

SENATE BILL REPORT

SB 5394

As Passed Senate, February 28, 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 & Long Term Care: 1/31/23, 2/09/23 [DP].

Floor Activity: Passed Senate: 2/28/23, 48-0.

Brief Summary of Bill

- Removes the requirement that a physician supervising an international medical graduate maintain medical malpractice insurance for claims made against the international medical graduate.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Rivers, Ranking Member; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden, Randall and Van De Wege.

Staff: Andie Parnell (786-7439)

Background: The Washington Medical Commission (WMC) currently regulates licenses for physician assistants, physicians, and surgeons in Washington State. WMC may issue limited licenses to qualified applicants to practice medicine in a limited capacity.

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.

International Medical Graduates. International medical graduates are physicians who receive their medical school education outside the United States and Canada. International medical graduates must go through medical licensing examinations and credential verifications to receive certification by the Educational Commission for Foreign Medical Graduates (ECFMG). International medical graduates who receive ECFMG certification become eligible to enter the United States' graduate medical education process, where they provide supervised patient care. ECFMG certification is a requirement for international medical graduates to take Step 3 of the United States Medical Licensing Examination, as well as a prerequisite to obtaining an unrestricted license to practice medicine in the United States.

Limited Licensure of International Medical Graduates. In 2021, the Legislature passed SHB 1129 which requires WMC to offer a limited license for international medical graduates to gain clinical experience.

WMC may issue limited licenses to international medical graduates upon nomination by the chief medical officer of any licensed hospital or appropriate medical practice located in Washington State, the Department of Social and Health services, the Department of Children, Youth, Families, the Department of Corrections, or a county or city health department. An international medical graduate applying for a limited license must:

- be a state resident for at least one year;
- provide proof of certification by ECFMG;
- pass the United States Medical Licensing Examination; and
- submit to a WMC background check generally required of applicants.

An international medical graduate practicing with a limited license may only practice within the nominating facility or organization, under the control of a licensed supervising physician or osteopathic physician of the same or substantially similar clinical specialty. A limited license is valid for two years, and may be renewed once by WMC upon application for renewal by the nominating entity. All persons licensed are subject to the jurisdiction of WMC to the same extent as other members of the medical profession.

An international medical graduate must file a practice agreement with WMC between the international medical graduate and the supervising physician. A supervising physician is limited to supervising two limited license holders unless WMC grants an increase upon the supervising physician's request. The supervising physician must retain professional and personal responsibility for any act which constitutes the osteopathic medicine and surgery when performed by an international medical graduate practicing under their supervision. The supervising physician must hold medical malpractice insurance for any malpractice claim against an international medical graduate practicing under their supervision.

Summary of Bill: The requirement that a physician supervising an international medical graduate maintain medical malpractice insurance for claims made against the international medical graduate is removed.

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: There is a shortage of medical providers, and fewer young people to train. We can meet our workforce needs by creating space and pathways for our immigrant community. This bill is a technical fix. We didn't anticipate the negative consequences of requiring an extra level of malpractice insurance different than any other supervising physician relationship. There are only one or two malpractice insurance providers that are covering this type of coverage. This causes an additional barrier to enter the workforce. The removal of the requirement will not mean no one will hold coverage for these practitioners. It will, however, allow the market to supply coverage and whatever employment circumstances these licensees find themselves in. Removing this extra unnecessary requirement will make it easier for other experienced licensees to fill in a gap and easier for supervising physicians to accept them under their supervision.

Persons Testifying: PRO: Senator Emily Randall, Prime Sponsor; Khalid Ahmed, 10634 East Riverside Drive; Nadeem Mian, Puget Sound Psychiatric Center; Fatima Mirza, Washington Medical Commission; Mohamed Khalif, Washington Academy for International Medical Graduates; Hala Alyasiri, Washington Academy for International Medical Graduates; Dr. Stan Flemming, Pacific Medical Specialty Group; Oksana Nesterenko.

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