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**SENATE BILL 5773**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Conway, Frockt, and Bailey; by request of Department of Health

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

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

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

(1) Each applicant ((~~who has graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada,~~)) shall file an application for licensure with the commission on a form prepared by the secretary with the approval of the commission or another commission-approved method. Each applicant shall furnish proof satisfactory to the commission of the following:

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

(b) Except as provided in section 3 of this act, that the applicant has successfully completed ((~~two years of~~)) a postgraduate medical training ((~~in a~~)) program acceptable to the commission((~~, provided that applicants graduating before July 28, 1985, may complete only one year of postgraduate medical training~~)). The commission must adopt by rule the list of commission-approved postgraduate medical training programs as defined by their respective accrediting bodies;

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

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

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

((~~(c)~~)) (f) That the applicant is of good moral character; and

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

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

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

The commission may approve any school of medicine which is located in any state, territory, or possession of the United States, the District of Columbia, ((~~or in~~)) the Dominion of Canada, or other country provided that it:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of ((~~two years of~~)) an approved postgraduate medical training program, and that the applicant has been appointed as a resident physician in a program of postgraduate ((~~clinical~~)) medical training in this state approved by the commission, the commission may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered. After completing a minimum of twenty-four months of postgraduate medical training, the holder of a limited resident license may practice outside of the scope of the residency appointment, otherwise known as moonlighting, if the following conditions are met:

(a)(i) The license holder has received approval from the postgraduate medical training program; and

(ii) The approval is filed with the commission by the license holder at the time of appointment.

(b) The commission must be notified if the postgraduate medical training program revokes the approval for any reason.

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

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

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

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

(iv) The applicant has continuously held a position of associate professor or higher at a recognized Washington state medical school for no less than three years; and

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

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

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

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

NEW SECTION. **Sec.**  RCW 18.71.051 (Application--Eligibility requirements--Foreign graduates) and 2011 c 138 s 1, 1994 sp.s. c 9 s 308, 1991 c 3 s 162, & 1975 1st ex.s. c 171 s 16 are each repealed.

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