

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING OCCUPATIONAL LICENSING LAWS;
5 ESTABLISHING THE EXPANDING PHYSICIAN ACCESS ACT; PROVIDING FOR LICENSURE OF A
6 SPONSORED INTERNATIONAL PHYSICIAN; AND PROVIDING DEFINITIONS."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Expanding
11 Physician Access Act".

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13 NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 4] is to remove barriers
14 that prevent high-quality, internationally licensed physicians from filling vacancies in the state, including in rural
15 and primary care settings, by eliminating unnecessary training duplication. All other standards of care and
16 licensing requirements remain unchanged, and the board is empowered to continue to perform its role to
17 ensure that all internationally licensed applicants have the requisite knowledge and experience to practice
18 medicine in the state.

19
20 NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 4], unless the context clearly
21 indicates otherwise, the following definitions apply:

22
23 (1) "Healthcare provider" means an individual, entity, corporation, person, or organization, whether
24 for-profit or nonprofit, that furnishes, bills, or is paid for health care procedures or service delivery in the normal
25 course of business and includes, without limitation, health systems, hospitals, hospital-based facilities,
26 freestanding emergency facilities, and urgent care clinics.

27 (2) "International medical program" means a medical school, residency program, medical
28 internship program, or entity that provides physicians with a medical education or training that is eligible for

1 certification of graduates by the educational commission for foreign medical graduates or is otherwise
2 substantially similar to the medical education or training required by the board for licensure in the state.

3 (3) "International physician" means a person who:

4 (a) has been granted a medical doctorate or substantially similar degree by a domestic or
5 international medical program of good standing;

6 (b) has been in good standing with the medical licensing or regulatory institution of the person's
7 licensing country for the past 5 years and does not have any pending discipline before the licensing body;

8 (c) has completed a residency or a substantially similar postgraduate medical training program or
9 has practiced as a medical professional performing the duties of a physician in the person's licensing country at
10 least 7 years after the completion of a medical doctorate;

11 (d) has practiced medicine as a fully licensed or otherwise authorized physician in the person's
12 licensing country for at least 5 years after the completion of residency training or residency equivalent pursuant
13 to subsection (3)(c);

14 (e) has obtained certification from the educational commission for foreign medical graduates, a
15 successor organization, or another evaluation entity approved by the board;

16 (f) has passed steps 1, 2, and 3 of the United States medical licensing examination; and

17 (g) possesses basic fluency in the English language.

18 (4) "Physician" means a person who has obtained a medical doctorate or substantially similar
19 degree and is licensed inside or outside the United States.

20
21 **NEW SECTION. Section 4. License for international physicians sponsored by health care**

22 **provider.** (1) (a) The board shall grant a provisional license to practice medicine in the state to an international
23 physician who has an offer for employment as a physician at any health care provider that operates in the state.

24 (b) The board may not grant a provisional license to practice medicine in the state to an
25 international physician unless the physician is eligible to obtain federal immigration status that allows the
26 physician to practice as a physician in the United States.

27 (c) The board may not grant a provisional license to practice medicine in the state to an
28 international physician unless the physician possesses a passing score on the United States medical licensing

1 examination.

2 (d) The board may revoke a provisional license granted under this subsection (1) if the
3 international physician is not employed by a health care provider that operates in the state during the
4 provisional license period.

5 (2) (a) The board may revoke a provisional license granted under subsection (1) based on clear
6 and convincing evidence that medical services provided by the licensee have violated the state's medical
7 safety, competency, or conduct standards.

8 (b) A licensee may appeal the revocation of a provisional license to the district court as provided in
9 Title 2, chapter 4, within 120 days of the revocation.

10 (c) The court shall reinstate the provisional license if it finds that the board's actions did not meet
11 the standards in this subsection (2).

12 (3) Provisional licenses are automatically converted into full licenses after 3 years of continuous
13 active practice in the state.

14 (4) Nothing in this subsection requires the board to license, on a provisional or full basis, an
15 international physician without:

16 (a) evidence of similar training;

17 (b) evidence of satisfactory passage of exams;

18 (c) satisfactory results of a background investigation;

19 (d) completion of the license application; and

20 (e) payment of all required fees.

21 (5) An international physician who must obtain federal work authorization before commencing any
22 work for the sponsoring health care provider is eligible to apply for a provisional license prior to receiving
23 federal work authorization but may not commence work without the necessary work authorization.

24 (6) An international physician who becomes licensed under subsection (3) need not maintain
25 employment with the original sponsoring facility at the conclusion of the provisional licensing period.

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27 NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be
28 codified as a new part in Title 37, chapter 3, and the provisions of Title 37, chapter 3, apply to [sections 1

1 through 4].

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3 NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are
4 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
5 the part remains in effect in all valid applications that are severable from the invalid applications.

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