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*Agency of Human Services*

February 25, 2019

To: Senate Government Operations Committee  
From: David Herlihy, Executive Director

Re: S.233

1. This is to provide the position of the Board of Medical Practice (the Board) regarding the portions of S. 233 that apply to the Board. The Board strongly opposes lines 1-4 on page 21 of the “as introduced” version of the bill. The Board has discussed that provision with interested parties and came to an agreement regarding language that the Board will not oppose. That language has been shared with Legislative Council staff. It changes lines 1-4 on page 21 as seen below. Paragraph (2) here would be inserted and paragraph (2) in the “as introduced” version would become (d)(3).

- (1) The Board shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State, so long as the applicant meets the following postgraduate training requirements:
  - (a) A graduate of a U.S. or Canadian medical school accredited by a body that is acceptable to the Board must have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board; or
  - (b) A graduate of a Board-approved medical school outside the United States or Canada must have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.
- (2) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

2. The Board does not welcome these proposed changes. The Board believes that the licensing standards used to determine which physicians qualify to practice in Vermont are appropriate and protect Vermont patients. Vermont’s standards have not interfered with having a robust physician workforce. With 629 licensed physicians per 100,000 population, Vermont has the third best ratio of all US states. The national ratio is 285 licensed physicians per 100,000 population. This data is from the most recent version of the Federation of State Medical Boards (FSMB) U.S. Medical Regulatory Trends and Actions, which was published in 2018. Attachment A. The standards at issue are requirements for applicants for physician licenses to have graduated



from medical school, and for the school to be accredited; for the applicant to have completed at least 2 years of approved graduate medical education (residency) if a graduate of a US or Canadian medical school, and 3 years of approved graduate medical education if a graduate of a medical school outside of the US or Canada; and for the applicant to complete the licensing exams within a limited number of years and attempts. There are states that do not require applicants to have completed medical school, but instead require only 2 years. Attachment B, FSMB table, Requirements for Licensure of U.S. Medical/Osteopathic School Graduates. There are states that require only one year of graduate medical education. And there are states that do not have any limits on the number of years or attempts it takes to pass the United States Medical Licensing Exam. Attachment C, FSMB table, Administration of the U.S. Medical Licensing Examination Step 3: Time Limits for Completion. The Board believes that the current standards for education, training, and passing the USMLE exclude those physicians who are least capable of providing safe, quality care to Vermont patients. The great majority of physicians meet our existing standards, and obviously the standards have not interfered with the ability to have an adequate physician workforce. For those reasons, the Board believes that the best course of action would be not to deny Vermont patients the protection of qualitative licensing standards.

# Attachment A

**Table 4**  
**Physicians with an Active License by State**

Physicians with an Active License by State and the District of Columbia, 2017 <sup>a</sup>	Licensed Physicians	Population Counts <sup>b</sup>	Physicians Per 100,000 Population
United States	970,090	325,719,178	298
Alabama	16,155	4,874,747	331
Alaska	3,702	739,795	500
Arizona	26,887	7,016,270	383
Arkansas	10,436	3,004,279	347
California	152,936	39,536,653	387
Colorado	22,505	5,607,154	401
Connecticut	19,750	3,588,184	550
Delaware	5,319	961,939	553
District of Columbia	12,067	693,972	1,739
Florida	78,377	20,984,400	374
Georgia	35,523	10,429,379	341
Hawaii	10,114	1,427,538	708
Idaho	6,173	1,716,943	360
Illinois	43,689	12,802,023	341
Indiana	27,512	6,666,818	413
Iowa	12,208	3,145,711	388
Kansas	9,714	2,913,123	333
Kentucky	19,153	4,454,189	430
Louisiana	17,005	4,684,333	363
Maine	7,019	1,335,907	525
Maryland	30,553	6,052,177	505
Massachusetts	35,117	6,859,819	512
Michigan	47,836	9,962,311	480
Minnesota	24,176	5,576,606	434
Mississippi	10,537	2,984,100	353
Missouri	25,960	6,113,532	425
Montana	5,662	1,050,493	539
Nebraska	10,320	1,920,076	537
Nevada	9,002	2,998,039	300
New Hampshire	7,510	1,342,795	559
New Jersey	36,688	9,005,644	407
New Mexico	9,367	2,088,070	449
New York	95,066	19,849,399	479
North Carolina	40,487	10,273,419	394
North Dakota	4,020	755,393	532
Ohio	47,709	11,658,609	409
Oklahoma	13,440	3,930,864	342
Oregon	15,067	4,142,776	364
Pennsylvania	54,797	12,805,537	428
Rhode Island	5,889	1,059,639	556
South Carolina	18,941	5,024,369	377
South Dakota	4,413	869,666	507
Tennessee	23,611	6,715,984	352
Texas	80,616	28,304,596	285
Utah	11,659	3,101,833	376
Vermont	3,921	623,657	629
Virginia	40,424	8,470,020	477
Washington	29,406	7,405,743	397
West Virginia	8,087	1,815,857	445
Wisconsin	25,814	5,795,483	445
Wyoming	3,962	579,315	684
<b>State and D.C. Totals<sup>c</sup></b>	<b>1,316,301</b>	<b>325,719,178</b>	<b>404</b>

a. State counts are based on physician data recorded by the FSMB using state medical board license files from 2017 and reflect the number of physicians with a full and unrestricted license. Resident physician licenses were excluded when such licenses could be identified.

b. U.S. Census Bureau, Population Division, July 2017

c. Physician counts by state do not add up to 970,090 because some physicians maintain active licenses in more than one jurisdiction.

Source: Federation of State Medical Boards

# Attachment B

## Requirements for Licensure of U.S. Medical/Osteopathic School Graduates 1

	Amount of Undergraduate Medical Education (Medical School) ("No" indicated Board does not confirm whether undergraduation medical education was obtained as part of licensure process)
AL	—
AK	—
AZ-M	—
AZ-O	—
AR	Graduate from accredited medical school. If shorter or longer than term of school, applicant must explain.
CA-M	4 years/32 months/4000 hours
CA-O	—
CO	Graduate of an approved medical college
CT	Foreign medical graduates only, depending on medical school and months attended
DE	Degree of Doctor of Medicine or Doctor of Osteopathy, or an equivalent degree, from a legally incorporated medical college or school in the U.S. or Canada which is approved by AMA or AOA
DC	Graduate from a recognized medical school.
FL-M	A physician who graduated from medical school after October 1, 1992 is required to have completed 2 academic years of preprofessional, postsecondary education which shall include courses in anatomy, biology and chemistry prior to entering medical school
FL-O	—
GA	—
GU	4 yrs
HI	—
ID	Diploma
IL	2 yrs
IN	N/A
IA	—
KS	Graduation from an accredited medical school
KY	Graduation from an approved medical or osteopathic school
LA	Medical School Diploma
ME-M	—
ME-O	—
MD	Doctor of Medicine or Doctor of Osteopathy degree from an accredited medical school
MA	—
MI-M	—
MI-O	—
MN	Medical Degree
MS	—
MO	Four terms of thirty-two weeks of actual instructions in each term and of having received a diploma from some reputable medical college or osteopathic college that enforces requirements of four terms of thirty-two weeks for actual instruction in each term, including, in addition to class work, such experience in operative and hospital work during the last two years of instruction as is required by the American Medical Association and the American Osteopathic Association before the college is approved and accredited as reputable.
MP	—
MT	Graduation from approved medical school
NE	Graduation from an accredited school or college of medicine
NV-M	—
NV-O	—
NH	2 yrs
NJ	Proof of graduation (diploma/transcript) from an approved or accredited medical school
NM-M	Graduation from a Board approved medical school
NM-O	—
NY	2 yrs (Completion of two years of preprofessional education acceptable to the department)
NC	—
ND	N/A
OH	—
OK-M	—
OK-O	Graduation from an AOA accredited/approved medical school
OR	—
PA-M	—
PA-O	—
PR	—
RI	Graduation from accredited medical school
SC	Graduation from medical school or osteopathic school
SD	—
TN-M	—
TN-O	—
TX	60 hours minimum
UT-M	Degree of Doctor of Medicine from an LCME-accredited medical school or college
UT-O	Degree of Doctor of Osteopathy from an accredited school of osteopathic medicine
VT-M	Graduation from legally chartered college or university authorized to confer degrees in medicine and surgery, which is recognized by the Board
VT-O	—
VI	—
VA	Successful completion of educational course of study acceptable to the Board in an institution that is acceptable to the Board
WA-M	—
WA-O	Graduation from an accredited school of osteopathic medicine
WV-M	—
WV-O	—
WI	Proof of medical degree
WY	Graduation from a school of medicine accredited by the LCME, a school of osteopathy accredited by the AOA, a Canadian accredited school of medicine or has been certified by the ECFMG.

# Attachment C

## Administration of the U.S. Medical Licensing Examination Step 3: Time Limits for Completion 1

	Number of times candidates for licensure may take USMLE Step 3	Requirements to repeat Step 3 if not passed in designated number of attempts
AL	3	
AK	2	Further education or training
AZ-M	No limit	
AZ-O	N/A	
AR	3	
CA-M	4	Must have either completed additional PGT or be ABMS certified. Minimum of 4 years continuous licensure in another state and ABMS certified may be considered
CA-O	N/A	N/A
CO	No limit	
CT	No limit	
DE	6	None
DC	No limit	
FL-M	No limit	After 3 failed attempts, 1 additional yr ACGME- or AOA-approved GME
FL-O	N/A	N/A
GA	3	N/A
GU	No limit	1 yr of additional Board-approved training
HI	No limit	
ID	After 2 failed attempts, licensee may be interviewed or evaluated by the Board	Remedial training; may be required to be interviewed, evaluated, or examined by the Board A person who has failed any combination of steps 5 times must undergo remedial education
IL	5	
IN	3	
IA	3	
KS	3	After 3 failed attempts, 3 yrs of progressive GME required After 3 failed attempts, must appear before Board for approval to take a fourth or subsequent attempt
KY	4	
LA	4	
ME-M	3	
ME-O	N/A	After 3 failed attempts, applicant may request waiver
MD	No limit – However, physicians are required to meet certain criteria if they fail an exam 3 or more times	N/A
MA	3	
MI-M	Not more than 3 attempts for any Step	Must pass within 4 yrs of first sitting for Step 3; Otherwise, must complete 1 yr of postgraduate training before re-sitting
MI-O	N/A	N/A
MN	3 (4 if currently licensed in another state and specialty board certified)	
MS	3	
MO	3	After 3 failed attempts, 1 additional yr ACGME- or AOA-approved GME
MP		
MT	6	
NE	4	
NV-M	No limit	
NV-O	N/A	
NH	3	N/A
NJ	5	Further education, training, or experience Further education, training, or experience
NM-M	6 (within 7 yrs of first pass)	
NM-O	N/A	
NY	No limit	N/A
NC	3	
ND	3	
OH	5	
OK-M	3	No applicant may have failed any step more than 5 times
OK-O	N/A	
OR	4	N/A
PA-M	6	After 3 failed attempts, 1 yr of GME required before 4th attempt
PA-O	N/A	
PR	No limit	N/A
RI	3	
SC	3	
SD	3 as long as other steps have no failure	None
TN-M	4	
TN-O	N/A	
TX	3	N/A
UT-M	3	
UT-O	N/A	Remedial training
VT-M	3	
VT-O	N/A	
VI	N/A	N/A
VA	6	
WA-M	3	
WA-O	N/A	Remedial training
WV-M	6	
WV-O	N/A	
WI	3	
WY	7 attempts (all 3 steps)	Board Review 1 additional year of training or other assessment, training, or evaluation program(s)