AN ACT relating to a provisional license to practice medicine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.571 is amended to read as follows:

(1) ***An***~~[No]~~ applicant who is a graduate of a medical or osteopathic school located within the United States and its territories and protectorates or Canada shall ***not*** be eligible for a regular license to practice medicine in the Commonwealth unless the applicant:

(a) Is able to understandably speak, read, and write the English language;

(b) Has graduated from an accredited college or university or has satisfactorily completed a collegiate course of study necessary for entry into an approved medical or osteopathic school or college;

(c) Has graduated from a prescribed course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board;

(d) Has satisfactorily completed a prescribed course of postgraduate training of a duration to be established by the board in an administrative regulation promulgated in accordance with KRS Chapter 13A, after consultation with the University of Kentucky College of Medicine, the University of Louisville School of Medicine, and the Pikeville College School of Osteopathic Medicine;

(e) Has successfully completed an examination prescribed by the board; and

(f) Has fulfilled all other reasonable qualifications for regular licensure that the board may ***require by administrative regulations promulgated in accordance with KRS Chapter 13A***~~[prescribe by regulation]~~.

(2) ***An***~~[No]~~ applicant who is a graduate of a medical or osteopathic school located outside the United States or Canada shall ***not*** be eligible for a regular license to practice medicine in the Commonwealth unless the applicant:

(a) Is able to understandably speak, read, and write the English language;

(b) Has successfully completed a course of study necessary for entry into an approved medical or osteopathic school or college;

(c) Has graduated from a prescribed course of instruction in a medical or osteopathic school or college situated outside the United States or Canada and approved by the board or is a citizen of the United States and has been awarded a diploma by an approved medical or osteopathic school located within the United States or Canada as part of a program designed to allow for the transfer of students to such schools from schools located outside the United States or Canada;

(d) Has successfully completed an examination prescribed by the board;

(e) Has been certified by the educational commission for foreign medical graduates or by an approved United States specialty board;

(f) Has satisfactorily completed a prescribed course of postgraduate training of a duration to be established by the board in an administrative regulation promulgated in accordance with KRS Chapter 13A, after consultation with the University of Kentucky College of Medicine, the University of Louisville School of Medicine, and the Pikeville College School of Osteopathic Medicine; and

(g) Has fulfilled all other reasonable qualifications for regular licensure that the board may ***require by administrative regulations promulgated in accordance with KRS Chapter 13A*** ~~[prescribe by regulation]~~.

(3) ***An*** ~~[No]~~ applicant shall ***not*** be eligible for a limited license-institutional practice unless the applicant:

(a) Has fulfilled all the requirements for regular licensure as delineated in subsection (1) of this section; or

(b) Has fulfilled the requirements for regular licensure as delineated in subsection

(2)(a) to (e) and (g) of this section and in addition has satisfactorily completed a prescribed course of postgraduate training of at least one (1) full year's duration approved by the board; and

(c) Has fulfilled all other reasonable qualifications for limited licensure that the board may ***require by administrative regulations promulgated in accordance with KRS Chapter 13A*** ~~[prescribe by regulation]~~.

(4) The board may grant an applicant a limited license-institutional practice for a renewable period of one (1) year if the applicant:

(a) Has fulfilled the requirements for regular licensure as delineated in subsection (2)(a), (b), (d), (e), and (g) of this section;

(b) Has fulfilled the requirements for a limited license-institutional practice as indicated in subsection (3)(c) of this section; and

(c) Has satisfactorily completed a prescribed course of postgraduate training of at least one (1) full year's duration approved by the board.

(5) The board may grant an applicant a fellowship training license for a renewable period of one (1) year if the applicant:

(a) Has been accepted for a fellowship approved by the administration of any of Kentucky's medical schools and conducted under the auspices of that medical school; or

(b) Has graduated from a medical school located outside the United States or Canada that has been approved by the board, and:

1. Has been certified by the appropriate licensing authority in his or her home country in the subject specialty of the fellowship; and

2. Is able to demonstrate that he or she is a physician of good character and is in good standing in the country where he ***or she*** normally practices medicine.

(6) (a) The board may grant an applicant a special faculty license for a renewable

period of one (1) year if the applicant:

1. Holds or has been offered a full-time faculty appointment at an accredited Kentucky medical or osteopathic school approved by the board and is nominated for a special faculty license by the dean of the school of medicine or school of osteopathy;
2. Possesses a current valid license to practice medicine or osteopathy issued by another state, country, or other jurisdiction;
3. Is able to understandably speak, read, and write the English language;
4. Is board certified in his or her specialty;
5. Is not otherwise eligible for a regular license under this chapter; and
6. Is not subject to denial of a license under any provision of this chapter.

(b) The applicant shall submit the fee established by administrative regulation promulgated ***in accordance with KRS Chapter 13A*** by the board for an initial license to practice medicine.

(c) An applicant approved for a license under this subsection shall not engage in the practice of medicine or osteopathy outside an accredited medical school program or osteopathic school program and any affiliated institution or program for which the medical school or osteopathic school has assumed direct responsibility.

(d) The board may grant a regular license to practice medicine or osteopathy to a person who has had a special faculty license for a period of at least five (5) consecutive years.

(7) An applicant seeking regular licensure in the Commonwealth who was originally licensed in another state may obtain licensure in the Commonwealth without further testing and training if the applicant:

(a) Has been endorsed in writing by the applicant's original licensing state as being licensed in good standing in that state; and

(b) Would have satisfied all the requirements for regular licensure described in the preceding subsections had the applicant sought original licensure in this state.

(8) ***An applicant shall be eligible for a provisional license if the applicant has:***

(a) Fulfilled:

1. The requirements for regular licensure in subsection (1)(a), (b), (c), and (e) of this section; or

2. The requirements for regular licensure in subsection (2)(a), (b), (c), (d), and (e) of this section;

(b) An offer for employment as a physician with a sponsor that is:

1. A professional practice, healthcare entity, or corporation that operates and is licensed or authorized to provide healthcare in the Commonwealth; and

2. Located in a medically underserved area as defined by the secretary of the United States Department of Health and Human Services;

(c) Good standing or authorization to practice medicine with the medical licensing or regulatory institution of his or her licensing country within the last five (5) years;

(d) Completed a residency or substantially similar postgraduate medical training; and

(e) Practiced as a medical professional performing the duties of a physician in his or her licensing country for no less than five (5) years.

(9) A provisional license granted under subsection (8) of this section shall automatically be converted into a regular license to practice medicine in the Commonwealth after three (3) years with the employing sponsor.

(10) A provisional licensee whose license has been converted to a regular license to practice medicine shall not be required to maintain employment with the original

employing sponsor at the conclusion of provisional licensing period.

(11) The board may revoke a provisional license granted under subsection (8) of this section if:

(a) The provisional licensee is not employed with a sponsor that is a professional practice, healthcare entity, or corporation that operates and is licensed or authorized to provide healthcare in the Commonwealth during the three (3) year provisional period; or

(b) The provisional licensee has engaged in unacceptable conduct under KRS 311.595 or 311.597.

(12) An ~~[No]~~ applicant shall ***not*** be granted licensure in the Commonwealth unless the applicant has successfully completed an examination prescribed by the board in accordance with any ***requirements*** ~~[rules that]~~ the board may establish by ***administrative*** regulation ***in accordance with KRS Chapter 13A*** concerning passing scores, testing opportunities and test score recognition.

(13) ~~[(9)]~~ Notwithstanding any of the requirements for licensure established ***in*** ~~[by]~~ subsections (1) to ***(12)*** ~~[(8)]~~ of this section and after providing the applicant or reregistrant with reasonable notice of its intended action and after providing a reasonable opportunity to be heard, the board may deny licensure to an applicant or the reregistrant of an inactive license without a prior evidentiary hearing upon a finding that the applicant or reregistrant has violated any provision of KRS 311.595 or 311.597 or is otherwise unfit to practice. Orders denying licensure may be appealed pursuant to KRS 311.593.

(14) ~~[(10)]~~ Notwithstanding any ***provision*** of ***subsections (1) to (12) of this section*** ~~[the foregoing]~~, the board may grant licensure to an applicant in extraordinary circumstances upon a finding by the board that based on the applicant's exceptional education, training, and practice credentials, the applicant's practice in the Commonwealth would be beneficial to the public welfare.

(15) ~~[(11)]~~ Notwithstanding any provision of this section, the board may exercise its discretion to grant a visiting professor license to an applicant after considering the following:

(a) Whether the applicant meets the qualifications for a regular license;

(b) Whether the applicant is licensed to practice medicine in other states or in other countries; and

(c) The recommendation of the program director of an accredited medical school that confirms the applicant's employment as a visiting professor and that includes, if necessary, written justification for a waiver of the requirements specified in subsections (1) and (2) of this section.

Orders denying applications for a visiting professor license shall not be appealed under KRS 311.593.