

# SENATE BILL REPORT

## SHB 2452

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As Reported by Senate Committee On:  
Health Care, February 25, 2016

**Title:** An act relating to the interstate medical licensure compact.

**Brief Description:** Creating the interstate medical licensure compact.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Harris, Cody, Johnson, Robinson, Senn, Clibborn, Jinkins and Ormsby; by request of Department of Health).

**Brief History:** Passed House: 2/12/16, 90-6.

**Committee Activity:** Health Care: 2/22/16, 2/25/16 [DP-WM, w/oRec].

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Becker, Chair; Cleveland, Ranking Minority Member; Bailey, Brown, Conway, Frockt, Jayapal, Keiser, Parlette and Rivers.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Dammeier, Vice Chair; Angel.

**Staff:** Evan Klein (786-7483)

**Background:** Physician Licensure. The Medical Quality Assurance Commission (MQAC) is responsible for the licensure and discipline of physicians. To receive a Washington license to practice medicine, a physician must:

- graduate from a medical school within the United States or Canada;
- pass the United States Medication Licensing Examination (USMCLE);
- complete two years of postgraduate medical training;
- have good moral character; and
- prove they maintain the ability to safely practice medicine.

Any applicant for licensure who meets the qualifications for licensure and has been licensed under the laws of another state, territory or province of Canada, may be granted a license without examination. In certain circumstances, MQAC may also issue limited licenses.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The unlicensed practice of medicine; and the issuance and denial of licenses, and discipline of licensees, are governed by the Uniform Disciplinary Act.

Osteopathic Physician Licensure. The Board of Osteopathic Medicine and Surgery (BOMS) is responsible for the licensure and discipline of physicians. To receive a Washington license to practice osteopathic medicine, an osteopathic physician must:

- graduate from an accredited school of osteopathic medicine;
- complete at least one year in a postgraduate training program;
- prove they maintain the ability to safely practice medicine;
- pass the Comprehensive Osteopathic Medical Licensing Examination (COMPLEX); and
- prove they have not been guilty of any conduct that would constitute grounds for denial or revocation of a license.

The unlicensed practice of osteopathic medicine; and the issuance and denial of licenses, and discipline of licensees, are governed by the Uniform Disciplinary Act.

Interstate Medical Licensure Compact. The Interstate Medical Licensure Compact (Compact) is a proposal to create a system for expediting the licensure of physicians already licensed by another state. States must enact model legislation in order to adopt the Compact and become a member to the licensure agreement. As of December, 2015, 12 states have enacted the Compact and become party to the agreement.

**Summary of Bill:** The Compact is adopted by Washington state.

Interstate Medical Licensure Compact Commission. An Interstate Medical Licensure Compact Commission (Interstate Commission) is created to administer the Compact. The Interstate Commission consists of two voting members from each member state, one allopathic physician, and one osteopathic physician.

The Interstate Commission is given general powers and duties, finance powers, authority to elect officers, rule-making functions, enforcement powers, and dispute resolution authorities.

Physician Eligibility. To be eligible to receive an expedited license under the Compact, a physician must:

- possess a full and unrestricted license to practice medicine in a Compact state;
- possess specialty certification or be in possession of a time unlimited specialty certificate;
- have no discipline on any state medical license;
- have no discipline related to controlled substances;
- not be under investigation by any licensing or law enforcement agency;
- have passed the USMLE or COMLEX within three attempts; and
- have successfully completed a graduate medical education (GME) program.

Physician Licensure. A physician must designate a state that is party to the Compact as his or her principal state of licensure. A physician seeking licensure through the Compact must file an application for an expedited license with the medical board of the state selected by the

physician as the state of principle licensure. The principal state's medical board, in the process of verifying eligibility, shall perform a criminal background check.

The principal state, after determining eligibility, shall report a physician's eligibility status to the Interstate Commission. Physicians may then register for expedited licensure in any member state. After receiving verification of eligibility from the Interstate Commission and any applicable fees, a member state must then issue an expedited license to the physician.

The license remains valid for a period consistent with the licensure period for the member state. If a physician fails to maintain a license in the state of principal licensure, then all of their expedited licenses are terminated.

The Interstate Commission may impose a fee for a license issued or renewed through the Compact.

Licensure Renewal. A physician seeking to renew an expedited license must:

- maintain a full and unrestricted license in the state of principal licensure;
- have not been convicted of any offense by a court of appropriate jurisdiction;
- have not had a license to practice medicine subjected to discipline; and
- have not had a controlled substances license suspended or revoked.

Physicians must comply with the continuing education requirements for renewal of their license in that member state.

Physician Discipline. The Interstate Commission must establish a database of all physicians licensed under the Compact. Member medical boards must report disciplinary and investigatory complaints to the Interstate Commission. Member boards may jointly investigate physician records as part of disciplinary proceedings under the compact.

Disciplinary action taken by any member board against a physician under the Compact may subject the physician to discipline by other member boards in states for which they are licensed. If a license granted to a physician by a member board is revoked or suspended any licenses issued to the physician by any other member boards shall be suspended for 90 days to permit the member board time to investigate. If the member board for the physician's principal state of licensure revokes or suspends the physician's license, then licenses issued to the physician by other member boards shall automatically be placed on the same status.

Costs. The costs of the operations and activities of health professions licensure compacts must be borne by those who hold licenses issued under the compacts, rather than the state or the licensing authorities.

Effective Date. The Compact takes effect and becomes binding upon legislative enactment of the compact into law by no less than seven states.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is about helping folks in rural and underserved areas. The bill is about getting these people access to care. We are facing a shortage of between 46,000 and 90,000 physicians by 2025. Many Washington physicians are also over the age of 60. Breaking down barriers to licensure is one way to fill physician vacancies in Washington State. The licensure process can take between 35 and 40 days in Washington currently. The hope is that this bill could get licensure down to a few days or even same-day licensure. We are looking to have only the highest quality physicians participating in the licensure compact. This bill was amended to adopt a user fee model that requires the physicians in the compact to cover the costs of administering the compact.

OTHER: The hope is that this licensure compact does not impact the disclosure of information of physicians and medical licensure issues.

**Persons Testifying:** PRO: Representative Riccelli, Prime Sponsor; Kathryn Kolan, Washington State Medical Association; Lisa Thatcher, Washington State Hospital Association; Melanie De Leon, Medical Quality Assurance Commission.

OTHER: Rowland Thompson, Allied Daily Newspapers of Washington.

**Persons Signed In To Testify But Not Testifying:** No one.