

HOUSE BILL REPORT

SB 5394

As Passed House:

March 22, 2023

Title: An act relating to malpractice insurance for international medical graduate supervisors.

Brief Description: Concerning malpractice insurance for international medical graduate supervisors.

Sponsors: Senators Randall, Dhingra, Keiser, Nguyen, Stanford, Valdez and Wilson, C..

Brief History:

Committee Activity:

Health Care & Wellness: 3/15/23, 3/17/23 [DP].

Floor Activity:

Passed House: 3/22/23, 97-0.

Brief Summary of Bill

- Removes the requirement that a supervising physician hold medical malpractice insurance for any claim against an international medical graduate practicing under their supervision.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 15 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard, Bronoske, Davis, Graham, Harris, Macri, Mosbrucker, Orwall, Stonier, Thai and Tharinger.

Staff: Ingrid Lewis (786-7293).

Background:

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

Licensure of Physicians.

The Washington Medical Commission (Commission) establishes, monitors, and enforces qualifications for full and limited licensure, standards of practice, and continuing education for physicians.

To receive a full license, an applicant must meet a variety of qualifications, including graduating from an accredited or approved medical school, passing an examination, and successfully completing at least two years of postgraduate medical training.

International Medical Graduate Licensure.

International medical graduates (IMGs) are individuals who received their basic medical degree from a medical school located outside of the United States and Canada. In addition to the requirements for all applicants, including the two-year postgraduate medical training, IMGs must pass the examination given by the Educational Council for Foreign Medical Graduates (ECFMG) and be able to read, write, speak, understand, and be understood in English. The ECFMG certification is one of the eligibility requirements for IMGs to take Step 3 of the three-step United States Medical Licensing Examination (USMLE).

International Medical Graduates—Full License.

An IMG applicant for full licensure is exempt from the two-year postgraduate medical training requirement if they have been admitted as a permanent immigrant to the United States as a person of exceptional ability in the sciences pursuant to the rules of the United States Department of Labor or been issued a permanent immigration visa; received multiple sclerosis certified specialist status from the Consortium of Multiple Sclerosis Centers; and successfully completed at least 24 months of training in multiple sclerosis at an educational institution in the United States with an accredited residency program in neurology or rehabilitation. An IMG may also obtain an exceptional qualification waiver, waiving requirements determined by the Commission in rule, if they possess an acceptable body of work related to research, medical excellence, or employment, and have the recommendation of other national or international experts in the same specialty or field.

International Medical Graduates—Limited License.

The Commission may issue a limited license to an IMG if the applicant has not completed the two-year postgraduate medical training requirement but has been a Washington resident for at least one year; is ECFMG certified; and has passed all three steps of the USMLE. The applicant must be nominated by the chief medical officer of any hospital; an appropriate medical practice located in Washington; the Department of Social and Health Services; the Department of Children, Youth, and Families; the Department of Corrections; or a county or city health department. An IMG meeting the criteria and requirements can be licensed for two years with the option of one renewal.

A limited license holder may only practice within the nominating facility or organization and under the supervision and control of a Washington licensed physician who is of the same or substantially similar clinical specialty. The practice agreement between the IMG

and the supervising physician must be filed with the Commission. The supervising physician must retain professional and personal responsibility for any act that constitutes the practice of medicine as defined by law, when performed by an IMG under their supervision. The supervising physician must hold medical malpractice insurance for any malpractice claim against an IMG under their supervision.

A limited license holder is subject to the jurisdiction of the Commission.

Summary of Bill:

The requirement that a supervising physician hold medical malpractice insurance for any claim against an international medical graduate practicing under their supervision is removed.

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 is a technical fix. It improves the policy by addressing the malpractice standards in the state. The type of malpractice required in statute already exists.

This bill will allow many physicians to use their knowledge to help patients in Washington. International medical graduates have a diverse background which can help patients with similar backgrounds and cultures.

(Opposed) None.

Persons Testifying: Senator Emily Randall, prime sponsor; Mohamed Khalif, Washington Academy for International Medical Graduates; and Omar Abdelmksoud.

Persons Signed In To Testify But Not Testifying: None.