

HOUSE BILL REPORT

HB 1337

As Amended by the Senate

Title: An act relating to the interstate medical licensure compact.

Brief Description: Creating the interstate medical licensure compact.

Sponsors: Representatives Riccelli, Harris, Cody, Jinkins, Tharinger, Robinson, Goodman, Ormsby and Ortiz-Self; by request of Washington State Medical Commission.

Brief History:

Committee Activity:

Health Care & Wellness: 1/25/17, 2/3/17 [DP].

Floor Activity:

Passed House: 2/15/17, 94-3.

Senate Amended.

Passed Senate: 4/5/17, 40-7.

Brief Summary of Bill

- Adopts the Interstate Medical Licensure Compact (Compact) to allow physicians and osteopathic physicians and surgeons to receive an expedited license to practice medicine in states that are members of the Compact.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 14 members: Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Slatter, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 1 member: Representative Schmick, Ranking Minority Member.

Staff: Chris Blake (786-7392).

Background:

Licensing of Physicians and Osteopathic Physicians and Surgeons.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Physicians are licensed to practice medicine in Washington by the Medical Quality Assurance Commission (Medical Commission). To be eligible for a license to practice medicine, an applicant must have graduated from an approved medical school, have completed two years of postgraduate medical training, be of good moral character, be physically and mentally capable of safely practicing medicine, and successfully complete an examination.

Osteopathic physicians and surgeons in Washington are licensed to practice osteopathic medicine and surgery by the Board of Osteopathic Medicine and Surgery (Board). To be eligible for a license to practice osteopathic medicine and surgery, an applicant must have graduated from an accredited school of osteopathic medicine and surgery, have completed at least one year of postgraduate training, not have engaged in unprofessional conduct, be physically and mentally capable of safely practicing medicine, and successfully complete an examination.

A practitioner licensed by another state to practice medicine or osteopathic medicine and surgery may practice medicine or osteopathic medicine and surgery in Washington as long as the practitioner does not open an office or appoint a place for meeting patients or receiving calls in Washington. Both the Medical Commission and the Board have provisions to allow practitioners who are licensed in other states to obtain a license in Washington without having to repeat the examination. The Medical Commission has authority to issue limited licenses to practitioners licensed in other states in certain cases, such as when employed by the Department of Social and Health Services, the Department of Corrections, or a local health jurisdiction.

The Interstate Medical Licensure Compact.

The Interstate Medical Licensure Compact (Interstate Compact) establishes a process for the issuance of expedited licenses for physicians and osteopathic physicians and surgeons who are fully licensed in one member state to receive a license in another member state. The Interstate Compact is governed by a commission that includes two representatives from each member state. Currently, there are 18 member states participating in the Interstate Compact.

Summary of Bill:

Expedited Licenses.

An expedited license is a full and unrestricted medical license that is granted to an eligible physician or osteopathic physician and surgeon (physician) by a state that has enacted the Interstate Medical Licensure Compact (Interstate Compact). The expedited license is granted based on the status of the physician's license in another state that has enacted the Interstate Compact (member state). The stated purpose of the Interstate Compact is that the expedited license be an alternative path to obtaining a license to practice medicine or osteopathic medicine and surgery in Washington or other member states. In addition, the purpose of the Interstate Compact states that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter.

To be eligible for an expedited license, a physician must:

- be a graduate of an accredited medical school;

- have passed each component of the United States Medical Licensing Examination or the Comprehensive Osteopathic Medical Licensing Examination;
- have successfully completed approved graduate medical education;
- hold recognized specialty certification;
- possess a full and unrestricted license to practice medicine issued by the state agency that licenses physicians for a member state (member board);
- have never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense;
- have never had a license to practice medicine subject to discipline by a licensing agency in any state;
- have never had a controlled substance license suspended or revoked; and
- not be under active investigation by a licensing agency or law enforcement authority.

A physician must designate a member state as the state of principle license. The physician may select the state of principle license from any member state in which the physician has an unrestricted license to practice medicine as long as the state is either:

- the state of the physician's primary residence;
- the state where at least 25 percent of the physician's practice of medicine occurs;
- the location of the physician's employer; or
- in some cases, the state of residence for federal income tax purposes.

Once a state of principle license has been designated, a physician seeking an expedited license must apply to the member board of the state of principle license. The state of principle license will review the application for compliance with the eligibility standards. Following its review, the member board of the state of principle license must issue a letter of qualification to the Interstate Medical Licensure Compact Commission (Interstate Commission) declaring whether or not the physician is eligible for an expedited license. A denial of eligibility may be appealed to the member board of the state of principle license.

Upon the verification of a physician's eligibility, the physician may register with the Interstate Commission and select a member state in which to become licensed. The selected member state must issue an expedited license upon receiving verification of eligibility and payment of the licensing fee. Upon issuance of the expedited license, the physician may practice medicine in the selected member state consistent with that state's law and regulations. The expedited license is valid for the same duration as the regular licensing period in the selected member state.

To renew an expedited license, a physician must follow a renewal process established by the Interstate Commission. Renewal of an expedited license requires that the physician maintain a full, unrestricted license in the state of principle license; not have any criminal findings, disciplinary actions against a medical license, or suspension or revocation of a controlled substance license; and complete continuing medical education requirements necessary for renewal in the member state. The Interstate Commission distributes the renewal information with all member boards and the member boards are responsible for renewing the license upon receipt of payment of the renewal fee determined by the state.

A member board may take disciplinary action for unprofessional conduct committed under its state practice act. A disciplinary action taken by one member board against a licensed

physician is deemed unprofessional conduct which may subject the physician to discipline by the other boards. If a physician's license is suspended or revoked by the state of principle license, the other member boards must impose the same sanction. Any member board may take disciplinary action which another member board may use to impose the same or lesser sanction, or to pursue a separate disciplinary action.

Interstate Medical Licensure Compact Commission.

The Interstate Commission is created for the purpose of administering the Interstate Compact. The Interstate Commission consists of two voting members from each member state. In a state in which allopathic physicians and osteopathic physicians are regulated by different licensing entities, each licensing entity appoints one of the state's members. The members must be either board members of a member state's licensing entity, executive directors of a member state's licensing entity, or public members of a member state's licensing entity.

Among its authorities, the Interstate Commission may adopt rules; issue advisory opinions; enforce compliance with the Interstate Compact and related rules through the judicial process; and carry out personnel, budgeting, and administrative functions. The Interstate Commission must issue an annual report to the legislatures and governors of the member states regarding the activities of the prior year, including financial audits and adopted recommendations. The Interstate Commission may impose an annual assessment upon member states to cover the costs of administration. The cost of the assessment is to be borne by those who hold an expedited license.

The Interstate Commission is responsible for establishing a database of all physicians licensed, or who have applied for an expedited license. Member boards must report any public action or complaint against any licensed physician who has, or has applied for, an expedited license. Member boards also must report disciplinary and investigatory information determined necessary by the Interstate Commission. Member boards may report any nonpublic complaint, or disciplinary or investigative information not otherwise required by the Interstate Commission. Information submitted to the Interstate Commission is confidential and may only be only used for investigatory or disciplinary matters.

Any enforcement of the Interstate Compact against a member state that is in default must occur by a majority vote of the Interstate Commission. Default may occur through a member state's failure to perform its responsibilities under the Interstate Compact.

Immunity from liability is provided to officers and employees of the Interstate Commission when acting within the scope of their employment, as long as the conduct was not intentional or willful misconduct.

Any amendments to the Interstate Compact that are proposed by the Interstate Commission must be unanimously approved by the member states.

A member state may voluntarily withdraw from the Interstate Compact by repealing its enacting statute. The withdrawal is effective one year after the effective date of the repeal of the statute.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment

- requires the Washington State Medical Quality Assurance Commission (Medical Commission) to review the rules of the Interstate Medical Licensure Compact Commission (Interstate Commission);
- authorizes the Medical Commission to either reject or approve and adopt the Interstate Commission's rules; and
- provides that the only Interstate Commission rules that are enforceable in Washington are those that have been adopted by the Medical Commission and that do not conflict with the state or federal constitutions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill allows Washington to join a group of states in an agreement to license physicians to get health care faster and make telemedicine easier. This bill reduces administrative burden and cost by creating a one-stop shop. The bill allows for more timely exchange of licensing and disciplinary information. The controlling law under this bill is the state where the patient is located. The state will get notified once an investigation is begun on a person with an expedited license. This bill will facilitate the ability to get subpoenas from other states. This bill does not alter Washington's Medical Practice Act or alter the Uniform Disciplinary Act. This allows the Medical Quality Assurance Commission to trust that other states have done their job through primary source verification. The Interstate Medical Licensure Compact (Compact) does not accept physicians who have had prior discipline or criminal convictions - they must have a clean slate. There are currently 18 member states in the Compact.

There is great demand for more physicians to meet the needs of underserved communities and the aging population. This will allow specialists in Washington to care for patients who leave Washington and return home to other states and still get follow up care. There are ways that in-state residents could benefit from the services of physicians in border states through telemedicine opportunities supported by this bill. The physician market is a national one and this bill will help Washington recruit physicians from other states. This bill passed the House of Representatives last year.

(Opposed) None.

Persons Testifying: Representative Riccelli, prime sponsor; Micah Mathews, Washington Medical Commission; Ian Goodhew, University of Washington School of Medicine; and Katie Kolan, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.