

As Introduced

**136th General Assembly
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H. B. No. 763

Representative White, A.

To amend section 4731.281 and to enact sections 1
4731.2911, 4731.2912, and 4731.2913 of the 2
Revised Code to authorize the State Medical 3
Board to issue limited licenses to certain 4
international physicians. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4731.281 be amended and sections 6
4731.2911, 4731.2912, and 4731.2913 of the Revised Code be 7
enacted to read as follows: 8

Sec. 4731.281. (A) (1) A license issued under this chapter 9
to practice medicine and surgery, osteopathic medicine and 10
surgery, or podiatric medicine and surgery shall be valid for a 11
two-year period unless revoked or suspended. A license shall 12
expire on the date that is two years from the date of issuance 13
and, except as provided in section 4731.2911 of the Revised 14
Code, may be renewed for additional two-year periods. 15
Applications for renewal shall be submitted to the state medical 16
board in a manner prescribed by the board. 17

Each application shall be accompanied by a biennial 18
renewal fee of three hundred five dollars. 19

The board shall deposit the fee in accordance with section 20

4731.24 of the Revised Code, except that the board shall deposit 21
twenty dollars of the fee into the state treasury to the credit 22
of the physician loan repayment fund created by section 3702.78 23
of the Revised Code. 24

(2) The board shall provide a renewal notice to every 25
person holding a license to practice medicine and surgery, 26
osteopathic medicine and surgery, or podiatric medicine and 27
surgery, a renewal notice. The board may provide the notice to 28
the person through the secretary of any recognized medical, 29
osteopathic, or podiatric society. The notice shall be provided 30
to the person at least one month prior to the date on which the 31
person's license expires. 32

(3) Failure of any person to receive a notice of renewal 33
from the board shall not excuse the person from the requirements 34
contained in this section. 35

(4) The board's notice shall inform the applicant of the 36
renewal procedure. The board shall provide the application for 37
renewal in a form determined by the board. 38

(5) The applicant shall provide in the application the 39
applicant's full name; the applicant's residence address, 40
business address, and electronic mail address; the number of the 41
applicant's license to practice; and any other information 42
required by the board. 43

(6) (a) Except as provided in division (A) (6) (b) of this 44
section, in the case of an applicant who prescribes or 45
personally furnishes opioid analgesics or benzodiazepines, as 46
defined in section 3719.01 of the Revised Code, the applicant 47
shall certify to the board whether the applicant has been 48
granted access to the drug database established and maintained 49

by the state board of pharmacy pursuant to section 4729.75 of 50
the Revised Code. 51

(b) The requirement described in division (A) (6) (a) of 52
this section does not apply if any of the following is the case: 53

(i) The state board of pharmacy notifies the state medical 54
board pursuant to section 4729.861 of the Revised Code that the 55
applicant has been restricted from obtaining further information 56
from the drug database. 57

(ii) The state board of pharmacy no longer maintains the 58
drug database. 59

(iii) The applicant does not practice medicine and 60
surgery, osteopathic medicine and surgery, or podiatric medicine 61
and surgery in this state. 62

(c) If an applicant certifies to the state medical board 63
that the applicant has been granted access to the drug database 64
and the board finds through an audit or other means that the 65
applicant has not been granted access, the board may take action 66
under section 4731.22 of the Revised Code. 67

(7) The applicant shall indicate whether the applicant 68
currently collaborates, as that term is defined in section 69
4723.01 of the Revised Code, with any clinical nurse 70
specialists, certified nurse-midwives, or certified nurse 71
practitioners. 72

(8) The applicant shall report any criminal offense to 73
which the applicant has pleaded guilty, of which the applicant 74
has been found guilty, or for which the applicant has been found 75
eligible for intervention in lieu of conviction, since last 76
submitting an application for a license to practice or renewal 77
of a license. 78

(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.

(B) The board shall renew a license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery upon application and qualification therefor in accordance with this section. A renewal shall be valid for a two-year period.

(C) Failure of any license holder to renew and comply with this section shall operate automatically to suspend the holder's license to practice and if applicable, the holder's certificate to recommend issued under section 4731.30 of the Revised Code. Continued practice after the suspension shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code.

If the license has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a license to practice suspended for failure to renew upon an applicant's submission of a renewal application and payment of a reinstatement fee of four hundred five dollars.

If the license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a license to practice suspended for failure to renew upon an applicant's submission of a restoration application, payment of a restoration fee of five hundred five dollars, and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4731.14 or 4731.56 of the Revised Code.

Any reinstatement or restoration of a license to practice 109
under this section shall operate automatically to renew the 110
holder's certificate to recommend. 111

(D) The state medical board may obtain information not 112
protected by statutory or common law privilege from courts and 113
other sources concerning malpractice claims against any person 114
holding a license to practice under this chapter or practicing 115
as provided in section 4731.36 of the Revised Code. 116

(E) Each renewal notice provided by the board under 117
division (A) (2) of this section to a person holding a license to 118
practice medicine and surgery or osteopathic medicine and 119
surgery shall inform the applicant of the reporting requirement 120
established by division (H) of section 3701.79 of the Revised 121
Code. At the discretion of the board, the information may be 122
included on the application for renewal or on an accompanying 123
page. 124

(F) Each person holding a license to practice medicine and 125
surgery, osteopathic medicine and surgery, or podiatric medicine 126
and surgery shall give notice to the board of a change in the 127
license holder's residence address, business address, or 128
electronic mail address not later than thirty days after the 129
change occurs. 130

Sec. 4731.2911. (A) As used in this section, "world 131
directory of medical schools" means the directory of medical 132
schools maintained by the world federation for medical education 133
and the foundation for advancement of international medical 134
education and research or their successor organizations. 135

(B) With respect to an individual educated, trained, and 136
licensed as a physician in a country other than the United 137

States or Canada, the state medical board may issue to the 138
individual a limited license to practice medicine and surgery or 139
osteopathic medicine and surgery in this state. 140

An individual who seeks a limited license under this 141
section shall submit to the board a written application on a 142
form prescribed and supplied by the board. The application shall 143
include all the information the board considers necessary to 144
process it. An applicant shall include with the application a 145
fee of three hundred five dollars, no part of which may be 146
returned. An application is not considered submitted until the 147
board receives the fee. 148

(C) To be eligible for a limited license under this 149
section, an applicant shall submit evidence to the board 150
demonstrating that all of the following are the case: 151

(1) The applicant has completed both of the following: 152

(a) Requirements for a degree in medicine from a medical 153
school listed in either the world directory of medical schools 154
or another such listing or directory approved by the board; 155

(b) Post-graduate medical training that the board 156
determines is similar to that required for licensure in this 157
state or another state and that involves practice in the 158
following six general competency domains: interpersonal and 159
communication skills; medical knowledge; patient care and 160
procedural skills; practice-based learning and improvement; 161
professionalism; and systems-based practice. 162

(2) The applicant held, either at the time of the 163
applicant's departure from the applicant's country of training 164
or within the three years immediately preceding the date the 165
application is submitted, an unrestricted license to practice 166

<u>medicine and surgery or osteopathic medicine and surgery issued</u>	167
<u>by the licensing authority of either of the following:</u>	168
<u>(a) A country other than the United States or Canada;</u>	169
<u>(b) A province or state located in a country other than</u> <u>United States or Canada.</u>	170 171
<u>(3) The applicant satisfies any of the following:</u>	172
<u>(a) Has practiced medicine and surgery or osteopathic</u> <u>medicine and surgery under the license described in division (C)</u> <u>(2) of this section for at least three of the last five years</u> <u>immediately preceding the date the application is submitted or</u> <u>for another practice period acceptable to the board;</u>	173 174 175 176 177
<u>(b) Following completion of the requirements and training</u> <u>described in division (C) (1) of this section, actively practiced</u> <u>medicine and surgery or osteopathic medicine and surgery for at</u> <u>least ten years under a license to practice medicine and surgery</u> <u>or osteopathic medicine and surgery issued by a country,</u> <u>province, or state described in division (C) (2) of this section;</u>	178 179 180 181 182 183
<u>(c) Any requirement established by the board as an</u> <u>alternative to satisfying division (C) (3) (a) or (b) of this</u> <u>section.</u>	184 185 186
<u>(4) The applicant does not have any pending discipline</u> <u>before the licensing authority described in division (C) (2) of</u> <u>this section.</u>	187 188 189
<u>(5) The applicant holds a valid certification issued by</u> <u>the educational commission on foreign medical graduates or an</u> <u>equivalent certification as determined by the board.</u>	190 191 192
<u>(6) The applicant has successfully passed steps one and</u> <u>two of the United States medical licensing examination or</u>	193 194

comprehensive osteopathic medical licensing examination of the 195
United States. 196

(7) The applicant has an offer of full-time employment as 197
a physician from a participating health care entity that meets 198
the requirements of division (D) of this section. 199

(8) The applicant is eligible to obtain from the United 200
States government an immigrant status that authorizes employment 201
as a physician in the United State. 202

(9) The applicant is in compliance with section 4731.08 of 203
the Revised Code. 204

For purposes of division (C) (2) of this section, the 205
applicant shall submit as evidence a copy of the license 206
described in that division. For purposes of division (C) (7) of 207
this section, the applicant shall submit as evidence a copy of 208
the participating health care entity's offer of full-time 209
employment. 210

If any evidence to be submitted under this division is 211
expressed in a language other than English, the applicant shall 212
submit two copies of that evidence, one in the language other 213
than English and another translated into English. 214

(D) A participating health entity shall meet all of the 215
following requirements: 216

(1) The participating health entity shall be any of the 217
following located in this state: a hospital, federally qualified 218
health center, community health center, or other entity 219
providing health services acceptable to the board. 220

(2) Subject to division (E) of this section, the 221
participating health entity shall assess and evaluate the 222

holder's practice. 223

(3) The participating health entity shall employ, to serve 224
as a limited license holder's evaluator, one or more individuals 225
meeting the following conditions: each individual holds a 226
current, valid license to practice medicine and surgery or 227
osteopathic medicine and surgery issued under section 4731.14 of 228
the Revised Code, and each individual has been granted 229
institutional privileges by the entity. 230

(4) The participating health entity shall carry medical 231
malpractice insurance that covers a limited license holder for 232
the duration of the holder's full-time employment with the 233
entity. 234

(5) The participating health entity shall not retaliate 235
against or discipline a limited license holder for raising a 236
complaint or pursuing enforcement related to the holder's full- 237
time employment with the entity. 238

(E) A participating health entity shall assess and 239
evaluate the practice of each limited license holder it employs, 240
including at the commencement and end, and over the duration, of 241
the holder's employment. A participating health entity also 242
shall establish a program for such assessments and evaluations, 243
which may include the development of assessment and evaluation 244
measures. 245

In meeting the requirements of this division, a 246
participating health entity shall assess and evaluate each 247
holder's practice and competency as follows: 248

(1) In accordance with criteria established by the board 249
in rule; 250

(2) In accordance with any assessment and evaluation 251

which the holder's limited license remains valid. 281

(4) Every six months over the course of the two-year 282
license period and also on the request of the board, the holder 283
shall submit to the board a statement certifying whether the 284
holder has maintained full-time employment as a physician with a 285
participating health entity and whether the holder has been 286
subject to employer discipline because of the holder's practice. 287

(5) The holder may be employed by any participating health 288
entity that meets the requirements of division (D) of this 289
section, and the board shall not require the holder to maintain 290
full-time employment with the participating health entity 291
described in division (C) (7) of this section. 292

(6) At the end of a holder's employment with a 293
participating health entity and as part of the assessment and 294
evaluation performed at that time as described in division (E) 295
of this section, the participating health entity shall submit to 296
the board a written recommendation regarding the holder's 297
fitness for a converted license. 298

(H) (1) A limited license issued under this section expires 299
on the date that is two years from the date of its issuance and 300
may be renewed only once for an additional two-year period. 301
During an initial or additional two-year period, such a license 302
may be revoked, suspended, or limited or its holder may be 303
reprimanded or placed on probation as described in division (I) 304
of this section. 305

(2) At least one month prior to the date on which an 306
initial two-year period expires, the board shall provide notice 307
to the limited license holder that the license may be renewed 308
for an additional period or converted to a license to practice 309

medicine and surgery or osteopathic medicine and surgery issued 310
under section 4731.14 of the Revised Code. 311

(3) At least one month prior to the date on which an 312
additional two-year period expires, the board shall provide 313
notice to the license holder that the limited license may be 314
converted to a license to practice medicine and surgery or 315
osteopathic medicine and surgery issued under section 4731.14 of 316
the Revised Code. 317

(4) To be eligible for renewal of a limited license, the 318
license holder shall pay to the board a renewal fee of three 319
hundred five dollars, no part of which may be returned, and 320
shall demonstrate to the board that the holder has maintained 321
over the course of the license period full-time employment as a 322
physician with a participating health entity. 323

If the holder pays the fee and makes such a demonstration 324
prior to the limited license's expiration date, the board shall 325
renew the limited license for one additional two-year period. 326

(5) To be eligible to convert a limited license to a 327
license issued under section 4731.14 of the Revised Code, the 328
limited license holder shall pay to the board a conversion fee 329
of three hundred five dollars, no part of which may be returned, 330
and shall submit evidence to the board demonstrating that the 331
holder has done all of the following: 332

(a) Maintained over the course of each license period 333
full-time employment as a physician with a participating health 334
entity; 335

(b) Successfully passed step three of the United States 336
medical licensing examination or comprehensive osteopathic 337
medical licensing examination of the United States; 338

(c) Successfully completed each of the holder's 339
participating health entity's assessments and evaluations 340
described in division (E) of this section; 341

(d) Successfully addressed any practice deficiencies 342
identified by an assessment and evaluation program as described 343
in division (E) of this section; 344

(e) Successfully engaged in independent and unsupervised 345
practice in the six general competency domains described in 346
division (C) (1) (b) of this section. 347

If the holder pays the fee and makes such a demonstration 348
prior to the limited license's expiration date, the board shall 349
convert the limited license to a license issued under section 350
4731.14 of the Revised Code, unless a recommendation described 351
in division (G) (6) of this section demonstrates to the board 352
that the holder is not fit for such a license. 353

After a limited license is converted to a license issued 354
under section 4731.14 of the Revised Code, the license is then 355
subject to the renewal schedule and requirements described in 356
section 4731.281 of the Revised Code. 357

(I) (1) The board may revoke, suspend, limit, or refuse to 358
renew or reinstate a limited license issued under this section, 359
or reprimand or place on probation the holder of such a license, 360
if the holder fails to maintain full-time employment as a 361
physician with a participating entity at any point during the 362
two-year period in which the holder's limited license remains 363
valid. 364

(2) The board also may revoke, suspend, limit, or refuse 365
to issue, renew, or reinstate a limited license issued under 366
this section, or reprimand or place on probation the holder of 367

such a license, for any of the reasons specified in division (B) 368
of section 4731.22 of the Revised Code. 369

(3) Any action taken under division (I) (1) or (2) of this 370
section shall be taken in accordance with Chapter 119. of the 371
Revised Code. 372

(J) The board shall adopt rules to establish criteria by 373
which a participating health entity shall assess and evaluate 374
the medical practice of a limited license holder. The board may 375
adopt additional rules as necessary to implement this section. 376
All rules shall be adopted in accordance with Chapter 119. of 377
the Revised Code. 378

Sec. 4731.2912. (A) The state medical board may require a 379
participating health care entity, as described in section 380
4731.2911 of the Revised Code, to provide the board with data 381
and other information that the entity maintains concerning the 382
effectiveness of the entity's assessment and evaluation program 383
established under division (E) of section 4731.2911 of the 384
Revised Code. Such data and information shall be provided to the 385
board in the manner the board prescribes. 386

(B) On receipt of data and other information under this 387
section, the board may share it with any other entities that the 388
board considers appropriate and shall include it in the board's 389
annual report required by section 149.01 of the Revised Code. In 390
sharing and reporting under this division, the board shall not 391
include data or information that identifies, or tends to 392
identify, any particular individual. 393

Sec. 4731.2913. (A) As used in this section, 394
"accreditation council for graduate medical education" means the 395
organization known by that name or its successor organization. 396

(B) The state medical board shall appoint a council for 397
the purpose of advising the board on issues relating to 398
physicians practicing in this state but trained in countries 399
other than the United States and Canada, in particular, 400
physicians holding limited licenses issued under section 401
4731.2911 of the Revised Code. The council shall consist of both 402
of the following: 403

(1) Members with experience in recruiting or employing 404
internationally trained physicians. Such members shall include 405
representatives of physician residency programs and individuals 406
familiar with residency and fellowship program education 407
standards established by the accreditation council for graduate 408
medical education. 409

(2) Members with experience in assessing or evaluating the 410
practice of internationally trained physicians. Such members 411
shall include representatives of programs established by 412
participating health entities under division (E) of section 413
4731.2911 of the Revised Code. 414

(C) The board shall do all of the following: 415

(1) Determine the council's total number of members; 416

(2) Appoint the council's membership; 417

(3) Establish the council's duties, which shall include 418
issuing recommendations to the board to assist it in determining 419
the practice eligibility of applicants seeking limited licenses 420
under section 4731.2911 of the Revised Code; 421

(4) Specify the frequency of council meetings, which may 422
be conducted remotely. 423

Section 2. That existing section 4731.281 of the Revised 424

Code is hereby repealed.

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