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**SENATE BILL 5846**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Saldaña, Hasegawa, Randall, Nguyen, Wilson, C., Keiser, Das, Cleveland, and Dhingra

AN ACT Relating to the integration of international medical graduates into Washington's health care delivery system; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 70 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "International medical graduate" means a physician who received a basic medical degree or qualification and postgraduate training from a medical school located outside the United States or Canada and who did not enter the United States on a J-1 visa or similar nonimmigrant visa following acceptance into a United States medical residency or fellowship program.

(3) "Rural community" means a community located outside a standard metropolitan statistical area as defined by the United States bureau of census.

(4) "Secretary" means the secretary of the department of health.

(5) "Underserved community" means any medically underserved area or medically underserved population as designated by the department.

(6) "Washington international medical graduate" means an international medical graduate who has lived in Washington state for at least two years.

NEW SECTION. **Sec.**  The international medical graduate assistance program is established to be administered by the department. In developing and administering the program, the secretary shall:

(1) Provide overall coordination for the planning, development, and implementation of a comprehensive system for integrating qualified international medical graduates into the Washington health care delivery system, particularly those willing to serve in rural or underserved communities of the state;

(2) Develop and maintain, in partnership with community organizations working with international medical graduates, a voluntary roster of international medical graduates interested in entering the Washington health care workforce to assist in planning and program administration, including making available summary reports that show the aggregate number and distribution, by geography and specialty, of international medical graduates in Washington;

(3) Work with graduate clinical medical training programs to address barriers faced by international medical graduates in securing residency positions in Washington, including the requirement that applicants for residency positions be recent graduates of medical school. The annual report required in section 10 of this act must include any progress in addressing these barriers;

(4) Develop a system to assess and certify the clinical readiness of eligible international medical graduates to serve in a residency program. The system must include assessment methods, an operating plan, and a budget. Initially, the secretary must develop assessments for clinical readiness for practice of one or more primary care specialties, including family medicine, pediatrics, internal medicine, and psychiatry, and must add additional assessments as resources are available. The secretary may contract with an independent entity or another state agency to conduct the assessments. In order to be assessed for clinical readiness for residency, an eligible international medical graduate must have obtained a certification from the educational commission for foreign medical graduates. The secretary shall issue a Washington certificate of residency readiness to those who pass the assessment;

(5) Explore and facilitate streamlined pathways for international medical graduates to serve in nonphysician professions in the Washington workforce; and

(6) Study, in consultation with the medical quality assurance commission, board of osteopathic medicine and surgery, and other stakeholders, changes necessary in health professional licensure and regulation to ensure full utilization of international medical graduates in the Washington health care delivery system. The secretary shall include recommendations in the annual report required under section 10 of this act.

NEW SECTION. **Sec.**  Subject to the availability of amounts appropriated for this specific purpose, the secretary must develop a grant program and award grants to eligible nonprofit organizations to provide career guidance and support services to international medical graduates seeking to enter the Washington health care workforce. Eligible grant activities include the following:

(1) Educational and career navigation, including information on training and licensing requirements for physician and nonphysician health care professions, and guidance in determining which pathway is best suited for an individual international medical graduate based on the individual's skills, experience, resources, and interests;

(2) Support in becoming proficient in medical English;

(3) Support in becoming proficient in the use of information technology, including computer skills and use of electronic health record technology;

(4) Support for increasing knowledge of and familiarity with the United States health care system;

(5) Support for other foundational skills identified by the secretary;

(6) Support for international medical graduates in becoming certified by the educational commission for foreign medical graduates, including help with preparation for required licensing examinations and financial assistance for fees; and

(7) Assistance to international medical graduates in registering with the program's Washington international medical graduate roster.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the secretary must develop a grant program and award grants to clinical sites to provide experience to Washington international medical graduates who need additional clinical preparation or experience to qualify for residency. The grant program must include:

(a) Proposed training curricula consistent with nationally accredited training standards;

(b) Policies and procedures for clinical training sites, which must be part of existing clinical medical training programs in Washington state; and

(c) Monthly stipends for international medical graduate participants.

(2) Priority must be given to primary care sites in rural or underserved areas of the state, and international medical graduate participants must commit to serving at least five years in a rural or underserved community of the state following graduation from a residency program.

(3) The policies and procedures for the clinical preparation grants must be developed by January 1, 2022, including an implementation schedule that begins awarding grants to clinical preparation programs beginning in June 2022.

NEW SECTION. **Sec.**  (1) The international medical graduate residency account is created in the state treasury. All receipts from section 6(2) of this act must be deposited into the account. Earnings, such as interest, dividends, and any other earnings arising from account assets, must be credited to the account in accordance with RCW 43.84.092. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to award grants and administer the primary care residency grant program established in section 6 of this act. Funds deposited in the account do not expire.

(2) Private entities may contribute to the international medical graduate residency account subject to the following provisions:

(a) The contributing entity may not specify the recipient or recipients of any grant issued under section 6 of this act;

(b) The secretary shall make public the identity of any private contributor to the account, as well as the amount of the contribution provided; and

(c) A contributing entity may not specify that the recipient or recipients of any funds use specific products or services, nor may the contributing entity imply that a contribution is an endorsement of any specific product or service.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the secretary must award grants to support primary care residency positions designated for Washington international medical graduates who are willing to serve in rural or underserved areas of the state. A grant may not exceed one hundred fifty thousand dollars per residency position per year. Eligible primary care residency grant recipients include accredited family medicine, internal medicine, obstetrics and gynecology, psychiatry, and pediatric residency programs. Eligible residency programs must apply to the department in the manner designated by the secretary. Applications must include the number of anticipated residents to be funded using grant funds and a budget. Funds awarded to grantees in a grant agreement do not lapse until the grant agreement expires. Before any funds are distributed, a grant recipient must provide the department with the following:

(a) A copy of the signed contract between the primary care residency program and the participating Washington international medical graduate;

(b) Certification that the participating Washington international medical graduate has lived in Washington for at least two years and is certified by the educational commission for foreign medical graduates. Residency programs may also require that a participating Washington international medical graduate hold a Washington certificate of clinical readiness for residency, once the certificates become available; and

(c) Verification that the participating Washington international medical graduate has executed a participant agreement pursuant to subsection (2) of this section.

(2) Upon acceptance by a participating grant-funded residency program, the Washington international medical graduate must enter into an agreement with the secretary and the appropriate regulatory authority to provide primary care for at least five years in a rural or underserved area of Washington after graduating from the residency program and make payments to the international medical graduate residency account created in section 5 of this act for five years beginning in the second year of postresidency employment. Participants must pay fifteen thousand dollars or ten percent of the participant's annual gross compensation each year, whichever is less.

NEW SECTION. **Sec.**  A hospital may establish residency positions, or create a residency program for international medical graduates to become candidates for licensure in Washington state. A hospital may partner with nonprofit organizations to develop, screen for, and identify international medical graduates eligible for a hospital's particular residency program. A hospital may receive grants from a nonprofit organization to train international medical graduates who are eligible for a hospital's particular residency program.

NEW SECTION. **Sec.**  Nothing in this chapter alters the authority of the medical quality assurance commission or the board of osteopathic medicine and surgery from regulating the practice of medicine in Washington.

NEW SECTION. **Sec.**  The department must establish an oversight committee to provide consultation and oversight in the development and administration of the international medical graduate assistance program, including the grant programs established in sections 3, 4, and 6 of this act. The oversight committee must be comprised of the following:

(1) A representative from the medical quality assurance commission;

(2) A representative from the board of osteopathic medicine and surgery;

(3) A representative from the University of Washington school of medicine;

(4) A representative from the Washington State University Elson S. Floyd college of medicine;

(5) A representative from a primary care health care employer in a rural or underserved area of Washington;

(6) A representative from a health carrier offering coverage in a rural or underserved area of Washington;

(7) A licensed physician with experience working with international medical graduates;

(8) A representative from an organization specializing in refugee advocacy in Washington;

(9) A representative from an organization serving refugee physicians and international medical graduates;

(10) A representative from an organization offering counseling and educational programs to internationally trained health professionals;

(11) A representative from an organization representing community and migrant health centers; and

(12) At least two international medical graduates.

NEW SECTION. **Sec.**  Beginning January 1, 2021, and biennially thereafter, the secretary, in consultation with the medical quality assurance commission and the board of osteopathic medicine and surgery, must submit an annual report to the legislature on the progress of the integration of international medical graduates into the Washington health care delivery system. The report must include recommendations on actions needed for continued progress integrating international medical graduates, including any progress in addressing barriers described in section 2(3) of this act and the recommendations required in section 2(6) of this act.

NEW SECTION. **Sec.**  Sections 1 through 10 of this act constitute a new chapter in Title 70 RCW.

**Sec.**  RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and 2018 c 203 s 14 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the international medical graduate residency account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

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