

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 6333

(As passed the House, December 3, 2002)

(As passed the Senate, December 11, 2002)

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16226, 16261, 16323, 16608, and 17031 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16226, 333.16261, 333.16323, 333.16608, and 333.17031), section 16106 as amended by 1997 PA 153, section 16108 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16186 as amended by 2002 PA 441, section 16226 as amended by 2000 PA 29, section 16608 as amended by 1990 PA 216, and section 17031 as amended by 1990 PA 248.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16105. (1) "Health occupation" means a health related
2 vocation, calling, occupation, or employment performed by

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

2

1 ~~individuals~~ AN INDIVIDUAL whether or not THE INDIVIDUAL IS
2 licensed or registered under this article.

3 (2) "Health profession" means a vocation, calling, occupa-
4 tion, or employment performed by ~~individuals~~ AN INDIVIDUAL
5 acting pursuant to a license or registration issued under this
6 article.

7 (3) "Health profession specialty field" means an area of
8 practice established under this article ~~which~~ THAT is within
9 the scope of activities, functions, and duties of a licensed
10 health profession and ~~which~~ THAT requires advanced education
11 and training beyond that required for initial licensure.

12 (4) "HEALTH PROFESSION SPECIALTY FIELD LICENSE" MEANS AN
13 AUTHORIZATION TO USE A TITLE ISSUED TO A LICENSEE WHO HAS MET
14 QUALIFICATIONS ESTABLISHED BY THE MICHIGAN BOARD OF DENTISTRY FOR
15 REGISTRATION IN A HEALTH PROFESSION SPECIALTY FIELD. AN INDIVID-
16 UAL WHO HOLDS A DENTAL SPECIALTY CERTIFICATION ON THE EFFECTIVE
17 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS CONSID-
18 ERED TO HOLD A HEALTH PROFESSION SPECIALTY FIELD LICENSE IN THAT
19 SPECIALITY AND MAY OBTAIN RENEWAL OF THE HEALTH PROFESSION SPE-
20 CIALTY FIELD LICENSE IN THAT SPECIALITY ON THE EXPIRATION DATE OF
21 THE SPECIALTY CERTIFICATION. THE HEALTH PROFESSION SPECIALTY
22 FIELD LICENSE IS NOT A LICENSE AS THAT TERM IS DEFINED IN
23 SECTION 16106(2).

24 (5) ~~(4)~~ "Health profession subfield" means an area of
25 practice established under this article which is within the scope
26 of the activities, functions, and duties of a licensed health
27 profession, and requires less comprehensive knowledge and skill

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

3

1 than is required to practice the full scope of the health
2 profession.

3 Sec. 16106. (1) "Incompetence" means a departure from, or
4 failure to conform to, minimal standards of acceptable and pre-
5 vailing practice for ~~the~~ A health profession, whether or not
6 actual injury to an individual occurs.

7 (2) "License", except as otherwise provided in this subsec-
8 tion, means an authorization issued under this article to prac-
9 tice where practice would otherwise be unlawful. License
10 includes an authorization to use a designated title which use
11 would otherwise be prohibited under this article and may be used
12 to refer to a health profession subfield license, limited
13 license, or a temporary license. For purposes of the definition
14 of "prescriber" contained in section 17708(2) only, license
15 includes an authorization issued under the laws of another state,
16 or the country of Canada ~~,~~ to practice in that state ~~,~~ or IN
17 the country of Canada, where practice would otherwise be unlaw-
18 ful, and is limited to a licensed doctor of medicine, a licensed
19 doctor of osteopathic medicine and surgery, or another licensed
20 health professional acting under the delegation and using,
21 recording, or otherwise indicating the name of the delegating
22 licensed doctor of medicine or licensed doctor of osteopathic
23 medicine and surgery. LICENSE DOES NOT INCLUDE A HEALTH PROFES-
24 SION SPECIALTY FIELD LICENSE.

25 (3) "Licensee", as used in a part that regulates a specific
26 health profession, means ~~a person~~ AN INDIVIDUAL to whom a

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

4

1 license is issued under that part, and as used in this part means
2 each licensee regulated by this article.

3 (4) "Limitation" means an action by which a board imposes
4 restrictions or conditions, or both, on a license.

5 (5) "Limited license" means a license to which restrictions
6 or conditions, or both, as to scope of practice, place of prac-
7 tice, supervision of practice, duration of licensed status, or
8 type or condition of patient or client served are imposed by a
9 board.

10 Sec. 16108. (1) "Reclassification" means an action by a
11 disciplinary subcommittee by which restrictions or conditions, or
12 both, applicable to a license are added or removed.

13 (2) "Registration" means an authorization only for the use
14 of a designated title which use would otherwise be prohibited
15 under this article. ~~It~~ REGISTRATION includes specialty certi-
16 fication of a licensee AND A HEALTH PROFESSION SPECIALTY FIELD
17 LICENSE.

18 (3) "Registrant" as used in ~~any~~ A part that regulates the
19 use of a title means an individual to whom a registration, A SPE-
20 CIALTY CERTIFICATION, or A HEALTH PROFESSION specialty
21 ~~certification~~ FIELD LICENSE is issued under that part, and as
22 used in this part means each registrant regulated by this
23 article.

24 (4) "Reinstatement" means the granting of a license or cer-
25 tificate of registration, with or without limitations or condi-
26 tions, to ~~a person~~ AN INDIVIDUAL whose license or certificate
27 of registration has been suspended or revoked.

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

5

1 (5) "Relicensure" means the granting of a license to ~~a~~
2 ~~person~~ AN INDIVIDUAL whose license has lapsed for failure to
3 renew the license within 60 days after the expiration date.

4 (6) "Reregistration" means the granting of a certificate of
5 registration to ~~a person~~ AN INDIVIDUAL whose certificate of
6 registration has lapsed for failure to renew the certificate
7 within 60 days after the expiration date.

8 Sec. 16128. (1) A health profession subfield task force
9 shall be composed of a majority of members licensed in the sub-
10 fields of the health profession ~~which~~ THAT are created by this
11 article and shall include at least 1 licensed member from each of
12 the subfields of the health profession ~~which~~ THAT is created by
13 this article. A health profession subfield task force shall
14 include at least 1 public member and 1 member of that profession
15 who holds a license other than a subfield license in that health
16 profession.

17 (2) A health profession specialty field task force shall be
18 composed of a majority of members ~~certified~~ REGISTERED in the
19 specialty fields of the health profession ~~which~~ THAT are cre-
20 ated by this article. A health profession specialty field task
21 force shall include at least 1 public member and 1 member of that
22 health profession who is a member of the board.

23 Sec. 16163. A task force shall recommend to the board as
24 to:

25 (a) Determination of standards of education, training, and
26 experience required for practice in a health profession subfield
27 or for ~~certification~~ REGISTRATION in a health profession

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

6

1 specialty field, and where appropriate, guidelines for approval
2 of educational programs for the HEALTH PROFESSION subfield or
3 HEALTH PROFESSION specialty field.

4 (b) Qualifications required of applicants for licensure in
5 health profession subfields or for ~~certification~~ REGISTRATION
6 in health profession specialty fields.

7 (c) Evaluation of qualifications for initial and continuing
8 licensure of practitioners in health profession subfields or
9 HEALTH PROFESSION specialty fields. The evaluation may cover
10 assessment of educational credentials, work experience and
11 related training, and administration of tests and examinations.

12 (d) Guidelines for utilization of, and standards of practice
13 for, licensees in health profession subfields or REGISTRANTS IN
14 HEALTH PROFESSION specialty fields.

15 Sec. 16174. (1) An individual who is licensed or registered
16 under this article shall meet all of the following requirements:

17 (a) Be 18 or more years of age.

18 (b) Be of good moral character.

19 (c) Have a specific education or experience in the health
20 profession or in a HEALTH PROFESSION subfield or HEALTH
21 PROFESSION specialty field of ~~a~~ THE health profession, or
22 training equivalent, or both, as prescribed by this article or
23 rules of a board necessary to promote safe and competent practice
24 and informed consumer choice.

25 (d) Have a working knowledge of the English language as
26 determined in accordance with minimum standards established for
27 that purpose by the department.

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

7

1 (e) Pay the appropriate fees as prescribed in this article.

2 (2) In addition to the requirements of subsection (1), an
3 applicant for licensure, registration, ~~or~~ specialty
4 certification, OR A HEALTH PROFESSION SPECIALTY SUBFIELD LICENSE
5 under this article shall meet all of the following requirements:

6 (a) Establish that disciplinary proceedings before a similar
7 licensure, registration, or specialty LICENSURE OR SPECIALTY cer-
8 tification board of this or any other state, of the United States
9 military, of the federal government, or of another country are
10 not pending against the applicant.

11 (b) Establish that if sanctions have been imposed against
12 the applicant by a similar licensure, registration, or specialty
13 LICENSURE OR SPECIALTY certification board of this or any other
14 state, of the United States military, of the federal government,
15 or of another country based upon grounds that are substantially
16 similar to those set forth in this article or article 7 or the
17 rules promulgated under this article or article 7, as determined
18 by the board or task force to which the applicant applies, the
19 sanctions are not in force at the time of application.

20 (c) File with the board or task force a written, signed con-
21 sent to the release of information regarding a disciplinary
22 investigation involving the applicant conducted by a similar
23 licensure, registration, or specialty LICENSURE OR SPECIALTY cer-
24 tification board of this or any other state, of the United States
25 military, of the federal government, or of another country.

26 (3) Before ~~licensing, registering, or certifying~~ GRANTING
27 A LICENSE, REGISTRATION, SPECIALTY CERTIFICATION, OR A HEALTH

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

8

1 PROFESSION SPECIALTY FIELD LICENSE TO an applicant, the board or
2 task force to which the applicant applies may do 1 of the
3 following:

4 (a) Make an independent inquiry into the applicant's compli-
5 ance with the requirements described in subsection (2). If a
6 licensure or registration board or task force determines under
7 subsection (2)(b) that sanctions have been imposed and are in
8 force at the time of application, the board or task force shall
9 not grant a license or registration or specialty certification OR
10 HEALTH PROFESSION SPECIALTY FIELD LICENSE to the applicant.

11 (b) Require the applicant to secure from a national associa-
12 tion or federation of state professional licensing boards certi-
13 fication of compliance with the requirements described in subsec-
14 tion (2).

15 (4) If, after issuing a license, registration, ~~or~~
16 SPECIALTY certification, OR HEALTH PROFESSION SPECIALTY FIELD
17 LICENSE, a board or task force or the department determines that
18 sanctions have been imposed against the licensee or registrant by
19 a similar licensure or registration or SPECIALTY LICENSURE OR
20 SPECIALTY certification board as described in subsection (2)(b),
21 the disciplinary subcommittee may impose appropriate sanctions
22 upon the licensee or registrant. The licensee or registrant may
23 request a show cause hearing before a hearing examiner to demon-
24 strate why the sanctions should not be imposed.

25 (5) An applicant for licensure, registration, ~~or~~ specialty
26 certification, OR A HEALTH PROFESSION SPECIALTY FIELD LICENSE who
27 is or has been licensed, registered, or certified in a health

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

9

1 profession or specialty by another state or country shall
2 disclose that fact on the application form.

3 Sec. 16186. (1) An individual who is licensed to practice a
4 health profession in another state or, until January 1, 2004, is
5 licensed to practice a health profession in a province of Canada,
6 who is registered in another state, or who holds A HEALTH PROFES-
7 SION SPECIALTY FIELD LICENSE OR specialty certification from
8 another state and who applies for licensure, registration, ~~or~~
9 specialty certification, OR A HEALTH PROFESSION SPECIALTY FIELD
10 LICENSE in this state may be granted an appropriate license or
11 registration or specialty certification OR HEALTH PROFESSION SPE-
12 CIALTY FIELD LICENSE upon satisfying the board or task force to
13 which the applicant applies as to all of the following:

14 (a) The applicant substantially meets the requirements of
15 this article and rules promulgated under this article for licen-
16 sure, registration, ~~or~~ specialty certification, OR A HEALTH
17 PROFESSION SPECIALTY FIELD LICENSE.

18 (b) Subject to subsection (3), the applicant is licensed,
19 registered, ~~or~~ SPECIALTY certified, OR SPECIALITY LICENSED in
20 another state or, until January 1, 2004, is licensed in a prov-
21 ince in Canada that maintains standards substantially equivalent
22 to those of this state.

23 (c) Subject to subsection (3), until January 1, 2004, if the
24 applicant is licensed to practice a health profession in a prov-
25 ince in Canada, the applicant completed the educational require-
26 ments in Canada or in the United States for licensure in Canada
27 or in the United States.

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

10

1 (d) Until January 1, 2004, if the applicant is licensed to
2 practice a health profession in a province in Canada, that the
3 applicant will perform the professional services for which he or
4 she bills in this state, and that any resulting request for third
5 party reimbursement will originate from the applicant's place of
6 employment in this state.

7 (2) Before ~~licensing, registering, certifying~~ GRANTING A
8 LICENSE, REGISTRATION, SPECIALTY CERTIFICATION, OR A HEALTH PRO-
9 FESSION SPECIALTY FIELD LICENSE TO the applicant, the board or
10 task force to which the applicant applies may require the appli-
11 cant to appear personally before it for an interview to evaluate
12 the applicant's relevant qualifications.

13 (3) For purposes of the 2002 amendatory act that added this
14 subsection, an applicant who is licensed in a province in Canada
15 who meets the requirements of subsection (1)(c) and takes and
16 passes a national examination in this country that is approved by
17 the appropriate Michigan licensing board, or who takes and passes
18 a Canadian national examination approved by the appropriate
19 Michigan licensing board, is considered to have met the require-
20 ments of subsection (1)(b). This subsection does not apply if
21 the department, in consultation with the appropriate licensing
22 board, promulgates a rule disallowing the use of this subsection
23 for an applicant licensed in a province in Canada.

24 Sec. 16226. (1) After finding the existence of 1 or more of
25 the grounds for disciplinary subcommittee action listed in sec-
26 tion 16221, a disciplinary subcommittee shall impose 1 or more of
27 the following sanctions for each violation:

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

11

1

2 Violations of Section 16221

Sanctions

3 Subdivision (a), (b)(ii),

Probation, limitation, denial,

4 (b)(iv), (b)(vi), or

suspension, revocation,

5 (b)(vii)

restitution, community service,

6

or fine.

7 Subdivision (b)(viii)

Revocation or denial.

8 Subdivision (b)(i),

Limitation, suspension,

9 (b)(iii), (b)(v),

revocation, denial,

10 (b)(ix),

probation, restitution,

11 (b)(x), or (b)(xi)

community service, or fine.

12 Subdivision (c)(i)

Denial, revocation, suspension,

13

probation, limitation, community

14

service, or fine.

15 Subdivision (c)(ii)

Denial, suspension, revocation,

16

restitution, community service,

17

or fine.

18 Subdivision (c)(iii)

Probation, denial, suspension,

19

revocation, restitution,

20

community service, or fine.

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

12

- 1 Subdivision (c)(iv) or
2 (d)(iii) Fine, probation, denial,
3 suspension, revocation, community
4 service, or restitution.
- 5 Subdivision (d)(i) Reprimand, fine, probation,
6 or (d)(ii) community service, denial,
7 or restitution.
- 8 Subdivision (e)(i) Reprimand, fine, probation,
9 limitation, suspension, community
10 service, denial, or restitution.
- 11 Subdivision (e)(ii) Reprimand, probation,
12 or ~~(h)~~ (I) suspension, restitution, commu-
13 nity service, denial, or fine.
- 14 Subdivision (e)(iii), Reprimand, fine, probation,
15 ~~or~~ (e)(iv), OR (E)(v) suspension, revocation, limita-
16 tion, community service, denial,
17 or restitution.
- 18 Subdivision ~~(f)~~ (G) Reprimand or fine.
- 19 Subdivision ~~(g)~~ (H) Reprimand, probation, denial,
20 suspension, revocation,

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

13

- 1 limitation, restitution,
2 community service, or fine.
- 3 Subdivision ~~(i)~~ (J) Suspension or fine.
- 4 Subdivision ~~(j), (o), or~~
5 ~~(q)~~ (K), (P), OR (R) Reprimand or fine.
- 6 Subdivision ~~(k)~~ (I) Reprimand, denial, or
7 limitation.
- 8 Subdivision ~~(l) or (n)~~
9 (M) OR (O) Denial, revocation, restitution,
10 probation, suspension, limita-
11 tion, reprimand, or fine.
- 12 Subdivision ~~(m)~~ (N) Revocation or denial.
- 13 Subdivision ~~(p)~~ (Q) Revocation.
- 14 (2) Determination of sanctions for violations under this
15 section shall be made by a disciplinary subcommittee. If, during
16 judicial review, the court of appeals determines that a final
17 decision or order of a disciplinary subcommittee prejudices sub-
18 stantial rights of the petitioner for 1 or more of the grounds
19 listed in section 106 of the administrative procedures act of
20 1969, 1969 PA 306, MCL 24.306, and holds that the final decision
21 or order is unlawful and is to be set aside, the court shall

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

14

1 state on the record the reasons for the holding and may remand
2 the case to the disciplinary subcommittee for further
3 consideration.

4 (3) A disciplinary subcommittee may impose a fine of up to,
5 but not exceeding, \$250,000.00 for a violation of
6 section 16221(a) or (b).

7 (4) A disciplinary subcommittee may require a licensee or
8 registrant or an applicant for licensure or registration who has
9 violated this article or article 7 or a rule promulgated under
10 this article or article 7 to satisfactorily complete an educa-
11 tional program, a training program, or a treatment program, a
12 mental, physical, or professional competence examination, or a
13 combination of those programs and examinations.

14 Sec. 16261. (1) ~~A person~~ AN INDIVIDUAL who is not
15 licensed or registered under this article shall not use an insig-
16 nia, title, or letter, or a word, letter, or phrase singly or in
17 combination, with or without qualifying words, letters, or
18 phrases, under a circumstance to induce the belief that the
19 ~~person~~ INDIVIDUAL is licensed or registered in this state, is
20 lawfully entitled in this state to engage in the practice of a
21 profession regulated by this article, or is otherwise in compli-
22 ance with this article.

23 (2) An individual shall not announce or hold himself or her-
24 self out to the public as limiting his or her practice to, as
25 being specially qualified in, or as giving particular attention
26 to a health profession specialty field for which a board issues a
27 specialty certification OR A HEALTH PROFESSION SPECIALTY FIELD

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

15

1 LICENSE, without first having obtained ~~a~~ THE specialty
2 certification OR HEALTH PROFESSION SPECIALTY field license.

3 Sec. 16323. Fees for ~~a person~~ AN INDIVIDUAL licensed or
4 seeking licensure to practice as a dentist, dental assistant, or
5 dental hygienist under part 166 are as follows:

6 (a) Application processing fees:

7 (i) Dentist.....\$ 20.00

8 (ii) Dental assistant..... 10.00

9 (iii) Dental hygienist..... 15.00

10 (iv) ~~Dental~~ HEALTH PROFESSION specialty FIELD LICENSE
11 FOR A DENTIST..... 20.00

12 (b) Examination fees:

13 (i) Dental assistant's examination, complete..... 70.00

14 (ii) Dental assistant's examination, per part..... 35.00

15 (iii) ~~Dental~~ DENTIST'S HEALTH PROFESSION specialty
16 FIELD LICENSE examination, complete..... 300.00

17 (iv) ~~Dental~~ DENTIST'S HEALTH PROFESSION specialty
18 FIELD LICENSE examination, per part..... 100.00

19 (c) License fees, per year:

20 (i) Dentist..... 90.00

21 (ii) Dental assistant..... 10.00

22 (iii) Dental hygienist..... 20.00

23 (iv) ~~Dental~~ DENTIST'S HEALTH PROFESSION specialty
24 FIELD LICENSE..... 15.00

25 (d) Temporary license fees:

26 (i) Dentist..... 20.00

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

16

1	(ii) Dental assistant.....	5.00
2	(iii) Dental hygienist.....	10.00
3	(e) Limited license fee, per year:	
4	(i) Dentist.....	25.00
5	(ii) Dental assistant.....	5.00
6	(iii) Dental Hygienist.....	10.00
7	(f) Examination review fees:	
8	(i) Dental preclinical or DENTIST'S HEALTH PROFESSION	
9	specialty FIELD LICENSE.....	50.00
10	(ii) Dental assistant.....	20.00
11	Sec. 16608. (1) The board may issue a health profession	
12	specialty certification FIELD LICENSE to a licensed dentist who	
13	has advanced training beyond that required for initial licensure	
14	and who has demonstrated competency through examination or other	
15	evaluative processes in 1 or more of the following HEALTH	
16	PROFESSION specialty fields: prosthodontics, endodontics, oral	
17	and maxillofacial surgery, orthodontics, pediatric dentistry,	
18	periodontics, or oral pathology. A LICENSED DENTIST WHO HOLDS A	
19	HEALTH PROFESSION SPECIALTY CERTIFICATION IN 1 OR MORE OF THE	
20	HEALTH PROFESSION SPECIALTY FIELDS LISTED IN THIS SUBSECTION ON	
21	THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED	
22	SUBSECTIONS (3) AND (4) IS CONSIDERED TO HOLD A HEALTH PROFESSION	
23	SPECIALTY FIELD LICENSE IN EACH OF THOSE HEALTH PROFESSION SPE-	
24	CIALTY FIELDS AND MAY OBTAIN RENEWAL OF EACH HEALTH PROFESSION	
25	SPECIALTY FIELD LICENSE ON THE EXPIRATION DATE OF THE SPECIALTY	
26	CERTIFICATION.	

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

17

1 (2) A health profession specialty ~~certification~~ FIELD
2 LICENSE issued pursuant to subsection (1) shall be renewed
3 concurrently with the license to practice dentistry.

4 (3) THIS SECTION DOES NOT PROHIBIT A LICENSED DENTIST WHO
5 HAS NOT BEEN ISSUED A HEALTH PROFESSION SPECIALTY FIELD LICENSE
6 UNDER SUBSECTION (1) FROM PERFORMING SERVICES IN 1 OR MORE OF THE
7 HEALTH PROFESSION SPECIALTY FIELDS LISTED IN SUBSECTION (1).

8 (4) FOR PURPOSES OF THE ADMINISTRATION OF THE GENERAL RULES
9 OF THE BOARD OF DENTISTRY IN THE MICHIGAN ADMINISTRATIVE CODE, A
10 REFERENCE TO SPECIALTY CERTIFICATION IS A REFERENCE TO A HEALTH
11 PROFESSION SPECIALTY FIELD LICENSE.

12 Sec. 17031. (1) Except as provided in subsection (2), an
13 applicant, in addition to completing the requirements for the
14 degree in medicine, shall complete a period of postgraduate edu-
15 cation to attain proficiency in the practice of the profession,
16 as prescribed by the board in rules, as a condition for more than
17 limited licensure.

18 (2) The board may grant a full license to practice medicine
19 to an applicant who has completed the requirements for a degree
20 in medicine at a medical school located outside the United States
21 or Canada if the applicant demonstrates to the board all of the
22 following:

23 (a) That the applicant has engaged in the practice of medi-
24 cine for not less than 10 years after completing the requirements
25 for a degree in medicine.

26 (b) That the applicant has completed not less than 3 years
27 of postgraduate clinical training in an institution that has an

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

18

1 affiliation with a medical school that is listed in a directory
2 of medical schools published by the world health organization as
3 approved by the board.

4 (c) That the applicant has achieved a score determined by
5 the board to be a passing score on ~~either of the following:~~

6 ~~(i) The special purpose examination developed by the~~
7 ~~national board of medical examiners for the federation of state~~
8 ~~medical boards or, if the special purpose examination is no~~
9 ~~longer available for administration to applicants, then a board~~
10 ~~approved cognitive examination designed to assess current compe-~~
11 ~~tence for general, undifferentiated medical practice by physi-~~
12 ~~cians who hold or have held a license to practice medicine in~~
13 ~~another jurisdiction.~~

14 ~~(ii) An~~ AN initial medical licensure examination approved
15 by the board.

16 (d) That the applicant has safely and competently practiced
17 medicine under a clinical academic limited license granted by the
18 board under this article for 1 or more academic institutions
19 located in this state for not less than the 2 years immediately
20 preceding the date of application for a license under this sub-
21 section, during which time the applicant functioned not less than
22 800 hours per year in the observation and treatment of patients.

23 (3) An applicant under subsection (2) shall file with the
24 board a written statement from each academic institution upon
25 which the applicant relies to satisfy subsection (2)(d). The
26 statement shall indicate, at a minimum, that the applicant
27 functioned for the academic institution in the observation and

HB 6333, As Passed Senate, December 11, 2002

House Bill No. 6333

19

1 treatment of patients not less than 800 hours per year and that
2 in so doing the applicant practiced medicine safely and
3 competently. A person who in good faith makes a written state-
4 ment that is filed under this subsection is not civilly or crimi-
5 nally liable for that statement. There is a rebuttable presump-
6 tion that a person who makes a written statement that is filed
7 under this subsection has done so in good faith.