

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **58-67-302.6** is enacted to read:

30 **58-67-302.6. Licensure of physicians licensed outside of the United States.**

31 (1) As used in this section, "equivalent medical license" means a full, unrestricted
32 license in good standing to practice medicine as a physician and surgeon from:

33 (a) Australia;

34 (b) Ireland;

35 (c) Israel;

36 (d) New Zealand;

37 (e) Singapore;

38 (f) South Africa;

39 (g) Switzerland;

40 (h) the United Kingdom;

41 (i) Canada; or

42 (j) another country designated by the division, in consultation with the board, by rule
43 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

44 (2) The division shall grant a provisional license under this section if the applicant:

45 (a) meets all of the requirements described in Subsection (3); and

46 (b) (i) holds an equivalent medical license; or

47 (ii) for an individual who does not hold an equivalent medical license:

48 (A) within the last four years, held a full, unrestricted license in good standing to
49 practice medicine as a physician and surgeon from a country or jurisdiction outside of the
50 United States; and

51 (B) provides evidence of a valid offer of employment to engage in the practice of
52 medicine in the state as a physician and surgeon at a health care facility or office of a private
53 physician in the state.

54 (3) Subject to Subsection (2), an individual who is licensed as a physician and surgeon
55 in a country other than the United States is eligible for licensure as a physician and surgeon in
56 this state if the individual satisfies the following requirements:

57 (a) satisfactory documentation of having successfully completed a program of
58 professional education preparing an individual as a physician and surgeon, as evidenced by:

59 (i) having received an earned degree of doctor of medicine from an LCME accredited
60 medical school or college; or

61 (ii) if the applicant graduated from a medical school or college located outside the
62 United States or its territories, submitting:

63 (A) a current certification by the Educational Commission for Foreign Medical
64 Graduates or other organization approved by the division in collaboration with the board; or

65 (B) documentation that the applicant completed a program of study in medicine at a
66 medical school located outside the United States which is recognized by an organization
67 approved by the division in collaboration with the board;

68 (b) a passing score on the Educational Commission for Foreign Medical Graduates
69 examination or other qualifying examinations such as the United States Medical Licensing
70 Exam parts I and II, which are approved by the division or a medical school approved by the
71 division;

72 (c) satisfactory documentation that the individual:

73 (i) within the last four years, held a full, unrestricted license in good standing in a
74 country outside of the United States;

75 (ii) has practiced as a licensed physician and surgeon outside of the United States for a
76 period of at least five years;

77 (iii) has been actively engaged in the practice of medicine as a physician and surgeon
78 outside of the United States for at least 3,000 hours during the five-year period immediately
79 preceding the date that the applicant applies for provisional licensure under this section; and

80 (iv) possesses evidence of federal work authorization that permits the individual to
81 practice as a physician in the United States;

82 (d) not have any investigation or action pending against any health care license of the
83 applicant, not have a health care license that was suspended or revoked in the country outside
84 of the United States and not have surrendered a health care license in lieu of a disciplinary
85 action, unless:

86 (i) the license was subsequently reinstated as a full unrestricted license in good
87 standing; or

88 (ii) the division in collaboration with the board determines to its satisfaction, after full
89 disclosure by the applicant, that:

- 90 (A) the conduct has been corrected, monitored, and resolved; or
- 91 (B) a mitigating circumstance exists that prevents its resolution, and the division in
- 92 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
- 93 would be reinstated;
- 94 (e) submit to a records review, a practice history review, and comprehensive
- 95 assessments, if requested by the division in collaboration with the board; and
- 96 (f) produce satisfactory evidence that the applicant meets the requirements of this
- 97 Subsection (3) to the satisfaction of the division in collaboration with the board.
- 98 (4) In addition to the requirements described in Subsection (3), an applicant shall:
- 99 (a) submit an application in a form prescribed by the division, which includes:
- 100 (i) submissions by the applicant of information maintained by practitioner data banks,
- 101 as designated by division rule, with respect to the applicant;
- 102 (ii) a record of professional liability claims made against the applicant and settlements
- 103 paid by or on behalf of the applicant; and
- 104 (iii) authorization to use a record coordination and verification service approved by the
- 105 division in collaboration with the board;
- 106 (b) pay a fee established by the department under Section [63J-1-504](#);
- 107 (c) consent to a criminal background check in accordance with Section [58-67-302.1](#)
- 108 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
- 109 Administrative Rulemaking Act;
- 110 (d) be able to read, write, speak, understand, and be understood in the English language
- 111 and demonstrate proficiency to the satisfaction of the board if requested by the board;
- 112 (e) meet with the board and representatives of the division, if requested, for the
- 113 purpose of evaluating the applicant's qualifications for licensure;
- 114 (f) designate:
- 115 (i) a contact person for access to medical records in accordance with the federal Health
- 116 Insurance Portability and Accountability Act; and
- 117 (ii) an alternate contact person for access to medical records, in the event the original
- 118 contact person is unable or unwilling to serve as the contact person for access to medical
- 119 records;
- 120 (g) agree to be subject to the jurisdiction of courts in the state for any violation of state

121 or federal law; and

122 (h) establish a method for notifying patients of the identity and location of the contact
123 person and alternate contact person, if the applicant will practice in a location with no other
124 persons licensed under this chapter.

125 (5) The division may revoke a provisional license granted under Subsection (2) in
126 accordance with Part 4, License Denial and Discipline.

127 (6) (a) Notwithstanding Section 58-67-302, the division shall issue an individual who
128 is granted a provisional license under Subsection (2) a full license as a physician and surgeon
129 after the individual has engaged in the practice of medicine in the state for a period of three
130 years.

131 (b) A physician who obtains a full license as a physician and surgeon under Subsection
132 (6)(a) is not required to maintain the requirements of Subsection (2)(b) after the full license is
133 issued.

134 Section 2. Section **58-68-302.6** is enacted to read:

135 **58-68-302.6. Licensure of physicians licensed outside of the United States.**

136 (1) As used in this section, "equivalent medical license" means a full, unrestricted
137 license in good standing to practice medicine as a physician and surgeon from:

138 (a) Australia;

139 (b) Ireland;

140 (c) Israel;

141 (d) New Zealand;

142 (e) Singapore;

143 (f) South Africa;

144 (g) Switzerland;

145 (h) the United Kingdom;

146 (i) Canada; or

147 (j) another country designated by the division, in consultation with the board, by rule
148 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

149 (2) The division shall grant a provisional license under this section if the applicant:

150 (a) meets all of the requirements described in Subsection (3); and

151 (b) (i) holds an equivalent license; or

152 (ii) for an individual who does not hold an equivalent license:
153 (A) within the last four years, held a full, unrestricted license in good standing to
154 practice medicine as a physician and surgeon from a country or jurisdiction outside of the
155 United States; and
156 (B) provides evidence of a valid offer of employment to engage in the practice of
157 medicine in the state as a physician and surgeon at a health care facility or office of a private
158 physician in the state.
159 (3) Subject to Subsection (2), an individual who is licensed as a physician and surgeon
160 in a country other than the United States is eligible for licensure as a physician and surgeon in
161 this state if the individual satisfies the following requirements:
162 (a) satisfactory documentation of having successfully completed a program of
163 professional education preparing an individual as a physician and surgeon, as evidenced by:
164 (i) having received an earned degree of doctor of medicine from an LCME accredited
165 medical school or college; or
166 (ii) if the applicant graduated from a medical school or college located outside the
167 United States or its territories, submitting:
168 (A) a current certification by the Educational Commission for Foreign Medical
169 Graduates or other organization approved by the division in collaboration with the board; or
170 (B) documentation that the applicant completed a program of study in medicine at a
171 medical school located outside the United States which is recognized by an organization
172 approved by the division in collaboration with the board;
173 (b) a passing score on the Educational Commission for Foreign Medical Graduates
174 examination or other qualifying examinations such as the United States Medical Licensing
175 Exam parts I and II, which are approved by the division or a medical school approved by the
176 division;
177 (c) satisfactory documentation that the individual:
178 (i) within the last four years, held a full, unrestricted license in good standing in a
179 country outside of the United States;
180 (ii) has practiced as a licensed physician and surgeon outside of the United States for a
181 period of at least five years;
182 (iii) has been actively engaged in the practice of medicine as a physician and surgeon

183 outside of the United States for at least 3,000 hours during the five-year period immediately
184 preceding the date that the applicant applies for provisional licensure under this section; and

185 (iv) possesses evidence of federal work authorization that permits the individual to
186 practice as a physician in the United States;

187 (d) not have any investigation or action pending against any health care license of the
188 applicant, not have a health care license that was suspended or revoked in the country outside
189 of the United States and not have surrendered a health care license in lieu of a disciplinary
190 action, unless:

191 (i) the license was subsequently reinstated as a full unrestricted license in good
192 standing; or

193 (ii) the division in collaboration with the board determines to its satisfaction, after full
194 disclosure by the applicant, that:

195 (A) the conduct has been corrected, monitored, and resolved; or

196 (B) a mitigating circumstance exists that prevents its resolution, and the division in
197 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
198 would be reinstated;

199 (e) submit to a records review, a practice history review, and comprehensive
200 assessments, if requested by the division in collaboration with the board; and

201 (f) produce satisfactory evidence that the applicant meets the requirements of this
202 Subsection (3) to the satisfaction of the division in collaboration with the board.

203 (4) In addition to the requirements described in Subsection (3), an applicant shall:

204 (a) submit an application in a form prescribed by the division, which includes:

205 (i) submissions by the applicant of information maintained by practitioner data banks,
206 as designated by division rule, with respect to the applicant;

207 (ii) a record of professional liability claims made against the applicant and settlements
208 paid by or on behalf of the applicant; and

209 (iii) authorization to use a record coordination and verification service approved by the
210 division in collaboration with the board;

211 (b) pay a fee established by the department under Section [63J-1-504](#);

212 (c) consent to a criminal background check in accordance with Section [58-68-302.1](#)
213 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah

214 Administrative Rulemaking Act;

215 (d) be able to read, write, speak, understand, and be understood in the English language
216 and demonstrate proficiency to the satisfaction of the board if requested by the board;

217 (e) meet with the board and representatives of the division, if requested, for the
218 purpose of evaluating the applicant's qualifications for licensure;

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220 (i) a contact person for access to medical records in accordance with the federal Health
221 Insurance Portability and Accountability Act; and

222 (ii) an alternate contact person for access to medical records, in the event the original
223 contact person is unable or unwilling to serve as the contact person for access to medical
224 records;

225 (g) agree to be subject to the jurisdiction of courts in the state for any violation of state
226 or federal law; and

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228 person and alternate contact person, if the applicant will practice in a location with no other
229 persons licensed under this chapter.

230 (5) The division may revoke a provisional license granted under Subsection (2) in
231 accordance with Part 4, License Denial and Discipline.

232 (6) (a) Notwithstanding Section 58-68-302, the division shall issue an individual who
233 is granted a provisional license under Subsection (2) a full license as a physician and surgeon
234 after the individual has engaged in the practice of medicine in the state for a period of three
235 years.

236 (b) A physician who obtains a full license as a physician and surgeon under Subsection
237 (6)(a) is not required to maintain the requirement Subsection (2)(b) after the full license is
238 issued.