

1 AN ACT relating to a provisional license to practice medicine.

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

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

- 4 (1) ~~An~~<sup>No</sup> applicant who is a graduate of a medical or osteopathic school located  
5 within the United States and its territories and protectorates or Canada shall ***not*** be  
6 eligible for a regular license to practice medicine in the Commonwealth unless the  
7 applicant:
- 8 (a) Is able to understandably speak, read, and write the English language;
  - 9 (b) Has graduated from an accredited college or university or has satisfactorily  
10 completed a collegiate course of study necessary for entry into an approved  
11 medical or osteopathic school or college;
  - 12 (c) Has graduated from a prescribed course of instruction in a medical or  
13 osteopathic school or college situated in the United States or Canada and  
14 approved by the board;
  - 15 (d) Has satisfactorily completed a prescribed course of postgraduate training of a  
16 duration to be established by the board in an administrative regulation  
17 promulgated in accordance with KRS Chapter 13A, after consultation with the  
18 University of Kentucky College of Medicine, the University of Louisville  
19 School of Medicine, and the Pikeville College School of Osteopathic  
20 Medicine;
  - 21 (e) Has successfully completed an examination prescribed by the board; and
  - 22 (f) Has fulfilled all other reasonable qualifications for regular licensure that the  
23 board may ***require by administrative regulations promulgated in accordance***  
24 ***with KRS Chapter 13A***~~[prescribe by regulation].~~
- 25 (2) ~~An~~<sup>No</sup> applicant who is a graduate of a medical or osteopathic school located  
26 outside the United States or Canada shall ***not*** be eligible for a regular license to  
27 practice medicine in the Commonwealth unless the applicant:

- 1 (a) Is able to understandably speak, read, and write the English language;
- 2 (b) Has successfully completed a course of study necessary for entry into an
- 3 approved medical or osteopathic school or college;
- 4 (c) Has graduated from a prescribed course of instruction in a medical or
- 5 osteopathic school or college situated outside the United States or Canada and
- 6 approved by the board or is a citizen of the United States and has been
- 7 awarded a diploma by an approved medical or osteopathic school located
- 8 within the United States or Canada as part of a program designed to allow for
- 9 the transfer of students to such schools from schools located outside the
- 10 United States or Canada;
- 11 (d) Has successfully completed an examination prescribed by the board;
- 12 (e) Has been certified by the educational commission for foreign medical
- 13 graduates or by an approved United States specialty board;
- 14 (f) Has satisfactorily completed a prescribed course of postgraduate training of a
- 15 duration to be established by the board in an administrative regulation
- 16 promulgated in accordance with KRS Chapter 13A, after consultation with the
- 17 University of Kentucky College of Medicine, the University of Louisville
- 18 School of Medicine, and the Pikeville College School of Osteopathic
- 19 Medicine; and
- 20 (g) Has fulfilled all other reasonable qualifications for regular licensure that the
- 21 board may **require by administrative regulations promulgated in accordance**
- 22 **with KRS Chapter 13A**~~[prescribe by regulation].~~
- 23 (3) ~~An~~**No** applicant shall **not** be eligible for a limited license-institutional practice
- 24 unless the applicant:
- 25 (a) Has fulfilled all the requirements for regular licensure as delineated in
- 26 subsection (1) of this section; or
- 27 (b) Has fulfilled the requirements for regular licensure as delineated in subsection

- 1 (2)(a) to (e) and (g) of this section and in addition has satisfactorily completed  
2 a prescribed course of postgraduate training of at least one (1) full year's  
3 duration approved by the board; and
- 4 (c) Has fulfilled all other reasonable qualifications for limited licensure that the  
5 board may require by administrative regulations promulgated in accordance  
6 with KRS Chapter 13A [~~prescribe by regulation~~].
- 7 (4) The board may grant an applicant a limited license-institutional practice for a  
8 renewable period of one (1) year if the applicant:
- 9 (a) Has fulfilled the requirements for regular licensure as delineated in subsection  
10 (2)(a), (b), (d), (e), and (g) of this section;
- 11 (b) Has fulfilled the requirements for a limited license-institutional practice as  
12 indicated in subsection (3)(c) of this section; and
- 13 (c) Has satisfactorily completed a prescribed course of postgraduate training of at  
14 least one (1) full year's duration approved by the board.
- 15 (5) The board may grant an applicant a fellowship training license for a renewable  
16 period of one (1) year if the applicant:
- 17 (a) Has been accepted for a fellowship approved by the administration of any of  
18 Kentucky's medical schools and conducted under the auspices of that medical  
19 school; or
- 20 (b) Has graduated from a medical school located outside the United States or  
21 Canada that has been approved by the board, and:
- 22 1. Has been certified by the appropriate licensing authority in his or her  
23 home country in the subject specialty of the fellowship; and
- 24 2. Is able to demonstrate that he or she is a physician of good character and  
25 is in good standing in the country where he or she normally practices  
26 medicine.
- 27 (6) (a) The board may grant an applicant a special faculty license for a renewable

1 period of one (1) year if the applicant:

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

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

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

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

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

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

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

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

5 (a) Fulfilled:

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

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

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

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

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

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

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

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

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

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

1 employing sponsor at the conclusion of provisional licensing period.

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

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

8 (b) The provisional licensee has engaged in unacceptable conduct under KRS  
9 311.595 or 311.597.

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

15 (13)~~(9)~~ Notwithstanding any of the requirements for licensure established in~~by~~  
16 subsections (1) to (12)~~(8)~~ of this section and after providing the applicant or  
17 reregistrant with reasonable notice of its intended action and after providing a  
18 reasonable opportunity to be heard, the board may deny licensure to an applicant or  
19 the reregistrant of an inactive license without a prior evidentiary hearing upon a  
20 finding that the applicant or reregistrant has violated any provision of KRS 311.595  
21 or 311.597 or is otherwise unfit to practice. Orders denying licensure may be  
22 appealed pursuant to KRS 311.593.

23 (14)~~(10)~~ Notwithstanding any provision of subsections (1) to (12) of this section~~the~~  
24 ~~foregoing~~, the board may grant licensure to an applicant in extraordinary  
25 circumstances upon a finding by the board that based on the applicant's exceptional  
26 education, training, and practice credentials, the applicant's practice in the  
27 Commonwealth would be beneficial to the public welfare.

- 1 ~~(15)~~~~(14)~~ Notwithstanding any provision of this section, the board may exercise its  
2 discretion to grant a visiting professor license to an applicant after considering the  
3 following:
- 4 (a) Whether the applicant meets the qualifications for a regular license;
  - 5 (b) Whether the applicant is licensed to practice medicine in other states or in  
6 other countries; and
  - 7 (c) The recommendation of the program director of an accredited medical school  
8 that confirms the applicant's employment as a visiting professor and that  
9 includes, if necessary, written justification for a waiver of the requirements  
10 specified in subsections (1) and (2) of this section.
- 11 Orders denying applications for a visiting professor license shall not be appealed  
12 under KRS 311.593.