

MEDICAL BOARD STAFF REPORT – EDUCATION COMMITTEE

DATE REPORT ISSUED: December 1, 2009
SUBJECT: Amendment of regulation; Acceptable Written Examinations
STAFF CONTACT: Janie Cordray

RECOMMENDATIONS AND REQUESTED ACTION:

Staff is recommending the Board's regulation relating to acceptable written examinations be amended to include USMLE steps 1 & 2 combined with NBME part 3. Staff is asking the members to allow the scheduling of a regulatory hearing at the next Board meeting.

SUMMARY:

CCR Title 16, section 1328, enumerates the combination of written examinations that are acceptable to the Board for the issuance of an initial physician & surgeon license. The regulations were last amended in 1999 to reflect the new USMLE steps 1, 2 and 3. At that time, staff and members attempted to imagine all of the possible legitimate combinations of examinations that future applicants would need to have recognized. Until very recently, their best guess has been adequate.

At present, however, the Board has received an applicant under section 2170 of the Business & Professions Code that is unable to be licensed because her examinations do not meet the regulatory requirement. Over 10 years ago, she took the NBME 3 prior to taking Steps 1 & 2 of the USMLE, and two weeks prior to the Federation of State Medical Board's offering of USMLE step 3.

While it would appear that this situation is rare, it is likely to occur again. As all of these exams are legitimate paths toward licensure, it is necessary to establish the acceptability of this combination of examinations in regulation.

CONCLUSION:

The Board should amend the regulations to recognize USMLE steps 1 and 2 and NBME step 3 as a acceptable combination of examinations for licensure. Without doing so, applicants like the one described will either have to take USMLE step 3 (over 10 years after graduation), find another pathway in which to become licensed, or not be licensed in California. None of these alternatives are fair or practical.

FISCAL CONSIDERATIONS:

There is no substantial cost to promulgating regulations; however, there may be substantial legal costs in the future if the regulation is not amended.

PREVIOUS MBC AND/OR COMMITTEE ACTION:

The Division of Licensing first promulgated the regulation to establish the acceptable written examination in 1979. Since then, the Division has amended the regulations to reflect the changes in the written examination offerings. The latest amendment was adopted in 1999, and reflected the establishment of the USMLE parts 1, 2 and 3.