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S.142

2      Introduced by Senators Harrison, Gulick, Hardy, Hashim and Weeks

3      Referred to Committee on

4      Date:

5      Subject: Professions and occupations; health care professionals; physicians;

6                      Board of Medical Practice; internationally trained physicians and  
7                      medical graduates

8      Statement of purpose of bill as introduced: This bill proposes to establish a  
9      pathway to licensure, including a provisional license to practice medicine with  
10     supervision and a limited license to practice medicine, for internationally  
11     trained physicians and medical graduates.

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

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

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

16     § 1391. QUALIFICATIONS FOR MEDICAL LICENSURE

17                      \* \* \*

18     (g) Internationally trained physicians and medical graduates. The Board  
19     may issue a license to an internationally trained physician or medical graduate

1 who has successfully completed the pathway to licensure set forth in  
2 subchapter 3B of this chapter.

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

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

6 § 1425. DEFINITIONS

7 As used in this subchapter:

8 (1) “Health care facility” has the same meaning as in 18 V.S.A. § 9402.  
9 (2) “Internationally trained physician” and “medical graduate” mean an  
10 individual who has received a degree of doctor of medicine and who has been  
11 licensed or otherwise authorized to practice medicine in a country other than  
12 the United States.

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

18 § 1426. PROVISIONAL LICENSE TO PRACTICE WITH SUPERVISION

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

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

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

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

13                   (i) demonstrated capacity to practice medicine, as determined by  
14                   the Board;  
15                   (ii) completed a three-year post-graduate program in the  
16                   applicant's country of training; and  
17                   (iii) practiced as a medical professional performing the duties of a  
18                   physician outside the United States for at least three of the last five years.

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

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

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

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

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

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

20                   (c)(1) A provisional license issued by the Board under this section shall  
21                   authorize the provisionally licensed physician to practice medicine only at the

1 participating health care facility with which the physician has entered into an  
2 employment agreement and only with supervision, as set forth in section 1427  
3 of this chapter.

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

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

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

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

18 (2) been convicted of a crime; or

19 (3) otherwise demonstrated a lack of competence or lack of moral  
20 character.

1       § 1427. PARTICIPATING HEALTH CARE FACILITIES

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

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

9           (2) ensure that the mentoring, evaluation, assessment, and support of a  
10       provisionally licensed physician is provided by one or more fully licensed  
11       physicians who are physically located in Vermont and that the provisionally  
12       licensed physician provides services only to patients physically located in  
13       Vermont;

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

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

1       § 1428. LIMITED LICENSE TO PRACTICE MEDICINE

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

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

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

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

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

14       (2) The applicant has an offer of full-time employment from a health  
15       care facility or an offer of continued full-time employment from the  
16       participating health care facility with whom the applicant is employed for the  
17       assessment and evaluation program, and the facility is located in Vermont and  
18       accepts patients covered by Medicaid or Medicare, or both.

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

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

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

9        § 1429. REFUSAL OF APPLICATION FOR PROVISIONAL OR LIMITED  
10        LICENSURE

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

16        § 1430. DATA COLLECTION; REPORT

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

- 1        (1) the number and types of inquiries from potential applicants;
- 2        (2) the number of applicants for provisional licensure;
- 3        (3) the applicants' country of origin, licensing country, and country of  
4        training;
- 5        (4) the number of provisional licenses granted under this subchapter;
- 6        (5) the number of provisional licenses refused under this subchapter;
- 7        (6) the number of limited licenses issued under this subchapter;
- 8        (7) the reasons for refusals of applications under this subchapter;
- 9        (8) the number of full and unrestricted licenses granted to applicants  
10      who completed the pathway to licensure established in this subchapter;
- 11      (9) the number of complaints received regarding holders of a provisional  
12      or limited license issued under this subchapter and the disciplinary actions  
13      taken, if any;
- 14      (10) the practice setting and specialty of applicants in their licensing  
15      country or country of origin and as employed during their provisional and  
16      limited licensure; and
- 17      (11) the practice setting and specialty of internationally trained  
18      physicians who completed the pathway to licensure upon receiving a full and  
19      unrestricted license.
- 20      (b) Annually on or before April 1, the Board shall report the information  
21      collected pursuant to subsection (a) of this section for the previous calendar

1 year to the House Committees on Health Care and on Government Operations  
2 and Military Affairs and to the Senate Committees on Health and Welfare and  
3 on Government Operations.

4 Sec. 3. RULEMAKING

5 The Board of Medical Practice, through the Department of Health, shall  
6 adopt rules necessary to implement the pathway to licensure established in Sec.  
7 2 of this act, including:

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

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

14 Sec. 4. EFFECTIVE DATES

15       (a) Secs. 1 (26 V.S.A. § 1391) and 2 (26 V.S.A. chapter 23, subchapter 3B)  
16      shall take effect on July 1, 2026.

17       (b) Sec. 3 (rulemaking) and this section shall take effect on passage.