

SECOND REGULAR SESSION

SENATE BILL NO. 772

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 2, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4254S.01I

AN ACT

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Section A. Section 334.040, RSMo, is repealed and two new sections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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

56 system of healing.

57 4. If an applicant has not actively engaged in the practice of clinical
58 medicine or held a teaching or faculty position in a medical or osteopathic school
59 approved by the American Medical Association, the Liaison Committee on Medical
60 Education, or the American Osteopathic Association for any two years in the
61 three-year period immediately preceding the filing of his or her application for
62 licensure, the board may require successful completion of another examination,
63 continuing medical education, or further training before issuing a permanent
64 license. The board shall adopt rules to prescribe the form and manner of such
65 reexamination, continuing medical education, and training.

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

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

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

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

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

16 **2. The state shall not require any form of maintenance of
17 licensure as a condition of physician licensure including requiring any
18 form of maintenance of licensure tied to maintenance of
19 certification. Current requirements including continuous medical
20 education shall suffice to demonstrate professional competency.**

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