

HOUSE BILL NO. 797

INTRODUCED BY G. OBLANDER, G. KMETZ, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING OCCUPATIONAL LICENSING LAWS; ESTABLISHING THE EXPANDING PHYSICIAN ACCESS ACT; PROVIDING FOR LICENSURE OF A SPONSORED INTERNATIONAL PHYSICIAN; AND PROVIDING DEFINITIONS."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Expanding Physician Access Act".

NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 4] is to remove barriers that prevent high-quality, internationally licensed physicians from filling vacancies in the state, including in rural and primary care settings, by eliminating unnecessary training duplication. All other standards of care and licensing requirements remain unchanged, and the board is empowered to continue to perform its role to ensure that all internationally licensed applicants have the requisite knowledge and experience to practice medicine in the state.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 4], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Healthcare provider" means an individual, entity, corporation, person, or organization, whether for-profit or nonprofit, that furnishes, bills, or is paid for health care procedures or service delivery in the normal course of business and includes, without limitation, health systems, hospitals, hospital-based facilities, freestanding emergency facilities, and urgent care clinics.

(2) "International medical program" means a medical school, residency program, medical internship program, or entity that provides physicians with a medical education or training that is eligible for certification of graduates by the educational commission for foreign medical graduates or is otherwise

1 substantially similar to the medical education or training required by the board for licensure in the state.

2 (3) "International physician" means a person who:

3 (a) has been granted a medical doctorate or substantially similar degree by a domestic or
4 international medical program of good standing;

5 (b) has been in good standing with the medical licensing or regulatory institution of the person's
6 licensing country for the past 5 years and does not have any pending discipline before the licensing body;

7 (c) has completed a residency or a substantially similar postgraduate medical training program or
8 has practiced as a medical professional performing the duties of a physician in the person's licensing country at
9 least 7 years after the completion of a medical doctorate;

10 (d) has practiced medicine as a fully licensed or otherwise authorized physician in the person's
11 licensing country for at least 5 years after the completion of residency training or residency equivalent pursuant
12 to subsection (3)(c);

13 (e) has obtained certification from the educational commission for foreign medical graduates, a
14 successor organization, or another evaluation entity approved by the board;

15 (f) has passed steps 1, 2, and 3 of the United States medical licensing examination; and

16 (g) possesses basic fluency in the English language.

17 (4) "Physician" means a person who has obtained a medical doctorate or substantially similar
18 degree and is licensed inside or outside the United States.

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20 **NEW SECTION. Section 4. License for international physicians sponsored by health care**

21 **provider.** (1) (a) The board shall grant a provisional license to practice medicine in the state to an international
22 physician who has an offer for employment as a physician at any health care provider that operates in the state.

23 (b) The board may not grant a provisional license to practice medicine in the state to an
24 international physician unless the physician is eligible to obtain federal immigration status that allows the
25 physician to practice as a physician in the United States.

26 (c) The board may not grant a provisional license to practice medicine in the state to an
27 international physician unless the physician possesses a passing score on the United States medical licensing
28 examination.

(d) The board may revoke a provisional license granted under this subsection (1) if the international physician is not employed by a health care provider that operates in the state during the provisional license period.

(2) (a) The board may revoke a provisional license granted under subsection (1) based on clear and convincing evidence that medical services provided by the licensee have violated the state's medical safety, competency, or conduct standards.

(b) A licensee may appeal the revocation of a provisional license to the district court as provided in Title 2, chapter 4, within 120 days of the revocation.

(c) The court shall reinstate the provisional license if it finds that the board's actions did not meet the standards in this subsection (2).

(3) Provisional licenses are automatically converted into full licenses after 3 years of continuous active practice in the state.

(4) Nothing in this subsection requires the board to license, on a provisional or full basis, an international physician without:

(a) evidence of similar training;

(b) evidence of satisfactory passage of exams;

(c) satisfactory results of a background investigation;

(d) completion of the license application; and

(e) payment of all required fees.

(5) An international physician who must obtain federal work authorization before commencing any work for the sponsoring health care provider is eligible to apply for a provisional license prior to receiving federal work authorization but may not commence work without the necessary work authorization.

(6) An international physician who becomes licensed under subsection (3) need not maintain employment with the original sponsoring facility at the conclusion of the provisional licensing period.

NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as a new part in Title 37, chapter 3, and the provisions of Title 37, chapter 3, apply to [sections 1 through 4].

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2 NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are

3 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

4 the part remains in effect in all valid applications that are severable from the invalid applications.

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