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S.142

An act relating to a pathway to licensure for internationally trained physicians and medical graduates

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 26 V.S.A. § 1391 is amended to read:

§ 1391. QUALIFICATIONS FOR MEDICAL LICENSURE

* * *

(g) Internationally trained physicians and medical graduates. The Board may issue a license to an internationally trained physician or medical graduate who has successfully completed the pathway to licensure set forth in subchapter 3B of this chapter.

Sec. 2. 26 V.S.A. chapter 23, subchapter 3B is added to read:

Subchapter 3B. Pathway to Licensure for Internationally Trained Physicians and Medical Graduates

§ 1425. DEFINITIONS

As used in this subchapter:

(1) “Health care facility” has the same meaning as in 18 V.S.A. § 9402.

(2) “Internationally trained physician” and “medical graduate” mean an individual who has received a degree of doctor of medicine and who has been licensed or otherwise authorized to practice medicine in a country other than the United States.

1 (3) “Participating health care facility” means a hospital, federally
2 qualified health center, or community health center approved by the Board that
3 has the capacity to provide an assessment and evaluation program designed to
4 evaluate an internationally trained physician, as set forth in section 1427 of this
5 chapter.

6 § 1426. PROVISIONAL LICENSE TO PRACTICE WITH SUPERVISION

7 (a) The Board may issue a provisional license to practice with supervision
8 to an individual who submits evidence acceptable to the Board demonstrating
9 that the applicant meets all of the following criteria:

10 (1)(A) The applicant has received a degree of doctor of medicine or its
11 equivalent from a legally chartered medical school outside the United States
12 that is recognized by the World Health Organization or the Foundation for
13 Advancement of International Medical Education and Research or that appears
14 on the official list of medical schools recognized by the Medical Board of
15 California.

16 (B) The applicant has been licensed or otherwise authorized to
17 practice medicine in a country other than the United States and has practiced
18 medicine for at least three years unless the Board approves an alternative
19 period.

20 (C) The applicant has provided sufficient evidence to the Board that
21 the applicant has done all of the following:

1 (i) demonstrated capacity to practice medicine, as determined by
2 the Board;

3 (ii) completed a three-year post-graduate program in the
4 applicant's country of training; and

5 (iii) practiced as a medical professional performing the duties of a
6 physician outside the United States for at least three of the last five years.

7 (2) The applicant has not been out of the practice of medicine for more
8 than five years unless the Board approves an alternative time period.

9 (3) The applicant has a valid certificate issued by the Educational
10 Commission for Foreign Medical Graduates or another credential evaluation
11 service approved by the Board; provided, however, that the Board may waive
12 the certification requirement at its discretion if an applicant is unable to obtain
13 the required documentation from a noncooperative country.

14 (4) The applicant has achieved a passing score on both Step 1 and Step 2
15 of the United States Medical Licensing Examination.

16 (5) Prior to submitting an application to the Board, the applicant has
17 entered into an agreement for employment with a participating health care
18 facility that offers an assessment and evaluation program designed to develop,
19 assess, and evaluate a provisionally licensed physician's clinical and
20 nonclinical skills and familiarity with standards appropriate for medical
21 practice in Vermont according to criteria approved by the Board by rule.

1 (6) The applicant does not meet any of the disqualifying criteria set forth
2 in subsection (d) of this section.

3 (b) A provisional license issued by the Board under this section shall be
4 valid for a period of two years, at the end of which the provisionally licensed
5 physician shall be eligible to apply for a limited license to practice medicine as
6 set forth in section 1428 of this chapter.

7 (c)(1) A provisional license issued by the Board under this section shall
8 authorize the provisionally licensed physician to practice medicine only at the
9 participating health care facility with which the physician has entered into an
10 employment agreement and only with supervision, as set forth in section 1427
11 of this chapter.

12 (2)(A) A provisionally licensed physician may change employers during
13 the period of provisional licensure with the approval of the Board, provided
14 that the physician shall complete a total of two years of supervised practice
15 with a participating health care facility prior to becoming eligible for a limited
16 license.

17 (B) Notwithstanding any provision of this section to the contrary, the
18 Board shall have discretion to extend the required period of provisional
19 licensure with supervision for up to one additional year based on a change in
20 the provisionally licensed physician's site of employment.

1 (d) An applicant shall be ineligible to receive a provisional license under
2 this section if the applicant has:

3 (1) previously had a license or other authorization to practice medicine
4 suspended, revoked, limited, conditioned, or otherwise restricted on the basis
5 of the applicant's unprofessional conduct;

6 (2) been convicted of a crime; or

7 (3) otherwise demonstrated a lack of competence or lack of moral
8 character.

9 § 1427. PARTICIPATING HEALTH CARE FACILITIES

10 In order to be eligible to be a participating health care facility for purposes
11 of this chapter, a health care facility shall:

12 (1) agree to provide medical mentoring, evaluation, assessment, and
13 support in navigating the U.S. health care system by one or more fully licensed
14 physicians employed by the health care facility to a provisionally licensed
15 physician using an evaluation and assessment system developed under
16 protocols approved by the Board;

17 (2) ensure that the mentoring, evaluation, assessment, and support of a
18 provisionally licensed physician is provided by one or more fully licensed
19 physicians who are physically located in Vermont and that the provisionally
20 licensed physician provides services only to patients physically located in
21 Vermont;

1 (3) carry medical malpractice insurance covering the provisionally
2 licensed physician for the duration of that physician's employment by the
3 participating health care facility; and

4 (4) not retaliate against or discipline a provisionally licensed physician
5 for making a complaint or pursuing enforcement of an employment-related
6 claim.

7 § 1428. LIMITED LICENSE TO PRACTICE MEDICINE

8 (a)(1) Within 90 days prior to completion of the two-year period of
9 provisional licensure pursuant to section 1426 of this chapter, an individual
10 shall be eligible to apply for a two-year limited license to practice medicine in
11 Vermont.

12 (2) A limited license shall not be renewed more than once.

13 (3) After two years of practice under a limited license, a physician shall
14 be eligible to apply for a full, unrestricted license to practice medicine in this
15 State.

16 (b) The Board may issue a limited license to practice medicine to an
17 applicant who meets all of the following criteria:

18 (1) The applicant is on track to successfully complete a participating
19 health care facility's assessment and evaluation program.

20 (2) The applicant has an offer of full-time employment from a health
21 care facility or an offer of continued full-time employment from the

1 participating health care facility with whom the applicant is employed for the
2 assessment and evaluation program, and the facility is located in Vermont and
3 accepts patients covered by Medicaid or Medicare, or both.

4 (3) The applicant has achieved a passing score on Step 3 of the United
5 States Medical Licensing Examination.

6 (c)(1) The Board shall issue a limited license to practice medicine under
7 this section to begin immediately upon a provisionally licensed physician's
8 completion of a participating health care facility's assessment and evaluation
9 program and the end of the provisional license in order to avoid gaps in
10 licensure.

11 (2) The Board may rescind or refuse a limited license to practice
12 medicine under this section if the applicant fails to successfully complete the
13 participating health care facility's assessment and evaluation program.

14 § 1429. REFUSAL OF APPLICATION FOR PROVISIONAL OR LIMITED
15 LICENSURE

16 If the Board refuses to issue a provisional or limited license to an
17 internationally trained physician or medical graduate under this subchapter, the
18 Board shall provide specific reasons for the refusal to the applicant. A refusal
19 shall be considered a final order of the Board that may be appealed in
20 accordance with section 1367 of this chapter.

1 § 1430. DATA COLLECTION; REPORT

2 (a) The Board of Medical Practice, in consultation with partner
3 organizations as needed, shall collect information necessary to evaluate the
4 implementation and success of the pathway to licensure established in this
5 subchapter, including:

6 (1) the number and types of inquiries from potential applicants;

7 (2) the number of applicants for provisional licensure;

8 (3) the applicants' country of origin, licensing country, and country of
9 training;

10 (4) the number of provisional licenses granted under this subchapter;

11 (5) the number of provisional licenses refused under this subchapter;

12 (6) the number of limited licenses issued under this subchapter;

13 (7) the reasons for refusals of applications under this subchapter;

14 (8) the number of full and unrestricted licenses granted to applicants
15 who completed the pathway to licensure established in this subchapter;

16 (9) the number of complaints received regarding holders of a provisional
17 or limited license issued under this subchapter and the disciplinary actions
18 taken, if any;

19 (10) the practice setting and specialty of applicants in their licensing
20 country or country of origin and as employed during their provisional and
21 limited licensure; and

1 (11) the practice setting and specialty of internationally trained
2 physicians who completed the pathway to licensure upon receiving a full and
3 unrestricted license.

4 (b) Annually on or before April 1, the Board shall report the information
5 collected pursuant to subsection (a) of this section for the previous calendar
6 year to the House Committees on Health Care and on Government Operations
7 and Military Affairs and to the Senate Committees on Health and Welfare and
8 on Government Operations.

9 Sec. 3. RULEMAKING

10 The Board of Medical Practice, through the Department of Health, shall
11 adopt rules necessary to implement the pathway to licensure established in Sec.
12 2 of this act, including:

13 (1) determining which countries' licensure or other authorization to
14 practice medicine is acceptable to the Board for purposes of provisional and
15 limited licensure; and

16 (2) establishing the criteria for participating health care facilities to use
17 to assess and evaluate a physician's familiarity with standards appropriate for
18 medical practice in Vermont.

19 Sec. 4. ALTERNATIVE PATHWAY TO LICENSURE FOR

20 INTERNATIONALLY TRAINED PHYSICIANS AND

21 MEDICAL GRADUATES; REPORT

1 (a) On or before January 15, 2027, the Department of Health, in
2 collaboration with the Board of Medical Practice, shall provide to the House
3 Committees on Health Care and on Government Operations and Military
4 Affairs and the Senate Committees on Health and Welfare and on Government
5 Operations a report detailing a pathway to licensure for internationally trained
6 physicians and medical graduates as an alternative to the pathway established
7 in Sec. 2 of this act. The report shall include the following information:

8 (1) a summary of other states' processes for licensing internationally
9 trained physicians and medical graduates to practice medicine and, if available,
10 data on the outcomes of these processes and related programs;

11 (2) a description of the external resources needed to evaluate the
12 education, experience, and examinations of internationally trained physicians
13 and medical graduates and the availability of these resources;

14 (3) a proposal for licensing internationally trained physicians and
15 medical graduates to practice medicine in Vermont, including potential
16 qualifications and supervision requirements for licensure, a summary of any
17 additional resources and statutory authority needed, and a plan and timeline for
18 implementing the licensing program; and

19 (4) any additional information that the Department deems relevant to a
20 robust consideration of the issues related to licensing internationally trained
21 physicians and medical graduates to practice medicine in Vermont.

1 (b) In preparing the report required by this section, the Department shall
2 consult with other states that have implemented licensing programs for
3 internationally trained physicians and medical graduates; the Vermont chapter
4 of the NAACP; third-party credentialing services; the Vermont Medical
5 Society; the Vermont Association of Hospitals and Health Systems; and other
6 advocacy organizations, researchers, and other entities whose expertise is
7 relevant to developing the report.

8 Sec. 5. EFFECTIVE DATES

9 (a) Secs. 1 (26 V.S.A. § 1391) and 2 (26 V.S.A. chapter 23, subchapter 3B)
10 shall take effect on July 1, 2028.

11 (b) Sec. 3 (rulemaking) shall take effect on July 1, 2027.

12 (c) Secs. 4 (alternative pathway to licensure for internationally trained
13 physicians and medical graduates; report) and this section shall take effect on
14 passage.