MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

Bill Number: SB 122
Author: Price
Chapter: # 789
Bill Date: August 20, 2012, amended
Subject: Healing Arts: International Medical Schools
Sponsor: Author
Position: Support

DESCRIPTION OF CURRENT LEGISLATION:

This analysis will only cover the portions of this bill that impact the Medical Board of California (Board). This bill allows individuals who have attended and/or graduated from an unrecognized or disapproved school to be eligible for licensure in California if they have continuously practiced in another state for 10 years (if they went to an unrecognized school) or 20 years (if they went to a disapproved school). This bill also requires individuals to be certified by a specialty board of the American Board of Medical Specialties; to have successfully completed the licensing exam required in existing law; to have successfully completed three years of postgraduate training; and to not have any discipline on their license in another state or any adverse judgments or settlements relating to the practice of medicine.

ANALYSIS:

Currently, if an individual attends and/or graduates from an unrecognized or disapproved international medical school, they are not eligible for licensure in California. The Board does not consider education acquired at an unrecognized or disapproved school as satisfying the standards set forth in the applicable statutes and regulations.

This bill allows applicants who have attended and/or graduated from an unrecognized or disapproved school to be eligible for licensure in California if they have continuously practiced in another state for 10 years if they went to an unrecognized school, or 20 years if they went to a disapproved school. This bill allows the Board to combine the period of time the applicant has held a license in other states and continuously practiced, but applicants shall have a minimum of five years of continuous practice and licensure in a single state. This bill specifies that continuous licensure and practice includes any postgraduate training after 24 months in a postgraduate training program.

The applicant must also meet the following criteria in order to be eligible for licensure in California:

- Be certified by a specialty board of the American Board of Medical Specialties (ABMS).
- Have successfully completed the licensing exam required in existing law.

- Have successfully completed three years of postgraduate training.
- Not have any discipline on their license in another state or any adverse judgments or settlements relating to the practice of medicine.
- Not be subject to licensure denial.
- Not have held a healing arts license that has been the subject of disciplinary action by a healing arts board of this state or by another state or federal territory.

This bill allows the Board to adopt regulations to establish procedures for accepting transcripts, diplomas, and other supporting information and records when the originals are not available due to circumstances outside the applicant's control. This bill also allows the Board to adopt regulations authorizing the substitution of additional specialty board certifications for years of practice or licensure when considering the certification for a physician and surgeon.

Originally, this bill included language that would have only required five years of practice in another state or country in order to be eligible for licensure. It would have also only required one year of postgraduate training and ABMS certification, or two years of postgraduate training (ABMS certification would not be required). This language was taken to the Board at the July Board Meeting. The Board voted to support alternative language that uses the concepts in existing law, but has added consumer protection elements.

The language contained in SB 122 that was signed into law is the language drafted and supported by the Board. The Board supported this language because requiring 10 and 20 years of continuing practice in another state, among other requirements, are substantial enough to ensure consumer protection. In addition, allowing individuals that meet the requirements in this bill to be eligible for physician and surgeon licensure in California, will provide another licensure pathway to allow competent physicians to obtain a California license and serve patients in California

SUPPORT: Medical Board of California
Board of Registered Nursing
American Nurses Association/California

OPPOSITION: None on file

FISCAL: Unknown. It is extremely difficult to identify how many applicants will meet the minimum requirements and apply for licensure in California. It will be necessary to send applicants to the Application Review Committee (ARC), until further direction is received from the ARC and the Board. This will result in some workload.

IMPLEMENTATION:

- Newsletter article
- Notify/Train Board staff of the law and new internal processes and procedures
- Update the licensing application and directions; anticipated completion and posting to Web site – end of October, 2012.
- Post information on the Board's Web site regarding the new law and update applicant information on the Board's Web site (this will be done when the application and directions are posted).
- Applications will go to the ARC to determine eligibility, staff will work with ARC members on this process.
- Once application issues are determined, staff will work on identifying the need for regulations. The need for regulations will most likely be brought to the Board at the April/May 2013 Board Meeting.

Senate Bill No. 122

CHAPTER 789

An act to amend Sections 2709, 2786, and 2798 of, and to add Sections 2135.7,2786.2, and 2786.5 to, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

[Approved by Governor September 29, 2012. Filed with Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 122, Price. Healing Arts.

(1) Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to issue a license to an applicant who meets specified qualifications and requirements, including successfully completing a medical curriculum, as specified, in a medical school or schools located in the United States or Canada approved by the board, or in a medical school located outside the United States or Canada that otherwise meets specified requirements. Existing law requires the board to issue a license to an applicant who, among other things, (A) holds an unlimited license as a physician and surgeon in another state or states or a Canadian province or provinces, (B) has held an unrestricted license to practice medicine for at least 4 years, (C) has passed a written examination recognized by the board to be equivalent in context to that administered in California, (D) the board has determined has (i) not had disciplinary action taken against him or her, (ii) not been the subject of an adverse judgment or settlement, and (iii) has not committed any acts or crimes constituting grounds for denial of a certificate, in each case, as specified, (E) has completed specified postgraduate training, and (F) is board certified in a specialty, as specified.

This bill would, upon review and recommendation, authorize the board to determine that an applicant for a physician and surgeon's certificate who acquired his or her medical education or a portion thereof at a foreign medical school that is not recognized or has been previously disapproved by the board is eligible for a certificate if the applicant (1) successfully completes a course of medical instruction leading to a degree of medical doctor, (2) holds an unlimited and unrestricted license in another state or federal territory and practiced for 10 or 20 years depending on whether the medical education was acquired from an unrecognized or previously disapproved foreign medical school, (3) is certified by a specified specialty board, (4) has successfully taken and passed specified examinations, (5) has not been the subject of specified disciplinary action or of adverse judgments or settlements, (6) has successfully completed 3 years of approved postgraduate training, (7) is not subject to denial of licensure under specified

provisions, and (8) has not held a healing arts license and been subject to disciplinary action by specified healing arts boards. The bill would also authorize the board to adopt specified regulations concerning the acceptance of records when originals are not available and substitution of board certifications for years of practice or licensure when considering an application for a certificate pursuant to these provisions.

(2) Existing law creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses. Existing law requires the board to meet quarterly.

This bill would require meetings of the board to be held in northern and southern California.

(3) Existing law defines the term "approved school of nursing" and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified. Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

This bill would delete the provisions requiring an agreement and would instead allow the board to approve a school of nursing that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009 to grant nursing degrees. The bill would specify that the term "approved school of nursing" includes an approved nursing program. The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

The bill would require the board to have a memorandum of understanding with the Bureau for Private Postsecondary Education to delineate the powers of the board and bureau, as specified.

(4) Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the Bureau for Private Postsecondary Education and the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 2135.7 is added to the Business and Professions Code, to read:

2135.7. (a) Upon review and recommendation, the board may determine that an applicant for a physician and surgeon's certificate who acquired his or her medical education or a portion thereof at a foreign medical school that is not recognized or has been previously disapproved by the board is eligible for a physician and surgeon's certificate if the applicant meets all of the following criteria:

(1) Has successfully completed a resident course of medical education leading to a degree of medical doctor equivalent to that specified in Sections 2089 to 2091.2, inclusive.

(2) (A) (i) For an applicant who acquired any part of his or her medical education from an unrecognized foreign medical school, he or she holds an unlimited and unrestricted license as a physician and surgeon in another state or federal territory and has held that license and continuously practiced for a minimum of 10 years prior to the date of application.

(ii) For an applicant who acquired any part of his or her professional instruction from a foreign medical school previously disapproved by the board, he or she holds an unlimited and unrestricted license as a physician and surgeon in another state or federal territory and has held that license and continuously practiced for a minimum of 20 years prior to the date of application.

(B) For the purposes of clauses (i) and (ii) of subparagraph (A), the board may combine the period of time that the applicant has held an unlimited and unrestricted license in other states or federal territories and continuously practiced therein, but each applicant under this section shall have a minimum of five years continuous licensure and practice in a single state or federal territory. For purposes of this paragraph, continuous licensure and practice includes any postgraduate training after 24 months in a postgraduate training program that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or postgraduate training completed in Canada that is accredited by the Royal College of Physicians and Surgeons of Canada (RCPSC).

(3) Is certified by a specialty board that is a member board of the American Board of Medical Specialties.

(4) Has successfully taken and passed the examinations described in Article 9 (commencing with Section 2170).

(5) Has not been the subject of a disciplinary action by a medical licensing authority or of adverse judgments or settlements resulting from the practice of medicine that the board determines constitutes a pattern of negligence or incompetence.

(6) Has successfully completed three years of approved postgraduate training. The postgraduate training required by this paragraph shall have been obtained in a postgraduate training program accredited by the ACGME or postgraduate training completed in Canada that is accredited by the RCPSC.

(7) Is not subject to denial of licensure under Division 1.5 (commencing with Section 475) or Article 12 (commencing with Section 2220).

(8) Has not held a healing arts license and been the subject of disciplinary action by a healing arts board of this state or by another state or federal territory.

(b) The board may adopt regulations to establish procedures for accepting transcripts, diplomas, and other supporting information and records when the originals are not available due to circumstances outside the applicant's control. The board may also adopt regulations authorizing the substitution of additional specialty board certifications for years of practice or licensure when considering the certification for a physician and surgeon pursuant to this section.

(c) This section shall not apply to a person seeking to participate in a program described in Sections 2072, 2073, 2111, 2112, 2113, 2115, or 2168, or seeking to engage in postgraduate training in this state.

SEC. 2. Section 2709 of the Business and Professions Code is amended to read:

2709. The board for the purpose of transacting its business shall meet at least once every three months, at times and places it designates by resolution. Meetings shall be held in northern and southern California.

SEC. 3. Section 2786 of the Business and Professions Code is amended to read:

2786. (a) An approved school of nursing, or an approved nursing program, is one that has been approved by the board, gives the course of instruction approved by the board, covering not less than two academic years, is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education. For purposes of this section, "institution of higher education" includes, but is not limited to, community colleges offering an associate of arts or associate of science degree and private postsecondary institutions offering an associate of arts, associate of science, or baccalaureate degree or an entry-level master's degree, and is an institution that is not subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code).

(b) A school of nursing that is affiliated with an institution that is subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code), may be approved by the board to grant an associate of arts or associate of science degree to individuals who graduate from the school of nursing or to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(c) The board shall determine by regulation the required subjects of instruction to be completed in an approved school of nursing for licensure as a registered nurse and shall include the minimum units of theory and clinical experience necessary to achieve essential clinical competency at the entry level of the registered nurse. The board's standards shall be designed to require all schools to provide clinical instruction in all phases of the educational process.