervising physician at the place where services are

1 rendered. The holder of a limited resident license may practice
2 outside of the scope of the residency appointment, otherwise known as
3 moonlighting, if the following conditions are met:

4 (a)(i) The license holder has received approval from the graduate
5 medical education training program; and

6 (ii) The approval is filed with the commission by the graduate
7 medical education program at the time of appointment.

8 (b) The commission must be notified if the graduate medical
9 education program revokes the approval for any reason.

10 (4)(a) Upon nomination by the dean of the school of medicine at the
11 University of Washington or the chief executive officer of a hospital
12 or other appropriate health care facility licensed in the state of
13 Washington, the commission may issue a limited license to a physician
14 applicant invited to serve as a teaching-research member of the
15 institution's instructional staff if the sponsoring institution and the
16 applicant give evidence that he or she has graduated from a recognized
17 medical school and has been licensed or otherwise privileged to
18 practice medicine at his or her location of origin. Such license shall
19 permit the recipient to practice medicine only within the confines of
20 the instructional program specified in the application and shall
21 terminate whenever the holder ceases to be involved in that program, or
22 at the end of one year, whichever is earlier. Upon request of the
23 applicant and the institutional authority, the license may be renewed.
24 The holder of a teaching-research license under this subsection (4)(a)
25 is eligible for full licensure if the following conditions are met:

26 (i) If the applicant has not graduated from a school of medicine
27 located in any state, territory, or possession of the United States,
28 the District of Columbia, or the Dominion of Canada, the applicant must
29 satisfactorily pass the certification process by the educational
30 commission for foreign medical graduates;

31 (ii) The applicant has successfully completed the exam requirements
32 set forth by the commission by rule;

33 (iii) The applicant has the ability to read, write, speak,
34 understand, and be understood in the English language at a level
35 acceptable for performing competent medical care in all practice
36 settings;

37 (iv) The applicant has continuously held a position of associate

1 professor or higher at a recognized Washington state medical school for
2 no less than three years; and

3 (v) The applicant has had no disciplinary action taken in the
4 previous five years.

5 (b) Upon nomination by the dean of the school of medicine of the
6 University of Washington or the chief executive officer of any hospital
7 or appropriate health care facility licensed in the state of
8 Washington, the commission may issue a limited license to an applicant
9 selected by the sponsoring institution to be enrolled in one of its
10 designated departmental or divisional fellowship programs provided that
11 the applicant shall have graduated from a recognized medical school and
12 has been granted a license or other appropriate certificate to practice
13 medicine in the location of the applicant's origin. Such license shall
14 permit the holder only to practice medicine within the confines of the
15 fellowship program to which he or she has been appointed and, upon the
16 request of the applicant and the sponsoring institution, the license
17 may be renewed by the commission (~~for no more than a total of two~~
18 ~~years~~)).

19 All persons licensed under this section shall be subject to the
20 jurisdiction of the commission to the same extent as other members of
21 the medical profession, in accordance with this chapter and chapter
22 18.130 RCW.

23 Persons applying for licensure and renewing licenses pursuant to
24 this section shall comply with administrative procedures,
25 administrative requirements, and fees determined as provided in RCW
26 43.70.250 and 43.70.280. Any person who obtains a limited license
27 pursuant to this section may apply for licensure under this chapter,
28 but shall submit a new application form and comply with all other
29 licensing requirements of this chapter.

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