SENATE BILL 1406

AN ACT

AMENDING TITLE 32, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1440; RELATING TO MEDICAL LICENSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 13, article 2, Arizona Revised Statutes, is amended by adding section 32-1440, to read:

32-1440. International medical licensees; provisional licensure; fees; renewal; rules; conversion to full licensure; disciplinary actions; definitions

A. NOTWITHSTANDING ANY OTHER LAW, THE BOARD MAY GRANT A PROVISIONAL LICENSE TO ENGAGE IN THE PRACTICE OF MEDICINE IN THIS STATE TO ANY INTERNATIONAL MEDICAL LICENSEE WHO MEETS ALL OF THE FOLLOWING:

1. HAS AN OFFER FOR EMPLOYMENT AS A PHYSICIAN AT ANY HEALTH CARE PROVIDER THAT OPERATES IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION PERSONS.

2. HAS A FEDERAL IMMIGRATION STATUS THAT ALLOWS THE PERSON TO WORK AS A PHYSICIAN IN THE UNITED STATES.

3. MEETS THE REQUIREMENTS FOR LICENSURE PRESCRIBED EITHER:
   (a) IN SECTION 32-1422, EXCEPT FOR SECTION 32-1422, SUBSECTION A, PARAGRAPH 2, AND, IF APPLICABLE, SECTION 32-1423, PARAGRAPHS 1 AND 2.
   (b) IN SECTION 32-1822, EXCEPT FOR SECTION 32-1822, SUBSECTION A, PARAGRAPHS 3 AND 4.

B. THE BOARD BY RULE MAY ESTABLISH LICENSING AND RENEWAL FEES FOR PROVISIONAL LICENSEES. A PROVISIONAL LICENSE SHALL BE RENEWED ANNUALLY. THE INTERNATIONAL MEDICAL LICENSEE SHALL DO BOTH OF THE FOLLOWING:

1. WHILE LICENSED PURSUANT TO THIS SECTION, WORK UNDER THE SUPERVISION OF A PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE. THE BOARD SHALL ADOPT RULES RELATING TO THIS SUPERVISION REQUIREMENT, INCLUDING REQUIREMENTS TO SUBMIT THE SUPERVISION AGREEMENT TO THE BOARD, MAKE REPORTS TO THE BOARD AND OBTAIN MEDICAL MALPRACTICE LIABILITY INSURANCE AND REQUIREMENTS REGARDING HEALTH INSURANCE COVERAGE AND PROCEDURES FOR FAILURE TO ADHERE TO THE TERMS OF THE SUPERVISION AGREEMENT.

2. COMPLY WITH THE CONTINUING EDUCATION REQUIREMENTS REQUIRED UNDER THIS CHAPTER AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

C. THE INTERNATIONAL MEDICAL LICENSEE'S EMPLOYER SHALL NOTIFY THE BOARD IF THE INTERNATIONAL MEDICAL LICENSEE IS TERMINATED OR LEAVES EMPLOYMENT FOR ANY REASON. WITHIN FIVE DAYS AFTER RECEIVING THE NOTIFICATION FROM THE EMPLOYER, THE BOARD SHALL TERMINATE THE PROVISIONAL LICENSE UNLESS THE INTERNATIONAL MEDICAL LICENSEE NOTIFIES THE BOARD THAT THE INTERNATIONAL MEDICAL LICENSEE IS WORKING FOR ANOTHER EMPLOYER IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION PERSONS AND THE NEW EMPLOYER NOTIFIES THE BOARD THAT THE LICENSEE HAS ACCEPTED AN OFFER OF EMPLOYMENT. THE NEW EMPLOYER SHALL COMPLY WITH BOARD RULES RELATED TO ISSUING A NEW SUPERVISION AGREEMENT.
D. An employer of an international medical licensee may require the licensee to take a competency test at anytime during employment.

E. The board may discipline a provisional licensee or revoke a provisional license granted pursuant to this section based on clear and convincing evidence after an investigation conducted pursuant to Section 32-1451. A provisional licensee may appeal the revocation of the provisional license to the superior court in Maricopa County pursuant to Title 12, Chapter 7, Article 6. The court shall reinstate the provisional license if the court finds that the board's actions did not meet the standards prescribed in this subsection.

F. A provisional license shall automatically be converted to a full license to practice medicine in this state after four years if the provisional licensee meets all of the following:
   1. Engages in the practice of medicine in this state for four years in a county with a population of less than one million persons.
   2. Is not disciplined by the board during that four-year period of the provisional license.
   3. The provisional licensee's supervising physician with whom there was a supervision agreement submits a signed attestation to the board certifying that it is the supervising physician's professional opinion that the provisional licensee meets this state's standards for providing medical care. The board shall adopt rules related to the format and submission requirements for this attestation document.

G. This section does not require the board to grant a provisional license to an international medical licensee who does not provide all of the following:
   1. Evidence of substantially similar medical training as that required by this state.
   2. Evidence of satisfactory passage of exams.
   3. A complete license application.
   4. Payment of all required licensing fees.
   5. Satisfactory proof of a federal immigration status that allows the individual to work as a physician in the United States.

H. The board may require an applicant international medical licensee to submit any necessary supporting application materials so that the board may properly evaluate the applicant for licensure.

I. The board may require an applicant international medical licensee, at the applicant's expense, to submit medical education information through the Educational Commission for Foreign Medical Graduates or another third-party records service.
J. FOR THE PURPOSES OF THIS SECTION:

1. "BOARD" MEANS THE ARIZONA MEDICAL BOARD OR THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY, AS APPLICABLE.

2. "HEALTH CARE PROVIDER":
(a) MEANS AN INDIVIDUAL, ENTITY, CORPORATION, PERSON OR
ORGANIZATION, WHETHER FOR-PROFIT OR NONPROFIT, THAT FURNISHES, BILLS FOR
OR IS PAID FOR HEALTH CARE PROCEDURES OR SERVICE DELIVERY IN THE NORMAL
COURSE OF BUSINESS.
(b) INCLUDES HEALTH SYSTEMS, HOSPITALS, HOSPITAL-BASED FACILITIES,
FREESTANDING EMERGENCY FACILITIES AND URGENT CARE CLINICS.

3. "INTERNATIONAL MEDICAL LICENSEE " MEANS AN INDIVIDUAL WHO MEETS
ALL OF THE FOLLOWING REQUIREMENTS:
(a) HAS BEEN GRANTED A MEDICAL DOCTORATE OR A SUBSTANTIALLY SIMILAR
DEGREE BY AN INTERNATIONAL MEDICAL PROGRAM OF GOOD STANDING.
(b) HAS COMPLETED A RESIDENCY OR SUBSTANTIALLY SIMILAR POSTGRADUATE
MEDICAL TRAINING RECOGNIZED BY THE LICENSING BODY OF THE COUNTRY WHERE THE
INDIVIDUAL IS LICENSED.
(c) POSSESS基本 FLUENCY IN THE ENGLISH LANGUAGE AT A LEVEL
SUFFICIENT TO COMMUNICATE WITH PATIENTS ABOUT MEDICAL CONDITIONS AND
TREATMENTS.
(d) HAS BEEN LICENSED TO PRACTICE MEDICINE WITHIN THE PRECEDING
FIVE YEARS IN ONE OR MORE OF THE FOLLOWING:
(i) AUSTRALIA.
(ii) CANADA.
(iii) HONG KONG.
(iv) IRELAND.
(v) ISRAEL.
(vi) NEW ZEALAND.
(vii) SINGAPORE.
(viii) SOUTH AFRICA.
(ix) SWITZERLAND.
(x) THE UNITED KINGDOM.
(xi) ANY ADDITIONAL COUNTRY ADDED BY THE BOARD.
(e) HAS PRACTICED MEDICINE IN THE LICENSING COUNTRY FOR AT LEAST
FIVE YEARS AFTER COMPLETING THE POSTGRADUATE TRAINING REQUIRED IN
SUBDIVISION (b) OF THIS PARAGRAPH.

4. "INTERNATIONAL MEDICAL PROGRAM" MEANS ANY MEDICAL SCHOOL,
RESIDENCY PROGRAM, MEDICAL INTERNSHIP PROGRAM OR ENTITY THAT PROVIDES
PHYSICIANS WITH A MEDICAL EDUCATION OR TRAINING THAT IS SUBSTANTIALLY
SIMILAR TO THAT REQUIRED TO PRACTICE AS A PHYSICIAN IN THIS STATE.

5. "PHYSICIAN" MEANS AN INDIVIDUAL WHO HAS OBTAINED A MEDICAL
DOCTORATE OR A SUBSTANTIALLY SIMILAR DEGREE AND WHO HAS COMPLETED A
RESIDENCY PROGRAM OR SUBSTANTIALLY SIMILAR POSTGRADUATE MEDICAL TRAINING.
Sec. 2. Exemption from rulemaking
Notwithstanding any other law, for the purposes of this act, the Arizona medical board and the Arizona board of osteopathic examiners in medicine and surgery are exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act.

Sec. 3. Effective date
Section 32-1440, Arizona Revised Statutes, as added by this act, is effective from and after December 31, 2024.