

HB243 INTRODUCED



1 QCZV44-1

2 By Representatives Lee, Mooney, Marques, Shirey, Warren,

3 Holk-Jones, Lipscomb, Kitchens, Rigsby, Cole, DuBose,

4 Rafferty, Sorrells, Hall, Oliver, Faulkner

5 RFD: Health

6 First Read: 04-Apr-23

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SYNOPSIS:

Under existing law, a postgraduate of a medical college that is not accredited must complete three years of postgraduate or residency training in order to qualify for licensure by the Medical Licensure Commission as a physician.

This bill would change the postgraduate or residency training requirement to two years of training.

Under existing law, applicants for licensure as a physician who have not passed certain examinations within the 10-year period immediately preceding the date of application must take a prescribed examination with a passing score in order to qualify for licensure.

This bill would remove this requirement.

This bill would also authorize the Board of Medical Examiners to issue permits to individuals who have completed medical school but have not been accepted into a postgraduate or residency training program to practice under the supervision of a licensed physician for one year, would establish certain criteria for the permitting of these individuals, would authorize the board to convene a working group to assist in drafting rules relating to the practice of bridge year graduate physicians, and would authorize



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29 bridge year graduate physicians to prescribe and
30 administer certain drugs in certain circumstances.

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A BILL

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TO BE ENTITLED

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AN ACT

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38 Relating to the Board of Medical Examiners; to amend
39 Sections 34-24-50.1 and 34-24-70, Code of Alabama 1975, to
40 provide further for qualifications for licensure as a
41 physician; and to add Section 34-24-75.2 to the Code of
42 Alabama 1975, to authorize the board to issue permits for
43 certain medical school graduates to practice medicine in a
44 limited capacity for a limited time as bridge year graduate
45 physicians.

46 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

47 Section 1. This act shall be known and may be cited as
48 the Physician Workforce Act.

49 Section 2. Sections 34-24-50.1 and 34-24-70, Code of
50 Alabama 1975, are amended to read as follows:

51 "§34-24-50.1

52 Unless otherwise indicated from the context, the terms
53 set out below as used in Articles 3, 8, 9, and 10 of this
54 chapter ~~shall~~ have the following meanings:

55 (1) BOARD. The Board of Medical Examiners.

56 ~~(1)~~ (5) PHYSICIAN. Either a doctor of medicine or a



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57 doctor of osteopathy.

58 (3) LEGEND DRUG. Any drug, medicine, chemical, or
59 poison, bearing on the label the words, "Caution: Federal Law
60 prohibits dispensing without a prescription" or similar words
61 indicating that the drug, medicine, chemical, or poison may be
62 sold or dispensed only upon the prescription of a licensed
63 medical practitioner, except that the term legend drug shall
64 not include any drug, substance, or compound that is listed in
65 Schedules I through V of the Alabama Uniform Controlled
66 Substances Act.

67 ~~(2)~~ (4) LICENSED TO PRACTICE MEDICINE. Both the practice
68 of medicine by a doctor of medicine or the practice of
69 osteopathy by a doctor of osteopathy.

70 ~~(3)~~ (2) DOCTOR. Both doctors of medicine and doctors of
71 osteopathy."

72 "§34-24-70

73 (a) The following constitute the requirements for the
74 issuance of a certificate of qualification for a license to
75 practice medicine in this state:

76 (1) MEDICAL EDUCATION REQUIREMENT. All applicants for a
77 certificate of qualification shall present a diploma or
78 evidence of graduation from any of the following institutions:

79 a. A college of medicine or school of medicine
80 accredited by the Liaison Committee on Medical Education.

81 b. A college of osteopathy accredited by the Commission
82 on Osteopathic College Accreditation.

83 c. A college of medicine or school of medicine not
84 accredited by the Liaison Committee on Medical Education which



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85 is approved by the ~~Board of Medical Examiners~~board. The board,
86 within its discretion, may withhold approval of any college of
87 medicine not designated in either paragraph a. or b. which:

88 1. Has had its accreditation withdrawn by a national or
89 regional accreditation organization; or

90 2. Has had its authorization, certification, or
91 licensure revoked or withdrawn by a national or regional
92 governmental supervisory agency; or

93 3. Has been denied approval or has had its approval
94 withdrawn by any national, state, or territorial licensing
95 jurisdiction based upon an evaluation of the college of
96 medicine or upon a finding of misconduct by the college; or

97 4. Has engaged in fraudulent, criminal, or other
98 practices which are inconsistent with quality medical
99 education, as determined by the board.

100 (2) POSTGRADUATE EDUCATION REQUIREMENT.

101 a. Applicants for a certificate of qualification who
102 graduated from a college of medicine accredited by the Liaison
103 Committee on Medical Education or a college of osteopathy
104 accredited by the Commission on Osteopathic College
105 Accreditation shall present evidence satisfactory to the board
106 that the applicant has completed one year of postgraduate or
107 residency training in any of the following programs:

108 1. A program accredited by the Accreditation Council
109 for Graduate Medical Education.

110 2. A program accredited by the American Osteopathic
111 Association.

112 3. A program accredited by the Accreditation Committee



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113 of the Royal College of Physicians and Surgeons of Canada.

114 4. A program accredited by the College of Family
115 Physicians of Canada.

116 b. All other applicants for a certificate of
117 qualification who graduated from a college of medicine not
118 accredited by the Liaison Committee on Medical Education or a
119 college of osteopathy not accredited by the Commission on
120 Osteopathic College Accreditation shall present evidence
121 satisfactory to the board that the applicant has completed
122 ~~three~~two years of postgraduate or residency training in any
123 of the following programs:

124 1. A program accredited by the Accreditation Council
125 for Graduate Medical Education.

126 2. A program accredited by the Commission on
127 Osteopathic College Accreditation.

128 3. A program accredited by the Accreditation Committee
129 of the Royal College of Physicians and Surgeons of Canada.

130 4. A program accredited by the College of Family
131 Physicians of Canada.

132 (3) EXAMINATION REQUIREMENTS. Applicants for a
133 certificate of qualification shall achieve a passing score on
134 one of the licensure examinations listed below. The minimum
135 passing score, maximum number of attempts, and period of time
136 within which all portions of the examination must be completed
137 may be determined by rule of the ~~Board of Medical~~
138 ~~Examiners~~board. The following examinations shall satisfy this
139 requirement:

140 a. The United States Medical Licensing Examination.



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141 b. The Comprehensive Osteopathic Medical Licensing
142 Examination or its predecessor examination administered by the
143 National Board of Osteopathic Medical Examiners.

144 c. The Licentiate of the Medical Council of Canada
145 Examination.

146 d. If the examination was completed before January 1,
147 2000, applicants by endorsement who are licensed in another
148 state, the District of Columbia, a territory of the United
149 States, or a province of Canada are eligible for licensure
150 upon proof of a passing score on one of the following
151 examinations:

152 1. The Federation Licensing Examination.

153 2. The National Board of Medical Examiners Examination.

154 e. The board may establish by rule acceptable
155 combinations of the Federation Licensing Examination, National
156 Board of Medical Examiners Examination, and/or United States
157 Medical Licensing Examination through January 1, 2000, in
158 satisfaction of the examination requirement for a certificate
159 of qualification.

160 (4) APPLICATION FEE REQUIREMENT. ~~Payment~~ All applicants
161 shall pay in advance to the board ~~of~~ the required application
162 fee in an amount established in the rules of the board. This
163 fee is not refundable once payment is received by the board.

164 (5) CRIMINAL HISTORY BACKGROUND CHECK. In addition to
165 other requirements established by law and for the purpose of
166 determining an applicant's suitability for a certificate of
167 qualification for a license to practice medicine, each
168 applicant shall submit to a criminal history background check.



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169 Each applicant shall submit a complete set of fingerprints to
170 the State Board of Medical Examiners, or any channeler
171 approved by the board. The board, or its channeler, shall
172 submit the fingerprints provided by each applicant for a
173 certificate of qualification for a license to practice
174 medicine to the Alabama State Bureau of Investigation (SBI).
175 The fingerprints shall be forwarded by the SBI to the Federal
176 Bureau of Investigation (FBI) for a national criminal history
177 record check. Costs associated with conducting a criminal
178 history background check shall be borne by the applicant and
179 are payable directly to the board, or its designee. The State
180 Board of Medical Examiners shall keep information received
181 pursuant to this section confidential, except that such
182 information received and relied upon in denying the issuance
183 of a certificate of qualification for a license to practice
184 medicine in this state may be disclosed as may be necessary to
185 support the denial.

186 (6) ADDITIONAL REQUIREMENTS FOR EXAMINATION FOR CERTAIN
187 APPLICANTS.

188 ~~a. All applicants who have not passed the United States~~
189 ~~Medical Licensing Examination, the Comprehensive Osteopathic~~
190 ~~Medical Licensing Examination, the Licentiate of the Medical~~
191 ~~Council of Canada Examination, or the Special Purpose~~
192 ~~Examination within 10 years immediately preceding the date of~~
193 ~~the application shall either:~~

194 ~~1. Achieve a passing score on the Special Purpose~~
195 ~~Examination.~~

196 ~~2. Be certified by or achieve a passing score on a~~



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197 ~~recertification examination given by one of the specialty~~
198 ~~boards approved by the American Board of Medical Specialties~~
199 ~~or one of the specialty boards approved by the American~~
200 ~~Osteopathic Association within 10 years immediately preceding~~
201 ~~the date of the application. This requirement may be satisfied~~
202 ~~by active participation by the applicant in a maintenance of~~
203 ~~certification program, established by one of the specialty~~
204 ~~boards approved pursuant to this subparagraph, for a period of~~
205 ~~at least one year before submission of the application.~~

206 ~~b.~~ All applicants who graduated from a college of
207 medicine not accredited by the Liaison Committee of Medical
208 Education or the Commission on Osteopathic College
209 Accreditation shall achieve a certification given by the
210 Education Council for Foreign Medical Graduates.

211 (b) Administration of examinations by the board.

212 (1) Applicants for a certificate of qualification who
213 are applying for initial licensure in the State of Alabama,
214 and who meet all qualifications for administration of Step 3
215 of the United States Medical Licensing Examination are
216 eligible to take the United States Medical Licensing
217 Examination.

218 (2) The following individuals are eligible to take the
219 Special Purpose Examination:

220 a. Applicants who are applying for licensure in Alabama
221 who are required to take the examination under another
222 provision of this section.

223 b. Individuals required to take the examination
224 pursuant to an order or directive of the ~~State Board of~~



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225 ~~Medical Examiners~~ board or the Medical Licensure Commission.

226 (3) Any individual eligible to take the Special Purpose
227 Examination pursuant to paragraph (2)a. or (2)b. ~~of~~
228 ~~subdivision (2)~~ who has not achieved a passing score within
229 three administrations shall no longer be eligible to take the
230 Special Purpose Examination.

231 (c) Grounds for denial of a certificate of
232 qualification. The board may deny an application for a
233 certificate of qualification on any of the following grounds:

234 (1) Failure of the applicant to achieve a passing score
235 on any examination required under this section.

236 (2) Failure of the applicant to complete the
237 application form as specified by the board or to provide
238 additional information requested by the board in connection
239 with the application, including failure to provide information
240 to or submit to an evaluation recommended by the Alabama
241 Physician Wellness Committee, or its designee.

242 (3) A finding that the applicant has submitted or
243 caused to be submitted false, misleading, or untruthful
244 information to the board in connection with an application for
245 a certificate of qualification.

246 (4) Failure to appear before the board or a committee
247 of the board if formally requested to appear in connection
248 with an application for a certificate of qualification.

249 (5) A finding by the board that the applicant has
250 committed any of the acts or offenses constituting grounds to
251 discipline the licensee to practice medicine in this state
252 pursuant to, but not limited to, Sections 16-47-128,



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253 34-24-360, and 34-24-57.

254 (6) Failure of the applicant to comply with any of the
255 requirements or rules for the issuance of a certificate of
256 qualification for a license to practice medicine in this
257 state.

258 (d) Non-disciplinary citation with administrative
259 charge.

260 (1) When a ground for denial of a certificate of
261 qualification exists, an applicant for a certificate of
262 qualification may request in writing to the Board of Medical
263 Examiners that a non-disciplinary citation with administrative
264 charge be assessed against the applicant in lieu of a decision
265 by the board to deny the application for a certificate of
266 qualification. The board may grant, if it deems appropriate, a
267 request for an assessment of a non-disciplinary citation with
268 administrative charge and issue a certificate of qualification
269 to the applicant.

270 (2) The administrative charge shall be in amounts
271 established by the board in its rules, not to exceed ten
272 thousand dollars (\$10,000). ~~Payment of an~~ The applicant shall
273 pay the administrative charge assessed in a non-disciplinary
274 citation ~~shall be made~~ to the board prior to the issuance of a
275 certificate of qualification.

276 (3) The administrative charge is not refundable once
277 payment is received by the board. The imposition of a
278 non-disciplinary citation with administrative charge is
279 considered public information and is not considered a
280 disciplinary action against the applicant.



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281 (e) Withdrawal of application for certificate of
282 qualification and certificate of qualification.

283 (1) An applicant for a certificate of qualification
284 shall have six months from the date the initial signed
285 application form is received by the board to complete the
286 application, except that an applicant for a certificate of
287 qualification who is required to pass an examination as part
288 of the application process shall have 12 months from the date
289 the initial signed application form is received to complete
290 the application. After the expiration of the deadline for
291 completing an application established in the preceding
292 sentence, an incomplete application shall be withdrawn by the
293 board.

294 (2) A certificate of qualification issued by the board
295 shall be withdrawn by the board after a period of six months
296 from the date of issuance unless the applicant has filed an
297 application for a license to practice medicine with the
298 Medical Licensure Commission of Alabama and paid the required
299 fee.

300 (3) If either an application for a certificate of
301 qualification or a certificate of qualification is withdrawn
302 by the board, the applicant, to reapply, shall submit a new
303 application form including a new application fee.

304 (f) Each applicant for a certificate of qualification
305 shall be a citizen of the United States or, if not a citizen
306 of the United States, a person who is lawfully present in the
307 United States with appropriate documentation from the federal
308 government."



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309 Section 3. Section 34-24-75.2 is added to the Code of
310 Alabama 1975, to read as follows:

311 §34-24-75.2

312 (a) The board may develop, implement, and maintain a
313 permit that allows an individual who meets certain criteria
314 and qualifications, as further provided in subsection (c), to
315 practice medicine as a bridge year graduate physician. A
316 permitted bridge year graduate physician shall practice only
317 under the supervision of a licensed physician approved by the
318 board.

319 (b) (1) The board shall convene a standing working group
320 to consult and assist in the drafting of rules related to the
321 practice of bridge year graduate physicians, consisting of the
322 following:

323 a. Two members appointed by the Medical Association of
324 the State of Alabama.

325 b. One member appointed by the Alabama Academy of
326 Family Physicians.

327 c. One member appointed by the Alabama Chapter of the
328 American Academy of Pediatrics.

329 d. One member appointed by the Alabama Chapter of the
330 American College of Physicians.

331 e. One member appointed by the Alabama Primary Health
332 Care Association.

333 f. One member appointed by the Board of Medical
334 Examiners.

335 g. The director of a residency program appointed by the
336 Dean of The University of Alabama at Birmingham School of



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337 Medicine.

338 h. The director of a residency program appointed by the
339 Dean of the University of South Alabama College of Medicine.

340 i. The Director of the Cahaba Medicine Family Residency
341 Program.

342 (2) Members of the standing working group shall
343 receive, out of the funds of the board, reimbursement for
344 subsistence and travel in accordance with state law for each
345 day actively engaged in official business of the standing
346 working group.

347 (3) The standing working group may conduct its business
348 in person or by electronic means.

349 (c) The board shall provide by rule for the criteria
350 for participation in the bridge year graduate physician
351 program which, at a minimum, shall require the individual
352 seeking a permit to meet the following qualifications:

353 (1) Is a graduate of a medical educational institution
354 as set forth in Section 34-24-70(a)(1).

355 (2) Has applied, but was not accepted into, a
356 postgraduate or residency training program, as set forth in
357 Section 34-24-70(a)(2), for the first year following medical
358 school graduation. The board may establish a process for
359 otherwise qualified applicants to petition the board to waive
360 this requirement.

361 (3) Has submitted to the board an application on a form
362 approved by the board.

363 (4) Has paid to the board in advance the required
364 application fee in an amount established by board rule. This



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365 fee is nonrefundable once payment is received by the board.

366 (d) In addition to the qualifications described in
367 subsection (c), and for the purposes of determining an
368 applicant's suitability to obtain a permit to practice as a
369 bridge year graduate physician in this state, each applicant
370 shall submit to a criminal history background check. Each
371 applicant shall submit a complete set of fingerprints to the
372 board or any channeler approved by the board. The board, or
373 its channeler, shall submit the fingerprints provided by each
374 applicant for a permit to the State Bureau of Investigation
375 (SBI). The fingerprints shall be forwarded by the SBI to the
376 Federal Bureau of Investigation (FBI) for a national criminal
377 history record check. Costs associated with conducting a
378 criminal history background check shall be borne by the
379 applicant and are payable directly to the board or its
380 designee. The board shall keep information received pursuant
381 to this subsection confidential, except that such information
382 received and relied upon in denying the issuance of a permit
383 to practice as a bridge year graduate physician in this state
384 may be disclosed as may be necessary to support the denial.

385 (e) Upon the filing of an application in the proper
386 form, if the board is satisfied that all requirements of the
387 law have been met and that the application should be approved
388 in the interest of public welfare, the board shall issue to
389 the applicant a permit to practice as a bridge year graduate
390 physician. The permit shall be of a size and design to be
391 determined by the board. Every permit issued by the board
392 shall be dated, shall be numbered in the order of issuance,



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393 and shall be signed by the chair of the board or the chair's
394 designee.

395 (f) A permit issued pursuant to this section shall be
396 valid for one year and may be renewed, upon application and
397 payment of a renewal fee, as determined by the board, by rule,
398 for no more than one additional one-year period.

399 (g) The board may adopt rules further setting forth the
400 qualifications of a physician eligible to supervise a bridge
401 year graduate physician and for the level of supervisory
402 oversight required, which, at a minimum, shall include on-site
403 physician supervision.

404 (h) (1) An individual holding a permit to practice as a
405 bridge year graduate physician may prescribe, dispense, or
406 administer legend drugs to patients, subject to both of the
407 following conditions:

408 a. The drug shall be on the formulary approved under
409 the guidelines of the board.

410 b. The drug is administered or issued pursuant to a job
411 description approved by the board and signed by the bridge
412 year graduate physician's supervising physician.

413 (2) Permitted bridge year graduate physicians may
414 administer any legend drug which they are authorized to
415 prescribe under this subsection. A bridge year graduate
416 physician may not initiate a call-in prescription in the name
417 of his or her supervising physician for any drug, whether
418 legend drug or controlled substance, which the bridge year
419 graduate physician is not authorized to prescribe under the
420 job description signed by his or her supervising physician and



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421 approved under this subsection, unless the drug is
422 specifically ordered for the patient by the supervising
423 physician, either in writing or by a verbal order which has
424 been reduced to writing and which has been signed by the
425 supervising physician within a time specified in the
426 guidelines of the board.

427 (i) The board may deny, suspend, terminate, or revoke a
428 bridge year graduate physician permit for any reason provided
429 by law or board rule for the termination of licenses, permits,
430 registrations, or certificates issued by the board or the
431 Medical Licensure Commission, including, but not limited to, a
432 violation of any provision of this section or the rules
433 adopted by the board pursuant to this section.

434 (j) At the end of the bridge year, the physician
435 supervising a bridge year graduate physician, in a manner
436 prescribed by the board, shall submit a report to the board
437 indicating the scope and breadth of the practice of the
438 participating bridge year graduate physician and the
439 instruction and training given to the bridge year graduate
440 physician. The training physician's report shall contain a
441 statement as to whether or not the bridge year graduate
442 physician would be recommended for a residency position upon
443 reapplication.

444 (k) A permit issued in accordance with this section
445 shall not confer any future right to licensure to practice
446 medicine in this state.

447 (l) The board may adopt rules regulating the permitting
448 and practice of bridge year graduate physicians in this state,



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449 even if the rules displace competition.

450 Section 4. This act shall become effective on the first
451 day of the third month following its passage and approval by
452 the Governor, or its otherwise becoming law.