

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 21, 2023
ATTENTION: Members, Medical Board of California
SUBJECT: Discussion and Possible Action on the Requirement of Successful Progress Through 24 Months of Postgraduate Training in the Same Program for Initial Renewal of a Physician's and Surgeon's License
STAFF CONTACT: Marina O'Connor, Chief of Licensing

REQUESTED ACTION:

For the Members of the Medical Board of California (Board) to provide feedback and direction to staff on possible statutory changes to Business and Professions Code (BPC) section 2097 (a) regarding the initial renewal requirement to obtain credit for successful progression through 24 months in the same board-approved postgraduate training program.

Background

Effective January 1, 2022, BPC section 2097(a) requires Physician's and Surgeon's licensed on or after January 1, 2022, to provide proof of credit for 36 months of board-approved postgraduate training, including successful progression through 24 months in the same program, as a condition of their initial renewal. BPC section 2097(c) gives the Board discretion to determine substantial compliance with this requirement.

Prior to January 1, 2022, this was a requirement for initial licensure as a Physician and Surgeon, established through Senate Bill 798, which required 36 months of board-approved postgraduate training for both U.S./Canadian and international medical school graduates in order to obtain a Physician's and Surgeon's License. Leading up to the Board's decision to propose this licensure requirement in its 2016 Sunset Review Report, the Board discussed concerns with residents changing postgraduate training programs and not completing a program due to performance issues but still qualifying for licensure. The successful progression through 24 months of training in the same program was included in the licensing requirement to encourage remediation of performance issues within the program where they were identified.

When the 24 months in the same program requirement became an initial licensure requirement on January 1, 2020, the Board began receiving concerns from applicants and postgraduate training programs regarding residents that were unable to complete 24 months of continuous training in the same program due to factors outside of their control, such as program closure or relocation to care for a dependent. In addition, residents in specific specialties are often forced to repeat their preliminary (first) year of residency due to a lack of available residency spots. Some programs require research in the first three years of residency, which could pose a problem with their ability to meet the 24-month requirement by the time of their initial renewal. Under the prior law, however, the Board was able to extend the PTL to allow the applicant time to complete this requirement.

Applicants and licensees pending their first renewal that do not meet the 24-continuous month requirements have been referred to the Application Review and Special Programs Committee (ARSPC) for a recommendation on whether their postgraduate training is substantially compliant under BPC section 2097(c). Recently, the ARSPC has considered requests from residents that have not yet completed their postgraduate training but are considering transferring to another program and want to ensure their training will be accepted by the Board to meet the renewal requirement. For example, the ARSPC has considered a request from a resident wishing to change specialties but risked not meeting the 24-month license renewal requirement. This resident had no performance issues and his current program fully supported his decision to change specialties, which entirely depended on the Board's decision on whether to accept his training in two different programs, neither of which would span 24 months by the time his license expired. The resident was accepted into another program but the resident could not commit to the transfer until the Board confirmed his training would meet the 24-month renewal requirement.

Analysis

Board staff anticipate receiving an increase in requests from licensees who either do not meet the 24-month initial renewal requirement or are planning to transfer programs before they complete 24 continuous months in the same program, all of which will have to be submitted to the ARSPC for review and recommendation. Licenses issued on January 1, 2022, or later that must meet the 24-month requirement in order to renew their license for the first time, have a license expiration date in January 2024 or later, which means they will be submitting the documents required to renew towards the end of 2023.

Licensees without any performance issues face constraints when deciding whether to transfer to a new program before completing 24 continuous months for reasons not related to performance, such as changing specialties or relocating to care for a sick family member. California is currently experiencing a shortage of physicians and risks losing qualified physicians to other states if they are unable to meet renewal requirements or have the flexibility of changing programs.

Recommendation

Staff recommends the Board discuss and consider the following changes to BPC section 2097:

- 1) Remove the requirement under BPC section 2097 (a) that a licensee must obtain credit for successful completion of 24 months of board-approved training in the same program in order to renew their license the first time; or
- 2) Specify criteria for when a licensee is exempt from obtaining credit for successful completion of 24 months of training in the same program, such as a resident that does not have any disciplinary or conviction history and no performance issues identified by previous training programs.