

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: March 15, 2023
 ATTENTION: Members, Medical Board of California
 SUBJECT: Discussion and Possible Action on a Legislative
 Proposal Related to the Postgraduate Training
 License
 STAFF CONTACT: Aaron Bone, Chief of Legislation and Public Affairs

REQUESTED ACTION

To approve proposed statutory amendments establishing that a postgraduate training license (PTL) shall expire 36 months after the date it is issued, provided the PTL holder remains enrolled in their postgraduate training (PGT) program.

Background

Under prior law, until December 31, 2021, a PTL would be issued by the Medical Board of California for a 36-month period. The Board was authorized to extend the expiration date of a PTL if the holder was still enrolled in their PGT program and required additional time to meet the requirements for a Physician's and Surgeon's (P&S) license. At the time, applicants were required to have successfully completed 36 months of approved PGT¹ to be eligible for a P&S license (P&S).

Since January 1, 2022, pursuant to SB 806 of 2021, the Board is issuing a PTL for 15 months to graduates of U.S./Canadian medical schools and 27 months for international medical school graduates (IMG). To be eligible for an initial P&S license, U.S./Canadian medical school graduates must successfully complete 12 months of PGT and IMG applicants must successfully complete 24 months of PGT. The Board may extend the expiration date of the PTL for those who have not yet successfully completed 12 or 24 months of PGT. If the PTL cannot be extended, the PTL holder must obtain a P&S license by the time the PTL expires or they must cease all clinical practice in California.

At the time of a P&S licensee's first renewal (two years after issuance) that licensee must show successful completion of 36 months of approved PGT. Failure to do so will cause their license to be placed in a delinquent status.

In 2022, the Board received an extraordinary increase in the volume of applications for a P&S license, as compared to 2021. The volume increase, coupled with staff vacancies, led to significant increases in the Board's timeframes to process licensure applications.

¹ There are exceptions to this requirement for physicians currently licensed in another state and seeking a P&S license in California – see Business and Professions code (BPC) section [2135](#) and [2135.5](#).

In the Board's 2022 Sunset Report², the Board stated its intention to examine the PTL expiration timeframes to address administrative challenges but without changing the requirements for licensure.

Analysis

To reduce application processing timeframes, staff continue to work with PGT programs to encourage PTL holders to file a complete application for a P&S license in a timely manner and focus on filling vacancies and training new licensing staff. In addition, this proposal will provide flexibility to applicants and to the Board and fulfill the Board's direction in its Sunset Report, as indicated above.

To do so, staff propose that statute be changed to return to a 36-month PTL expiration timeframe, as provided prior to January 1, 2022. Doing so is expected to provide PTL holders additional flexibility to transition to a P&S license but will not change the requirements to obtain a PTL or a P&S license.

PTL holders would be allowed to retain their PTL for a longer time, compared to current law, which requires them to transition to a P&S license after 15 or 27 months, depending upon where they completed medical school. Under this proposal, a U.S./Canadian medical school graduate would have up to 24 months to transition from a PTL to a P&S license after successfully completing the required 12 months of approved PGT. IMGs will have up to 12 months to transition to a P&S after successfully completing 24 months of approved PGT. Under current law, applicants generally have three months to transition to a P&S, after completing their required PGT training.

This proposal will provide PTL holders transitioning to a P&S license additional time to remediate application deficiencies and address any issues that arise (e.g. concerns raised by their PGT program or a criminal conviction) at the time of application for a P&S license, which allows the resident more time to remediate issues and potentially reduces the need to offer applicants a probationary P&S license. This will also reduce the need for extending PTL expiration dates and ensure continuity of care while California residents continue their PGT.

No other licensing changes are contained in this proposal, including the requirement that a PTL will not be valid if the holder leaves their California ACGME-accredited PGT program. The language below, however, also includes certain non-substantive amendments that remove obsolete language.

Proposed Statutory Amendments

² See [p. 181 of the 2022 Sunset Report](#).

BPC section 2064.5. (in relevant part)

(b) The physician's and surgeon's postgraduate training license shall be valid for a period of 36 months ~~until 90 days after the holder has received 12 months credit of board-approved postgraduate training for graduates of medical schools in the United States and Canada or 24 months of board-approved postgraduate training for graduates of foreign medical schools approved by the board pursuant to Section 2084 other than Canadian medical schools.~~ The physician's and surgeon's postgraduate training licensee may engage in the practice of medicine only in connection with the licensee's duties as an intern or resident physician in a board-approved program, including its affiliated sites, or under those conditions as are approved in writing and maintained in the postgraduate licensee's file by the director of the program.

BPC section 2065 (in relevant part)

(b) A medical school graduate enrolled in an approved first-year postgraduate training program in accordance with this section may engage in the practice of medicine whenever and wherever required as a part of the training program, and may receive compensation for that practice.

~~(c) A graduate who has completed the first year of postgraduate training may, in an approved residency or fellowship, engage in the practice of medicine whenever and wherever required as part of that residency or fellowship, and may receive compensation for that practice. The resident or fellow shall qualify for, take, and pass the next succeeding written examination for licensure. If the resident or fellow fails to receive a license to practice medicine under this chapter within 27 months from the commencement of the residency or fellowship, except as otherwise allowed under subdivision (g) or (h), or if the board denies their application for licensure, all privileges and exemptions under this section shall automatically cease.~~

~~(cd) All approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the 15-month license exemption for graduates of medical schools in the United States and Canada or 27-month postgraduate training requirement to obtain a physician's and surgeon's license under Section 2096. license exemption for graduates of foreign medical schools approved by the board pursuant to Section 2084 other than Canadian medical schools, except as otherwise allowed under subdivision (h).~~

~~(ef) Upon review of supporting documentation, the board, in its discretion, may grant an extension beyond 36 15 months to a postgraduate training licensee who graduated from a medical school in the United States or Canada, or beyond 27 months to a postgraduate training licensee who graduated from a foreign medical school approved by the board pursuant to Section 2084 other than a Canadian medical school, to receive credit for the 12 months of required approved postgraduate training for graduates of medical schools in the United States and Canada and 24 months of required approved postgraduate training for graduates of foreign medical schools other than Canadian medical schools.~~