

SECOND REGULAR SESSION

HOUSE BILL NO. 3352

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STINNETT.

7226H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 334.046, RSMo, and to enact in lieu thereof two new sections relating to physician licensure.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 334.046, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 334.046 and 334.048, to read as follows:

334.046. 1. Notwithstanding any other provisions of law to the contrary, the board may grant a temporary license to any otherwise qualified physician to teach or lecture **and provide patient care services related thereto** in a program sponsored by an accredited medical school in the state of Missouri or any accredited hospital. The temporary license shall not extend beyond twelve months from the date of its issuance and shall terminate automatically. To be granted a temporary license pursuant to this section, a physician shall meet all requirements for permanent licensure in the state of Missouri, including those imposed by rule and regulation; except that, the board may recognize and take into account the credentials of a physician licensed in other states or in foreign countries. Nothing contained in this section shall be construed so as to permit the issuance of a temporary license for locum tenens or other itinerant practices of the healing arts.

2. Within guidelines established by rule and regulation, the board may authorize an intern or a resident who is otherwise properly enrolled and duly licensed to participate in a program of graduate medical or osteopathic education in an accredited program in a contiguous state, to act as an intern or resident in this state; provided, that such activity is a recognized part of the educational experience offered by that program.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. Notwithstanding any other provision of law to the contrary, the board may waive
18 the provisions of sections 334.035 and 334.040, but not section 334.031, and grant a
19 permanent license to practice as a physician and surgeon to the holder of a temporary license
20 issued pursuant to this section. The board shall not grant a waiver pursuant to this section
21 unless and until the applicant has held a temporary license for a minimum of twelve months
22 preceding the date of application and complies with all requirements the board may impose
23 by rule or regulation. An applicant for a permanent license pursuant to this section shall
24 present evidence to the board that the applicant holds a certificate of licensure in any state or
25 territory of the United States, of the District of Columbia or in a foreign country, authorizing
26 the applicant to practice in the same manner and to the same extent as physicians and
27 surgeons are authorized to practice by this chapter.

28 4. Before granting a waiver pursuant to this section, the board may require the
29 applicant to achieve a passing score on the federation portion of the state medical board's
30 special purpose examination (SPEX).

31 5. If the board grants a waiver pursuant to this section, then the license issued to the
32 applicant may be limited or restricted to the applicant's board specialty.

33 6. The board may not grant a waiver pursuant to this section to any applicant who has
34 failed to achieve a passing score within three attempts on licensing examinations
35 administered in one or more states or territories of the United States, the District of
36 Columbia or in any foreign country.

37 7. Any waiver granted by the board pursuant to this section, or pursuant to section
38 334.040, shall be granted in the sole discretion of the board. A refusal by the board to grant
39 such a waiver shall not be appealable to the administrative hearing commission or circuit
40 court.

**334.048. 1. Notwithstanding any other provision of law to the contrary, the
2 board may grant a transitional license to any physician sponsored by an accredited
3 medical school in this state. A transitional license may be granted to a physician who:**

4 **(1) Has practiced for at least two years in this state or another state and is
5 otherwise in good standing but has let his or her license lapse for a period of no more
6 than ten years. A physician applying for a transitional license under the provisions of
7 this subdivision shall not have had his or her license suspended or revoked or otherwise
8 have had any disciplinary action taken against him or her for any reason; or**

9 **(2) Has practiced for at least two years in a foreign country as a licensed
10 physician in good standing and who is certified by the Educational Commission for
11 Foreign Medical Graduates (ECFMG). A physician applying for a transitional license
12 under the provisions of this subdivision shall have the sponsoring accredited medical
13 school verify and attest that the physician has completed at least three years of**

14 **postgraduate training in a country whose requirements are substantially similar to or**
15 **greater than those of this state.**

16 **2. The transitional license shall not extend more than three years from the date**
17 **of its issuance and shall terminate automatically. To be granted a transitional license**
18 **under this section, a physician shall meet all requirements for permanent licensure in**
19 **this state, including those imposed by rule and regulation, except that the board may**
20 **waive certain requirements according to the provisions of this section. Nothing**
21 **contained in this section shall be construed to permit the issuance of a transitional**
22 **license for locum tenens or other itinerant practices of the healing arts.**

23 **3. Notwithstanding any other provision of law to the contrary, the board may**
24 **waive the provisions of sections 334.035 and 334.040, but not section 334.031, and grant**
25 **a permanent license to practice as a physician and surgeon to the holder of a transitional**
26 **license issued under this section. The board shall not grant a waiver under this section**
27 **unless and until the applicant has held a transitional license for a minimum of three**
28 **years preceding the date of application, has been employed by a sponsoring accredited**
29 **medical school for at least three years, and complies with all requirements the board**
30 **may impose by rule or regulation. An applicant for a permanent license under this**
31 **section shall present evidence to the board that the applicant holds a certificate of**
32 **licensure in any state or territory of the United States or the District of Columbia, or in**
33 **a foreign country, authorizing the applicant to practice in the same manner and to the**
34 **same extent as physicians and surgeons are authorized to practice by this chapter.**

35 **4. Before granting a waiver under this section, the board may require the**
36 **applicant to achieve a passing score on the Federation of State Medical Boards' Special**
37 **Purpose Examination (SPEX).**

38 **5. If the board grants a waiver under this section, the license issued to the**
39 **applicant may be limited or restricted to the applicant's board specialty.**

40 **6. The board shall not grant a waiver under this section to any applicant who has**
41 **failed to achieve a passing score within three attempts on licensing examinations**
42 **administered in one or more states or territories of the United States or the District of**
43 **Columbia or in any foreign country.**

44 **7. Any waiver granted by the board under this section, or under section 334.040,**
45 **shall be granted in the sole discretion of the board. A refusal by the board to grant such**
46 **a waiver shall not be appealable to the administrative hearing commission or circuit**
47 **court.**

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