

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 7, 2010
 SUBJECT: Statutory Amendments Proposed for 2010
 STAFF CONTACT: Deborah Pellegrini

REQUESTED ACTION:

Licensing Committee work with Board staff on the amendment of Business and Professions (B&P) Code Section 2184.

STAFF RECOMMENDATION:

Staff recommends that the Licensing Committee be involved in the amendment to Section 2184 proposed below.

EXECUTIVE SUMMARY:

See Legislation Packet for amendment to B&P Code Section 2184.

Current applicants are required to pass Steps 1, 2 and 3 of the United States Medical Licensing Examination (USMLE) to qualify for licensure. B&P Code Section 2184 provides that an applicant's scores on the written licensing examination are valid for 10 years from the date that the applicant passed each step of the USMLE. The validity period is routinely extended for time spent in postgraduate training, as long as the scores were valid when the applicant began training. The majority of applicants promptly enter ACGME-accredited training after they pass USMLE Steps 1 and 2, and they proceed to licensure within the next one to three years. The provisions of Section 2184 affect those applicants for initial licensure whose scores expired because they did not enter postgraduate training within 10 years after taking the exam. Section 2184 requires them to retake and pass the expired USMLE step(s) before they enter a California training program or qualify for licensure in order to demonstrate their continued clinical competency. Section 2184 does not apply to applicants who have been licensed in another state for at least four years.

Section 2184 permits the Board to extend the validity period of an applicant's scores "for good cause and for time spent in a postgraduate training program, including, but not limited to, residency training, fellowship training, remedial or refresher training, or other training that is intended to maintain or improve medical skills." Staff and legal counsel interpret the phrase "good cause" as a legitimate medical illness or disability or other circumstances beyond the applicant's control that prevented an applicant from proceeding into postgraduate training within 10 years after passing the written exam. However, there are applicants who spend many years in various postgraduate training programs, such as those who are in training leading to a Ph.D., prior to entering an ACGME training program, and this does not meet the "good cause" criterion. Legal counsel advised that simply amending the conjunction in the phrase "for good cause and for time spent" to "for good cause or for time spent" would allow staff to exercise greater flexibility in reviewing applicants' cases pursuant to Section 2184. Therefore, staff's recommendation is to change the "and" to an "or" in Section 2184. The amendment would be non-controversial and could be achieved through omnibus legislation.

FISCAL CONSIDERATIONS:

No fiscal impact.