

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 772**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, February 25, 2016, with recommendation that the Senate Committee Substitute do pass.

4254S.02C

ADRIANE D. CROUSE, Secretary.

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Section A. Section 334.040, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 334.040 and 334.280, to read as follows: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

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

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

54 Osteopathic Association, or other certifying agency approved by the board by  
55 rule].

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

60 4. If an applicant has not actively engaged in the practice of clinical  
61 medicine or held a teaching or faculty position in a medical or osteopathic school  
62 approved by the American Medical Association, the Liaison Committee on Medical  
63 Education, or the American Osteopathic Association for any two years in the  
64 three-year period immediately preceding the filing of his or her application for  
65 licensure, the board may require successful completion of another examination,  
66 continuing medical education, or further training before issuing a permanent  
67 license. The board shall adopt rules to prescribe the form and manner of such  
68 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.**

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Bill

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