

SECOND REGULAR SESSION

# HOUSE BILL NO. 2304

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FREDERICK.

6032H.021

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 334.040, RSMo, and to enact in lieu thereof two new sections relating to physician licensure.

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

Section A. Section 334.040, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 334.040 and 334.280, to read as follows:

334.040. 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board upon forms furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five is required to pass. Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score. The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 prior to January 1, 1994, shall provide proof of successful completion of the FLEX, USMLE, an exam administered by the National Board of Osteopathic Medical Examiners

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.

18 (NBOME), a state board examination approved by the board, compliance with subsection 2 of  
19 section 334.031, or compliance with 20 CSR 2150-2.005. Applicants graduating from a medical  
20 or osteopathic college, as [defined] **described** in section 334.031 on or after January 1, 1994,  
21 must provide proof of **successful** completion of the USMLE or an exam administered by  
22 NBOME or provide proof of compliance with subsection 2 of section 334.031. The board shall  
23 not issue a permanent license as a physician and surgeon or allow the Missouri state board  
24 examination to be administered to any applicant who has failed to achieve a passing score within  
25 three attempts on licensing examinations administered in one or more states or territories of the  
26 United States, the District of Columbia or Canada, **unless the applicant petitions the board for**  
27 **an exception based upon unusual or extenuating circumstances that the board may deem**  
28 **reasonable**. The steps one, two and three of the United States Medical Licensing Examination  
29 shall be taken within a seven-year period with no more than three attempts on any step of the  
30 examination; however, **an applicant may petition the board for an exception to such**  
31 **requirements based upon unusual or extenuating circumstances that the board may deem**  
32 **reasonable**. The board **also** may grant an extension of the seven-year period if the applicant has  
33 obtained a MD/PhD degree in a program accredited by the Liaison Committee on Medical  
34 Education (LCME) and a regional university accrediting body or a DO/PhD degree accredited  
35 by the American Osteopathic Association and a regional university accrediting body. The board  
36 may waive the provisions of this section if the applicant is licensed to practice as a physician and  
37 surgeon in another state of the United States, the District of Columbia or Canada and the  
38 applicant has achieved a passing score on a licensing examination administered in a state or  
39 territory of the United States or the District of Columbia and no license issued to the applicant  
40 has been disciplined in any state or territory of the United States or the District of Columbia [and  
41 the applicant is certified in the applicant's area of specialty by the American Board of Medical  
42 Specialties, the American Osteopathic Association, or other certifying agency approved by the  
43 board by rule].

44 3. If the board waives the provisions of this section, then the license issued to the  
45 applicant may be limited or restricted to the applicant's board specialty. The board shall not be  
46 permitted to favor any particular school or system of healing.

47 4. If an applicant has not actively engaged in the practice of clinical medicine or held a  
48 teaching or faculty position in a medical or osteopathic school approved by the American  
49 Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic  
50 Association for any two years in the three-year period immediately preceding the filing of his or  
51 her application for licensure, the board may require successful completion of another  
52 examination, continuing medical education, or further training before issuing a permanent

53 license. The board shall adopt rules to prescribe the form and manner of such reexamination,  
54 continuing medical education, and training.

**334.280. 1. For purposes of this section, the following terms shall mean:**

2 (1) "Continuing medical education", continued postgraduate medical education  
3 intended to provide medical professionals with knowledge of new developments in their  
4 field;

5 (2) "Maintenance of certification", any process requiring periodic recertification  
6 examinations to maintain specialty medical board certification;

7 (3) "Maintenance of licensure", the Federation of State Medical Boards'  
8 proprietary framework for physician license renewal including additional periodic testing  
9 other than continuous medical education;

10 (4) "Specialty medical board certification", certification by a board that specializes  
11 in one particular area of medicine and typically requires additional and more strenuous  
12 exams than state board of medicine requirements to practice medicine.

13 2. The state shall not require any form of maintenance of licensure as a condition  
14 of physician licensure including requiring any form of maintenance of licensure tied to  
15 maintenance of certification. Current requirements including continuous medical  
16 education shall suffice to demonstrate professional competency.

17 3. The state shall not require any form of specialty medical board certification or  
18 any maintenance of certification to practice medicine within the state. There shall be no  
19 discrimination by the state board of registration for the healing arts or any other state  
20 agency against physicians who do not maintain specialty medical board certification  
21 including recertification.

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