

HOUSE BILL NO. HB0129

Expanding Physician Access Act.

Sponsored by: Representative(s) Wasserburger, Clouston,
Geringer and Ottman and Senator(s) Love

A BILL

for

1 AN ACT relating to physicians and surgeons; authorizing the
2 board of medicine to provide provisional medical licenses
3 to internationally trained physicians as specified;
4 providing definitions; making conforming amendments;
5 requiring rulemaking; and providing for effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 33-26-801 through 33-26-805 are
10 created to read:

11

ARTICLE 8

12

EXPANDING PHYSICIAN ACCESS ACT

13

14

15 **33-26-801. Short title.**

1

2 This article shall be known and may be cited as the
3 "Expanding Physician Access Act."

4

5 **33-26-802. Definitions.**

6

7 (a) As used in this article:

8

9 (i) "Board" means the Wyoming board of medicine;

10

11 (ii) "Health care provider" means a facility
12 that furnishes, bills or is paid for health care procedures
13 or service delivery in the normal course of business and
14 includes but is not limited to health systems, hospitals,
15 hospital-based facilities, freestanding emergency
16 facilities, medical clinics and urgent care clinics;

17

18 (iii) "Internationally trained physician" means
19 a person who:

20

21 (A) Has been granted a medical doctorate or
22 substantially similar degree by a domestic or international

1 medical program of good standing as determined and approved
2 by the board;

3

4 (B) Has been licensed in good standing with
5 a medical licensing or regulatory institution of the
6 person's licensing country at all times in the preceding
7 five (5) years and does not have any pending investigations
8 or discipline before the licensing body;

9

10 (C) Has completed a residency or
11 substantially similar post-graduate medical training
12 program or has practiced as a medical professional
13 performing the duties of a physician in the person's
14 licensing country for not less than seven (7) continuous
15 years after the completion of a medical doctorate;

16

17 (D) If the person has completed a
18 residency, has provided written verification that the
19 person practiced medicine as a fully licensed physician in
20 the person's licensing country for not less than five (5)
21 years after the completion of residency training, or if the
22 person did not complete a residency training, that the
23 person has practiced medicine as a fully licensed physician

1 in the person's licensing country for not less than twelve
2 (12) years after completion of a medical doctorate or a
3 residency equivalent pursuant to subparagraph (C) of this
4 paragraph;

5

6 (E) Possesses fluency in the English
7 language in the context of the provision of health care as
8 demonstrated by certification by the educational commission
9 of foreign medical graduates or other test designated by
10 board rule;

11

12 (F) Has submitted all necessary forms and
13 releases for the board to conduct an international criminal
14 background check on the physician before issuance of a
15 provisional license under this act; and

16

17 (G) Has passed steps one (1) and two (2) of
18 either the United States medical licensing examination or
19 the comprehensive osteopathic medical licensing examination
20 in not more than three (3) attempts for each part.

21

22 (iv) "Licensing country" means any foreign
23 country as designated by board rule where an

1 internationally trained physician is licensed and where the
2 board has determined that medical licensing is adequate and
3 in good standing;

4

5 (v) "Supervising physician" means a person who:

6

7 (A) Holds a full and unrestricted license
8 in good standing issued by the board to practice medicine
9 in Wyoming and has held the license for not less than the
10 immediately preceding three (3) years;

11

12 (B) Has not been disciplined by a medical
13 licensing board in any state;

14

15 (C) Is not under investigation by the board
16 or any other state's medical licensing board;

17

18 (D) Is certified in good and active
19 standing by the American board of medical specialties, the
20 American osteopathic association board of specialties or
21 other national board specified by rule of the board;

22

1 (E) Meets any other requirements set forth
2 by rule of the board which rule the board determines is
3 useful or necessary to determine the good standing and
4 competency of the physician; and

5
6 (F) Is approved to supervise an
7 internationally trained physician in advance by the board.

8

9 **33-26-803. State license for internationally trained**
10 **physicians.**

11

12 (a) The board may grant a provisional license to
13 practice medicine in Wyoming to an internationally trained
14 physician who has a written offer of employment as a
15 physician at any health care provider that operates in
16 Wyoming. Before issuing the provisional license, the board
17 shall require an internationally trained physician to
18 complete an application form provided and approved by the
19 board, pass an international criminal background check
20 investigation, meet all requirements set forth in this
21 article and in rules adopted by the board and pay all fees
22 required by the board. The board:

23

1 (i) Shall not grant a provisional license to
2 practice medicine in this state to any internationally
3 trained physician unless the physician is eligible to
4 obtain federal immigration status that allows the physician
5 to practice in the United States;

6
7 (ii) May suspend a provisional license granted
8 under this subsection if the internationally trained
9 physician is not employed by a health care provider that
10 operates in this state during the provisional license
11 period. If the internationally trained physician loses
12 employment with the health care provider, the license shall
13 be suspended until the internationally trained physician
14 obtains employment with another Wyoming health care
15 provider. If the internationally trained physician cannot
16 obtain required employment within six (6) months, the
17 provisional license shall be revoked.

18
19 (b) The board may suspend or revoke a provisional
20 license granted under subsection (a) of this section
21 pursuant to W.S. 33-26-401 through 33-26-410. Licensees may
22 appeal the suspension or revocation of a provisional

1 license in accordance with the requirements of W.S.
2 33-26-401 through 33-26-410.

3

4 (c) Notwithstanding any other law, the holder of a
5 provisional license issued under this article shall be
6 eligible to apply to convert the license to a full,
7 unrestricted license to practice medicine in this state
8 after three (3) years of continuous, successful active
9 practice in this state if the licensee:

10

11 (i) Has not been disciplined under W.S.
12 33-26-401 through 33-26-410;

13

14 (ii) Has followed all of the board's rules and
15 regulations under the medical practice act; and

16

17 (iii) Has passed step three (3) of the United
18 States medical licensing examination or the comprehensive
19 osteopathic medical licensing examination in not more than
20 three (3) attempts.

21

22 (d) Provisional license holders shall comply with the
23 continuing medical education requirements and any other

1 requirements for practicing physicians as set forth by the
2 board's rules and this article.

3

4 (e) Nothing in this section shall require the board
5 to license, on a provisional or full basis, an
6 internationally trained physician without evidence of full
7 compliance with the requirements of this article and rules
8 set forth by the board.

9

10 (f) Internationally trained physicians who are
11 required to obtain federal work authorization before
12 commencing any work for the sponsoring health care provider
13 are eligible to apply for a provisional license prior to
14 receiving federal work authorization but shall not commence
15 work under the provisional license without the required
16 work authorization. The provisional license shall be under
17 a nondisciplinary suspension until the board receives
18 documentation demonstrating the holder's authorization to
19 work in the United States. Upon receipt by the board of
20 such documentation, the suspension of the provisional
21 license shall be lifted with no additional action required
22 by the board after the board notifies the internationally
23 trained physician that the suspension has been lifted.

1

2 (g) Internationally trained physicians who become
3 licensed under subsection (a) of this section shall not be
4 required to maintain employment with the original
5 sponsoring health care provider.

6

7 **33-26-804. Supervision requirements for**
8 **internationally trained physicians.**

9

10 (a) An internationally trained physician's
11 supervising physician, as approved by the board under this
12 article, shall submit monthly reports to the board on the
13 internationally trained physician's supervision and
14 performance on a form or format designated by board rule.

15

16 (b) A health care provider employing a physician
17 holding a provisional license under this article shall
18 submit monthly reports to the board on the internationally
19 trained physician's performance on a form or format
20 designated by board rule. If the supervising physician is
21 employed by the sponsoring health care provider, the
22 requirements of this subsection shall be considered met

1 upon submission of the supervising physician's monthly
2 report as set forth in subsection (a) of this section.

3

4 (c) If a supervising physician fails to submit a
5 satisfactory report as set forth by subsection (a) of this
6 section, the supervising physician shall be considered to
7 be in violation of this article and the provisional license
8 shall be automatically suspended until the supervising
9 physician submits all missing reports to the board within
10 thirty (30) days of receiving notice of the missing
11 reports.

12

13 **33-26-805. Protection of the public.**

14

15 (a) The holder of a provisional license shall not
16 practice outside of the supervision of a supervising
17 physician.

18

19 (b) The holder of a provisional license shall submit
20 and keep on file with the board written proof of liability
21 insurance in an amount and type to be set by board rule. If
22 at any time the liability insurance covering a provisional
23 license holder lapses or is otherwise compromised in any

1 way, the provisional license holder and supervising
2 physician shall notify the board in writing and within two
3 (2) business days of the lapse or other situation. The
4 provisional license shall be immediately and automatically
5 suspended and shall remain so until satisfactory, written
6 proof of coverage by professional liability insurance as
7 set forth in this article is provided to the board.

8

9 (c) The holder of a provisional license and the
10 supervising physician shall notify the board in writing of
11 the termination of the holder's employment or supervising
12 arrangement, whether or not the termination was for cause.
13 Upon termination of the holder's employment or supervision,
14 the provisional license shall be immediately and
15 automatically suspended, and shall remain so until all
16 requirements of this article are met.

17

18 (d) For the first year beginning on the date of
19 issuance of a provisional license, where the holder of the
20 license is engaged in patient contact, the supervising
21 physician shall be in the same physical facility as the
22 holder of the provisional license to provide immediate
23 supervision to ensure patient safety.

1

2 (e) Beginning upon the first anniversary of the
3 issuance of a provisional license, and for the remaining
4 time an internationally trained physician holds a
5 provisional license, when the holder has patient contact,
6 the supervising physician shall be available within fifteen
7 (15) minutes to consult with and supervise the holder. This
8 consultation and supervision may be done via telephone,
9 videoconference or other mode allowing real time two (2)
10 way communication between the holder and the supervising
11 physician.

12

13 (f) For the first year beginning on the date of
14 issuance of a provisional license, the holder of the
15 provisional license shall only prescribe controlled
16 substances with the signature of the supervising physician.
17 Upon completion of the first year after issuance of a
18 provisional license, the holder of the provisional license
19 may prescribe controlled substances subject to all laws of
20 Wyoming and the United States, and with regular review of
21 all controlled substance prescriptions by the supervising
22 physician.

23

1 (g) The holder of a provisional license under this
2 article may not supervise the practice of medicine by a
3 physician assistant.
4

5 **Section 2.** W.S. 7-19-106(a)(xxiii), 33-26-102(a)(x),
6 33-26-202(b) by creating a new paragraph (xx), 33-26-301(b)
7 by creating a new paragraph (ix), 33-26-303 by creating a
8 new subsection (e), 33-26-305(a), 33-26-401(e),
9 33-26-402(a) by creating a new paragraph (xxxvii) and
10 35-1-401(a)(x) are amended to read:

11
12 **7-19-106. Access to, and dissemination of,**
13 **information.**
14

15 (a) Criminal history record information shall be
16 disseminated by criminal justice agencies in this state,
17 whether directly or through any intermediary, only to:
18

19 (xxiii) The board of medicine for purposes of
20 obtaining background information on applicants, including
21 applicants who are internationally trained physicians under
22 W.S. 33-26-801 through 33-26-805, for licensure or
23 certification by the board, whose application or other

1 information received by the board indicates the applicant
2 has or may have been convicted of a crime, and for purposes
3 of investigation of complaints and disciplinary action
4 against licensees of the board;

5

6 **33-26-102. Definitions.**

7

8 (a) As used in this chapter:

9

10 (x) "Licensee" means any person licensed by the
11 board under this chapter, including a person granted a
12 provisional license under W.S. 33-26-801 through 33-26-805;

13

14 **33-26-202. Board; duties; general powers.**

15

16 (b) The board is empowered and directed to:

17

18 (xx) Adopt rules and regulations regarding
19 granting internationally trained physicians provisional
20 licenses, and the practice of medicine by the holder of
21 such license, pursuant to W.S. 33-26-801 through 33-26-805.

22

23 **33-26-301. License required.**

1

2 (b) Upon appropriate application, fulfillment of
3 eligibility criteria and successful completion of all other
4 requirements, the board may grant:

5

6 (ix) A provisional license to an internationally
7 trained physician pursuant to W.S. 33-26-801 through
8 33-26-805.

9

10 **33-26-303. Requirements for granting license.**

11

12 (e) Notwithstanding the requirements of this section,
13 the board may grant a provisional license to practice
14 medicine in this state to an internationally trained
15 physician pursuant to the requirements of W.S. 33-26-801
16 through 33-26-805.

17

18 **33-26-305. Annual renewal; expiration; reactivation**
19 **of lapsed and inactive licenses; restoration of emeritus**
20 **licenses to active status; duplicates.**

21

22 (a) All licenses granted under this chapter other
23 than temporary licenses and medical training licenses shall

1 lapse annually on a date or dates to be established by
2 rules adopted by the board. A licensee may renew his
3 license each year by submitting a renewal application
4 containing information required by the board, accompanied
5 by proof of compliance with and fulfillment of continuing
6 medical education requirements of the board in the manner
7 set forth in the board's continuing medical education rules
8 and regulations and a renewal fee to the board in an amount
9 set by the board pursuant to W.S. 33-26-307. The licensee,
10 including the holder of a provisional license under W.S.
11 33-26-801 through 33-26-805, additionally shall report any
12 investigative or disciplinary action pending or taken by a
13 state examining board, a health care entity or the
14 grievance committee of a medical society during the
15 preceding year.

16

17 **33-26-401. Board duties; investigation; interview.**

18

19 (e) The board retains jurisdiction over only those
20 licensees to whom provisional licenses under W.S. 33-26-801
21 through 33-26-805, temporary or full licenses were granted
22 and who are subject to ongoing investigation by the board,
23 regardless of whether the license expired, lapsed or was

1 relinquished during or after the alleged occurrence of
2 conduct proscribed by W.S. 33-26-402 by the licensee.

3

4 **33-26-402. Grounds for suspension; revocation;**
5 **restriction; imposition of conditions; refusal to renew or**
6 **other disciplinary action.**

7

8 (a) The board may refuse to renew, and may revoke,
9 suspend or restrict a license or take other disciplinary
10 action, including the imposition of conditions or
11 restrictions upon a license on one (1) or more of the
12 following grounds:

13

14 (xxxvii) Violating the provisions of W.S.
15 33-26-801 through 33-26-805.

16

17 **35-1-401. Definitions.**

18

19 (a) As used in this act:

20

21 (x) "Physician" means a person authorized or
22 licensed to practice medicine as provided in W.S. 33-26-101
23 through ~~33-26-601~~ 33-26-805;

