

HOUSE BILL NO. 5613

March 20, 2024, Introduced by Reps. Farhat, Meerman, Hood, Borton and Bierlein and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17012 and 17031 (MCL 333.17012 and 333.17031), section 17031 as amended by 2018 PA 463, and by adding section 17012a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17012. (1) An individual shall not engage in postgraduate
2 medical study which requires the practice of medicine by that
3 individual without a full, ~~or~~-limited, **or temporary** license to

1 practice under this part.

2 (2) ~~A~~**An individual who is granted a** limited license ~~for a~~
3 ~~postgraduate shall require that the individual confine his or her~~
4 **for a postgraduate education residency program approved by the**
5 **board shall confine the individual's** practice and training to a
6 hospital or institution approved by the board for the training. The
7 hospital or institution is responsible for the training. A limited
8 license for a postgraduate **education residency program that is**
9 **granted under this subsection** is renewable for not more than 5
10 years.

11 **Sec. 17012a. (1) The board may grant a temporary license to**
12 **engage in the practice of medicine to an applicant if the applicant**
13 **demonstrates all of the following to the board:**

14 (a) The applicant has completed the requirements for a degree
15 in medicine at a medical school that is located outside the United
16 States or Canada and that is recognized by the World Health
17 Organization or an equivalent organization as determined by the
18 board.

19 (b) The applicant was authorized to practice medicine in a
20 country other than the United States or Canada and practiced
21 medicine in that country for not less than 1 year.

22 (c) The applicant has a certification issued by the
23 Educational Commission for Foreign Medical Graduates or an
24 equivalent certification as determined by the board. The board may
25 waive the certification requirement described in this subdivision
26 if the applicant demonstrates to the satisfaction of the board that
27 the applicant is unable to obtain the required documentation from a
28 noncooperating country.

29 (d) The applicant has successfully completed step 1 and step 2

1 of the United States Medical Licensing Examination or an equivalent
2 medical licensure examination as determined by the board.

3 (e) Subject to subsection (2), the applicant has entered into
4 an agreement with a participating facility for full-time employment
5 under the supervision of a physician who is fully licensed under
6 this part.

7 (f) The applicant meets any other requirement established by
8 the board.

9 (2) The agreement required under subsection (1) must require
10 the participating facility to assess and evaluate the applicant's
11 nonclinical skills and other skills that the board considers
12 appropriate to the practice of medicine in this state, according to
13 evaluation criteria developed or approved by the board. An
14 applicant seeking a temporary license under this section shall
15 obtain a temporary license before beginning the supervised
16 employment experience. A temporary license granted under this
17 section is valid for 2 years and is renewable only once.

18 (3) The board may grant a limited license to engage in the
19 practice of medicine to an applicant who holds a temporary license
20 under subsection (1) if the applicant demonstrates all of the
21 following to the board:

22 (a) The applicant has held the temporary license for 2 years.

23 (b) The applicant has successfully completed step 3 of the
24 United States Medical Licensing Examination or an equivalent
25 medical licensure examination as determined by the board.

26 (c) The applicant has the nonclinical and other skills that
27 the board considers appropriate to the practice of medicine in this
28 state, based on a participating facility's assessment and
29 evaluation of the applicant under subsection (2).

1 (4) An individual who is granted a limited license under
 2 subsection (3) may engage in the practice of medicine without the
 3 supervision of a physician who is fully licensed under this part,
 4 but the individual shall confine the individual's practice to a
 5 medically underserved area of this state that is designated by the
 6 board. A limited license that is granted under this section is
 7 valid for 2 years and is renewable only once.

8 (5) As used in this section, "participating facility" means a
 9 federally qualified health center, a hospital licensed under
 10 article 17, or another facility that is approved by the board.

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

17 (2) The board may grant a full license to practice medicine to
 18 an applicant who has completed the requirements for a degree in
 19 medicine at a medical school located outside the United States or
 20 Canada if, except as provided in subsection (4), the applicant
 21 demonstrates to the board ~~all~~¹ of the following:

22 (a) That the applicant has **met all of the following**:

23 (i) **The applicant has** engaged in the practice of medicine for
 24 not less than 10 years after completing the requirements for a
 25 degree in medicine.

26 (ii) ~~(b) That the~~**The** applicant has completed not less than 3
 27 years of postgraduate clinical training in an institution that has
 28 an affiliation with a medical school that is listed in a directory
 29 of medical schools published by the World Health Organization as

1 approved by the board.

2 **(iii)** ~~(c) That the~~**The** applicant has achieved a score determined
3 by the board to be a passing score on an initial medical licensure
4 examination approved by the board.

5 **(iv)** ~~(d) That the~~**The** applicant has safely and competently
6 practiced medicine under a clinical academic limited license
7 granted by the board under this article for 1 or more academic
8 institutions located in this state for not less than the 2 years
9 immediately preceding the date of application for a license under
10 this ~~subsection,~~**subdivision**, during which time the applicant
11 functioned not less than 800 hours per year in the observation and
12 treatment of patients.

13 **(b) That the applicant has safely and competently practiced**
14 **medicine under a limited license granted under section 17012a for**
15 **not less than 2 years immediately preceding the date of the**
16 **application for a license under this subdivision.**

17 (3) An applicant who is required to meet the requirements of
18 subsection ~~(2) (d)~~**(2) (a) (iv)** shall file with the board a written
19 statement from each academic institution upon which the applicant
20 relies to satisfy that subsection. The statement ~~shall~~**must**
21 indicate, at a minimum, that the applicant functioned for the
22 academic institution in the observation and treatment of patients
23 not less than 800 hours per year and that in so doing the applicant
24 practiced medicine safely and competently. A person who in good
25 faith makes a written statement that is filed under this subsection
26 is not civilly or criminally liable for that statement. There is a
27 rebuttable presumption that a person who makes a written statement
28 that is filed under this subsection has done so in good faith.

29 (4) Subsection ~~(2) (c) and (d)~~**(2) (a) (iii) and (iv)** do not apply

1 to an applicant who was granted a clinical academic limited license
2 after January 1, 2011 but before January 1, 2017 and who has
3 continuously held a license to practice medicine from ~~the effective~~
4 ~~date of the amendatory act that added this subsection~~ **March 27,**
5 **2019** through the date of application for a full license under
6 subsection ~~(2)~~. **(2) (a)** .

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. _____ or House Bill No. 5612 (request no.
9 05026'23) of the 102nd Legislature is enacted into law.