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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 763**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. A. White

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### SUMMARY

- Authorizes the State Medical Board to issue limited licenses to international physicians to practice as medical or osteopathic physicians in Ohio.
- Requires an international physician seeking a limited license to meet certain eligibility conditions, including that the physician has an offer of full-time employment from a participating health care entity located in Ohio.
- Specifies that a limited license is valid for two years and may be renewed only once for an additional two-year period.
- Requires a participating health care entity to assess and evaluate the practice of each limited license holder it employs, including at the commencement and end of the holder's employment and over its duration.
- Authorizes the Board to take disciplinary action against a limited license holder for any reason under which the Board may impose discipline on a medical or osteopathic physician holding a full license.
- Authorizes the Board to convert a holder's limited license to a full license if the holder demonstrates that certain eligibility conditions have been met.
- Requires the Board to appoint a council to advise it on issues relating to international physicians.

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## DETAILED ANALYSIS

### International physicians – limited licenses to practice

H.B. 763 authorizes the State Medical Board to issue to an individual educated, trained, and licensed as a physician in a country other than the United States (U.S.) or Canada a limited license to practice as a medical or osteopathic physician in Ohio.<sup>1</sup>

#### Note on Canadian physicians

Current statutory law authorizes the Board to issue to a Canadian-licensed physician, without examination, an expedited license to practice as a medical or osteopathic physician in Ohio.<sup>2</sup> The statute refers to this process as licensure by endorsement. H.B. 763 maintains this law. [State Medical Board Expedited Route to Physician Licensure](#) details the current requirements and process under which a Canadian physician may obtain a license by endorsement.

#### Eligibility conditions

To be eligible for a limited license, an applicant must submit evidence to the Board demonstrating all of the following:

- That the applicant has completed requirements for a medical degree from a medical school listed in either the World Directory of Medical Schools or another directory approved by the Board;
- That the applicant has completed post-graduate medical training that the Board determines is similar to that required for licensure in Ohio or another state and that involves practice in the following general competency domains: (1) interpersonal and communication skills, (2) medical knowledge, (3) patient care and procedural skills, (4) practice-based learning and improvement, (5) professionalism, and (6) systems-based practice;
- That the applicant held, either at the time of the applicant's departure from the applicant's country of training or within the three years immediately preceding the date the application is submitted, an unrestricted license to practice as a medical or osteopathic physician issued by a country other than the U.S. or Canada or by a province or state located in a country other than the U.S. or Canada;
- That the applicant satisfies any of the following: (1) has practiced as a medical or osteopathic physician under a license for at least three of the last five years immediately preceding the date the application is submitted or for another practice period acceptable to the Board, (2) following completion of medical school requirements and post-graduate medical training, actively practiced as a medical or osteopathic physician for at least ten

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<sup>1</sup> R.C. 4731.2911(B).

<sup>2</sup> R.C. 4731.299, not in the bill.

years under a license issued by a country other than the U.S. or Canada or by a province or state located in a country other than the U.S. or Canada, or (3) any requirement established by the Board as an alternative to the preceding practice requirements;

- That the applicant does not have any pending discipline before a licensing authority;
- That the applicant holds a valid certification issued by the Educational Commission on Foreign Medical Graduates or an equivalent certification as determined by the Board;
- That the applicant has successfully passed steps one and two of the U.S. Medical Licensing Examination or Comprehensive Osteopathic Medical Licensing Examination of the U.S.;
- That the applicant has an offer of full-time employment as a physician from a participating health care entity;
- That the applicant is eligible to obtain from the federal government an immigrant status that authorizes employment as a physician in the U.S.;
- That the applicant has completed a criminal records check.<sup>3</sup>

### **Submitting and reviewing applications; issuing licenses**

An individual who seeks a limited license to practice as a medical or osteopathic physician in Ohio must submit to the Board a written application on a form the Board prescribes and supplies. The application must include a \$305 fee and all the information the Board considers necessary to process it.<sup>4</sup>

The Board's Secretary and Supervising Member must review each application submitted to determine if the applicant meets the bill's requirements. In conducting their review, they are not responsible for verifying the applicant's immigration status.

If the Secretary and Supervising Member determine that the applicant has met the bill's requirements, the Board must issue a limited license to the applicant.<sup>5</sup> A limited license expires on the date that is two years from its issuance date. It may be renewed only once for an additional two-year period.<sup>6</sup>

### **Participating health care entities**

The bill establishes several requirements on a participating health care entity that employs limited license holders.<sup>7</sup> First, such an entity must be an Ohio-located hospital, federally qualified health center, community health center, or another entity providing health services that is acceptable to the Board.

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<sup>3</sup> R.C. 4731.2911(C).

<sup>4</sup> R.C. 4731.2911(B).

<sup>5</sup> R.C. 4731.2911(F).

<sup>6</sup> R.C. 4731.2911(H), with a corresponding change in R.C. 4731.281(A)(1).

<sup>7</sup> R.C. 4731.2911(D).

A participating health care entity also must employ one or more individuals to serve as a limited license holder's evaluator. An evaluator must hold a current, valid license to practice as a medical or osteopathic physician issued by the Board and have been granted institutional privileges by the entity.

A participating health care entity must carry medical malpractice insurance that covers a limited license holder for the duration of the holder's employment.

In addition to the foregoing requirements, a participating health care entity is prohibited from retaliating against or disciplining a limited license holder for raising a complaint or pursuing enforcement related to the holder's full-time employment.

### **License holder assessments and evaluations**

A participating health care entity is required to assess and evaluate the practice of each limited license holder it employs. Such actions must take place at the commencement and end of the holder's employment and over its duration. The entity also must establish a program for assessing and evaluating holders, which can include developing assessment and evaluation measures.<sup>8</sup>

The bill requires an entity to assess and evaluate each holder's practice and competency as follows:

- In accordance with Board-established criteria;
- In accordance with any assessment and evaluation measures developed under the entity's program;
- Across the following general competency domains: (1) interpersonal and communication skills, (2) medical knowledge, (3) patient care and procedural skills, (4) practice-based learning and improvement, (5) professionalism, and (6) systems-based practice.<sup>9</sup>

If an assessment or evaluation identifies any practice deficiencies, the entity and holder must engage in efforts to address them.<sup>10</sup>

### ***Data and other information***

As noted above, each participating health care entity must establish a program for assessing and evaluating the limited license holders it employs. Under the bill, the Board may require an entity to provide the Board with data and other information the entity maintains concerning the effectiveness of its assessment and evaluation program. This data and information must be provided in the manner the Board prescribes.

After receiving an entity's program data and other information, the Board may share it with any other entity that the Board considers appropriate. The Board also must include the

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<sup>8</sup> R.C. 4731.2911(D) and (E).

<sup>9</sup> R.C. 4731.2911(E)(1) to (3).

<sup>10</sup> R.C. 4731.2911(E).

program data and other information in its statutorily required annual report. In sharing and reporting such data and other information, the Board is prohibited from including anything that identifies or tends to identify any particular individual.<sup>11</sup>

### **Duties after license issued**

The bill establishes duties on limited license holders and participating health care entities that apply after the Board issues the limited license.<sup>12</sup>

#### **Participating health care entity duties**

In the case of a participating health care entity, the entity must assess and evaluate the holder at the commencement of the holder's employment. And, at the end of the holder's employment with the entity, the entity must submit to the Board a written recommendation regarding the holder's fitness for a full license.

#### **Limited license holder duties**

In the case of a license holder, the holder must obtain from the federal government an immigration status that authorizes employment as a physician before commencing employment with a participating health care entity. The holder also must notify the Board of any change in employment that occurs during the two-year period in which the limited license remains valid.

Every six months over the course of the two-year license period and on the Board's request, the holder must submit to the Board a statement certifying whether the holder has (1) maintained full-time employment as a physician with a participating health care entity and (2) been subject to employer discipline because of the holder's practice.

In addition to the foregoing duties, the bill authorizes the holder to be employed by any participating health care entity that meets the bill's requirements. It further prohibits the Board from requiring the holder to maintain full-time employment with the entity that first offered the holder a full-time position.

### **Renewing or converting a limited license**

At least one month prior to the date on which an initial two-year limited license period expires, the Board must provide notice to the limited license holder that the license may be renewed for an additional two-year period or converted to a full license to practice as a medical or osteopathic physician.<sup>13</sup>

To be eligible for renewal, the holder must pay to the Board the \$305 renewal fee and also demonstrate that the holder has maintained over the course of the license period full-time

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<sup>11</sup> R.C. 4731.2912. See also R.C. 149.01, not in the bill.

<sup>12</sup> R.C. 4731.2911(G).

<sup>13</sup> R.C. 4731.2911(H)(2).

employment as a physician with a participating health care entity. If the holder pays the fee and demonstrates employment, the Board is required to renew the license.<sup>14</sup>

At least one month prior to the date on which an additional two-year license period expires, the Board must provide notice to the license holder that the limited license may be converted to a full license to practice as a medical or osteopathic physician.<sup>15</sup>

To be eligible to convert a limited license to a full license, the holder must pay to the Board a \$305 conversion fee and also must submit evidence demonstrating that the holder has done the following:

- Maintained over the course of each license period full-time employment as a physician with a participating health care entity;
- Successfully passed step three of the U.S. Medical Licensing Examination or Comprehensive Osteopathic Medical Licensing Examination of the U.S.;
- Successfully completed each of its participating health care entity's assessments and evaluations;
- Successfully addressed any practice deficiencies identified by a participating health care entity's assessment and evaluation program;
- Successfully engaged in independent and unsupervised practice in the following general competency domains: (1) interpersonal and communication skills, (2) medical knowledge, (3) patient care and procedural skills, (4) practice-based learning and improvement, (5) professionalism, and (6) systems-based practice.<sup>16</sup>

If the foregoing have been completed and the holder pays the conversion fee, the Board is required to convert the holder's license to a full license to practice as a medical or osteopathic physician, unless a participating health care entity's recommendation, submitted at the end of the holder's employment, demonstrates to the Board that the holder is not fit for the full license. After a limited license is converted to a full license, it is then subject to the current law renewal schedule and requirements.<sup>17</sup>

### **Professional discipline**

The bill authorizes the Board to revoke, suspend, limit, or refuse to renew or reinstate a limited license or reprimand or place on probation the holder of a limited license for any of the following reasons:

- Failing to maintain full-time employment as a physician with a participating health care entity at any point during the two-year period in which the limited license remains valid;

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<sup>14</sup> R.C. 4731.2911(H)(4).

<sup>15</sup> R.C. 4731.2911(H)(3).

<sup>16</sup> R.C. 4731.2911(H)(5).

<sup>17</sup> R.C. 4731.2911(H)(5). See also R.C. 4731.281.

- Any ground on which the Board may impose discipline on the holder of a full license to practice as a medical or osteopathic physician.

The bill specifies that any disciplinary action must be taken in accordance with Ohio's Administrative Procedure Act.<sup>18</sup>

### **Rulemaking**

The Board is required to adopt rules establishing criteria by which a participating health care entity must assess and evaluate a limited license holder's medical practice. The Board also may adopt additional rules as necessary to implement the bill's provisions. The rules must be adopted in accordance with Ohio's Administrative Procedure Act.<sup>19</sup>

### **Advisory council**

The bill requires the Board to appoint a council to advise it on issues relating to medical or osteopathic physicians practicing in Ohio but trained in countries other than the U.S. or Canada, in particular, those holding Board-issued limited licenses.<sup>20</sup>

### **Membership**

The council is to be comprised of members with experience in (1) recruiting or employing internationally trained physicians and (2) assessing or evaluating their practice.

Of the council's members with recruitment or employment experience, the bill requires them to be representatives from physician residency programs and individuals familiar with residency and fellowship program education standards established by the Accreditation Council for Graduate Medical Education.<sup>21</sup>

Of the council's members with assessment or evaluation experience, the bill requires them to be representatives of assessment and evaluation programs established by participating health care entities.<sup>22</sup>

### **Duties**

In addition to appointing the council, the bill establishes other Board duties. First, it must determine the council's total number of members. Second, the Board must specify the frequency of council meetings, which may be conducted remotely. Lastly, the Board must establish the council's duties, which are to include issuing recommendations to the Board to assist it in determining the practice eligibility of limited license applicants.<sup>23</sup>

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<sup>18</sup> R.C. 4731.2911(I); R.C. Chapter 119, not in the bill.

<sup>19</sup> R.C. 4731.2911(J); R.C. Chapter 119, not in the bill.

<sup>20</sup> R.C. 4731.2913(B).

<sup>21</sup> R.C. 4731.2913(B)(1).

<sup>22</sup> R.C. 4731.2913(B)(2).

<sup>23</sup> R.C. 4731.2913(C).

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## HISTORY

Action	Date
Introduced	03-17-26

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