

SENATE BILL REPORT

SB 5221

As Reported by Senate Committee On:
Health Care, February 13, 2017

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

Brief Description: Creating the interstate medical licensure compact.

Sponsors: Senators Fain, Kuderer, Keiser, King and Conway; by request of Washington State Medical Commission.

Brief History:

Committee Activity: Health Care: 1/23/17, 2/13/17 [DP].

Brief Summary of Bill

- Enacts the Interstate Medical Licensure Compact (Compact).
- Allows physicians to attain expedited licensure in Washington if already licensed by another state that is party to the Compact.

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer, Assistant Ranking Minority Member; Bailey, Conway, Fain, Keiser, Miloscia, Mullet, O'Ban and Walsh.

Staff: Evan Klein (786-7483)

Background: Physician Licensure. The Medical Quality Assurance Commission (MQAC) is responsible for the licensure and discipline of physicians. To receive a Washington license to practice medicine, a physician must:

- graduate from a medical school within the United States or Canada;
- pass the United States Medication Licensing Examination (USMCLE);
- complete two years of postgraduate medical training;
- have good moral character; and
- prove they maintain the ability to safely practice medicine.

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.

Any applicant for licensure who meets the qualifications for licensure and has been licensed under the laws of another state, territory, or province of Canada may be granted a license without examination. In certain circumstances, MQAC may also issue limited licenses.

The Uniform Disciplinary Act governs the following:

- the unlicensed practice of medicine;
- the issuance and denial of licenses; and
- the discipline of licensees.

Osteopathic Physician Licensure. The Board of Osteopathic Medicine and Surgery (BOMS) is responsible for the licensure and discipline of physicians. To receive a Washington license to practice osteopathic medicine, an osteopathic physician must:

- graduate from an accredited school of osteopathic medicine;
- complete at least one year in a postgraduate training program;
- prove they maintain the ability to safely practice medicine;
- pass the Comprehensive Osteopathic Medical Licensing Examination (COMLEX); and
- prove they have not been guilty of any conduct that would constitute grounds for denial or revocation of a license.

The Uniform Disciplinary Act governs the following:

- the unlicensed practice of osteopathic medicine;
- the issuance and denial of licenses; and
- the discipline of licensees.

Interstate Medical Licensure Compact. The Compact is a proposal to create a system for expediting the licensure of physicians already licensed by another state. States must enact model legislation in order to adopt the Compact and become a member to the licensure agreement. As of December, 2016, the Interstate Medical Licensure Compact Commission (Interstate Commission) has adopted final rules. As of January, 2016, 18 states have enacted the Compact and become party to the agreement.

Summary of Bill: The Compact is adopted by Washington State.

Interstate Medical Licensure Compact Commission. An Interstate Commission is created to administer the Compact. The Interstate Commission consists of two voting members from each member state, one allopathic physician and one osteopathic physician. The Interstate Commission is given general powers and duties, finance powers, authority to elect officers, rule-making functions, enforcement powers, and dispute resolution authorities.

Physician Eligibility. To be eligible to receive an expedited license under the Compact, a physician must:

- possess a full and unrestricted license to practice medicine in a Compact state;
- possess specialty certification or be in possession of a time unlimited specialty certificate;
- have no discipline on any state medical license;
- have no discipline related to controlled substances;
- not be under investigation by any licensing or law enforcement agency;

- have passed the USMLE or COMLEX within three attempts; and
- have successfully completed a graduate medical education (GME) program.

Physician Licensure. A physician must designate a state that is party to the Compact as the physician's principal state of licensure. A physician seeking licensure through the Compact must file an application for an expedited license with the medical board of the state selected by the physician as the state of principle licensure. The principal state's medical board, in the process of verifying eligibility, shall perform a criminal background check. The principal state, after determining eligibility, shall report a physician's eligibility status to the Interstate Commission. Physicians may then register for expedited licensure in any member state. After receiving verification of eligibility from the Interstate Commission and any applicable fees, a member state must then issue an expedited license to the physician. The license remains valid for a period consistent with the licensure period for the member state. If a physician fails to maintain a license in the state of principal licensure, then all of their expedited licenses are terminated. The Interstate Commission may impose a fee for a license issued or renewed through the Compact.

Licensure Renewal. A physician seeking to renew an expedited license must:

- maintain a full and unrestricted license in the state of principal licensure;
- have not been convicted of any offense by a court of appropriate jurisdiction;
- have not had a license to practice medicine subjected to discipline; and
- have not had a controlled substances license suspended or revoked.

Physicians must comply with the continuing education requirements for renewal of their license in that member state.

Physician Discipline. The Interstate Commission must establish a database of all physicians licensed under the Compact. Member medical boards must report disciplinary and investigatory complaints to the Interstate Commission. Member boards may jointly investigate physician records as part of disciplinary proceedings under the Compact. Disciplinary action taken by any member board against a physician under the Compact may subject the physician to discipline by other member boards in states for which they are licensed. If a license granted to a physician by a member board is revoked or suspended, any licenses issued to the physician by any other member boards shall be suspended for 90 days to permit the member board time to investigate. If the member board for the physician's principal state of licensure revokes or suspends the physician's license, the licenses issued to the physician by other member boards shall automatically be placed on the same status.

Costs. The costs of the operations and activities of health professions licensure compacts must be borne by those who hold licenses issued under the compacts, rather than the state or the licensing authorities.

Effective Date. The Compact takes effect and becomes binding upon legislative enactment of the compact into law by no less than seven states.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill will make it easier for physicians to practice in Washington with the use of telemedicine. There are not enough physicians practicing in Washington State, and this could assist in meeting additional need. The Medical Compact does not alter the Uniform Practice Act. Therefore, a physician licensed under the Compact would still be subject to the same disciplinary authority as a physician normally licensed by the state. The state law where the patient is, still controls. Other states are able to see criminal convictions taken against a licensee of another state, but may not be able to access disciplinary actions taken by another medical board. Washington is the only WWAMI state other than Alaska to not be party to the Compact. Washington is importing more licenses than it is exporting. Physicians in rural areas are aging, and this Compact could help replace physicians in those areas. The Compact will help with expanding the pool of available physicians at a time of increased need. Participation in the Compact is voluntary as well. A Compact license merely relieves physicians from a burden to get licensed in each state individually.

Persons Testifying: PRO: Senator Joe Fain, Prime Sponsor; Micah Matthews, MQAC; Mika Sinanan, UW Medicine and WSMA; Katie Kolan, WSMA; Lisa Thatcher.

Persons Signed In To Testify But Not Testifying: No one.