

Senate Engrossed

international medical licensees; provisional licensure

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 32-1440. International medical licensees; provisional
5 licensure; fees; renewal; rules; conversion to
6 full licensure; disciplinary actions; definitions

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

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

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

15 3. MEETS THE REQUIREMENTS FOR LICENSURE PRESCRIBED EITHER:

16 (a) IN SECTION 32-1422, EXCEPT FOR SECTION 32-1422, SUBSECTION A,
17 PARAGRAPH 2, AND, IF APPLICABLE, SECTION 32-1423, PARAGRAPHS 1 AND 2.

18 (b) IN SECTION 32-1822, EXCEPT FOR SECTION 32-1822, SUBSECTION A,
19 PARAGRAPHS 3 AND 4.

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

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

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

33 C. THE INTERNATIONAL MEDICAL LICENSEE'S EMPLOYER SHALL NOTIFY THE
34 BOARD IF THE INTERNATIONAL MEDICAL LICENSEE IS TERMINATED OR LEAVES
35 EMPLOYMENT FOR ANY REASON. WITHIN FIVE DAYS AFTER RECEIVING THE
36 NOTIFICATION FROM THE EMPLOYER, THE BOARD SHALL TERMINATE THE PROVISIONAL
37 LICENSE UNLESS THE INTERNATIONAL MEDICAL LICENSEE NOTIFIES THE BOARD THAT
38 THE INTERNATIONAL MEDICAL LICENSEE IS WORKING FOR ANOTHER EMPLOYER IN A
39 COUNTY WITH A POPULATION OF LESS THAN ONE MILLION PERSONS AND THE NEW
40 EMPLOYER NOTIFIES THE BOARD THAT THE LICENSEE HAS ACCEPTED AN OFFER OF
41 EMPLOYMENT. THE NEW EMPLOYER SHALL COMPLY WITH BOARD RULES RELATED TO
42 ISSUING A NEW SUPERVISION AGREEMENT.

1 D. AN EMPLOYER OF AN INTERNATIONAL MEDICAL LICENSEE MAY REQUIRE THE
2 LICENSEE TO TAKE A COMPETENCY TEST AT ANYTIME DURING EMPLOYMENT.

3 E. THE BOARD MAY DISCIPLINE A PROVISIONAL LICENSEE OR REVOKE A
4 PROVISIONAL LICENSE GRANTED PURSUANT TO THIS SECTION BASED ON CLEAR AND
5 CONVINCING EVIDENCE AFTER AN INVESTIGATION CONDUCTED PURSUANT TO SECTION
6 32-1451. A PROVISIONAL LICENSEE MAY APPEAL THE REVOCATION OF THE
7 PROVISIONAL LICENSE TO THE SUPERIOR COURT IN MARICOPA COUNTY PURSUANT TO
8 TITLE 12, CHAPTER 7, ARTICLE 6. THE COURT SHALL REINSTATE THE PROVISIONAL
9 LICENSE IF THE COURT FINDS THAT THE BOARD'S ACTIONS DID NOT MEET THE
10 STANDARDS PRESCRIBED IN THIS SUBSECTION.

11 F. A PROVISIONAL LICENSE SHALL AUTOMATICALLY BE CONVERTED TO A FULL
12 LICENSE TO PRACTICE MEDICINE IN THIS STATE AFTER FOUR YEARS IF THE
13 PROVISIONAL LICENSEE MEETS ALL OF THE FOLLOWING:

14 1. ENGAGES IN THE PRACTICE OF MEDICINE IN THIS STATE FOR FOUR YEARS
15 IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION PERSONS.

16 2. IS NOT DISCIPLINED BY THE BOARD DURING THAT FOUR-YEAR PERIOD OF
17 THE PROVISIONAL LICENSE.

18 3. THE PROVISIONAL LICENSEE'S SUPERVISING PHYSICIAN WITH WHOM THERE
19 WAS A SUPERVISION AGREEMENT SUBMITS A SIGNED ATTESTATION TO THE BOARD
20 CERTIFYING THAT IT IS THE SUPERVISING PHYSICIAN'S PROFESSIONAL OPINION
21 THAT THE PROVISIONAL LICENSEE MEETS THIS STATE'S STANDARDS FOR PROVIDING
22 MEDICAL CARE. THE BOARD SHALL ADOPT RULES RELATED TO THE FORMAT AND
23 SUBMISSION REQUIREMENTS FOR THIS ATTESTATION DOCUMENT.

24 G. THIS SECTION DOES NOT REQUIRE THE BOARD TO GRANT A PROVISIONAL
25 LICENSE TO AN INTERNATIONAL MEDICAL LICENSEE WHO DOES NOT PROVIDE ALL OF
26 THE FOLLOWING:

27 1. EVIDENCE OF SUBSTANTIALLY SIMILAR MEDICAL TRAINING AS THAT
28 REQUIRED BY THIS STATE.

29 2. EVIDENCE OF SATISFACTORY PASSAGE OF EXAMS.

30 3. A COMPLETE LICENSE APPLICATION.

31 4. PAYMENT OF ALL REQUIRED LICENSING FEES.

32 5. SATISFACTORY PROOF OF A FEDERAL IMMIGRATION STATUS THAT ALLOWS
33 THE INDIVIDUAL TO WORK AS A PHYSICIAN IN THE UNITED STATES.

34 H. THE BOARD MAY REQUIRE AN APPLICANT INTERNATIONAL MEDICAL
35 LICENSEE TO SUBMIT ANY NECESSARY SUPPORTING APPLICATION MATERIALS SO THAT
36 THE BOARD MAY PROPERLY EVALUATE THE APPLICANT FOR LICENSURE.

37 I. THE BOARD MAY REQUIRE AN APPLICANT INTERNATIONAL MEDICAL
38 LICENSEE, AT THE APPLICANT'S EXPENSE, TO SUBMIT MEDICAL EDUCATION
39 INFORMATION THROUGH THE EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL
40 GRADUATES OR ANOTHER THIRD-PARTY RECORDS SERVICE.

1 J. FOR THE PURPOSES OF THIS SECTION:
2 1. "BOARD" MEANS THE ARIZONA MEDICAL BOARD OR THE ARIZONA BOARD OF
3 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY, AS APPLICABLE.
4 2. "HEALTH CARE PROVIDER":
5 (a) MEANS AN INDIVIDUAL, ENTITY, CORPORATION, PERSON OR
6 ORGANIZATION, WHETHER FOR-PROFIT OR NONPROFIT, THAT FURNISHES, BILLS FOR
7 OR IS PAID FOR HEALTH CARE PROCEDURES OR SERVICE DELIVERY IN THE NORMAL
8 COURSE OF BUSINESS.
9 (b) INCLUDES HEALTH SYSTEMS, HOSPITALS, HOSPITAL-BASED FACILITIES,
10 FREESTANDING EMERGENCY FACILITIES AND URGENT CARE CLINICS.
11 3. "INTERNATIONAL MEDICAL LICENSEE " MEANS AN INDIVIDUAL WHO MEETS
12 ALL OF THE FOLLOWING REQUIREMENTS:
13 (a) HAS BEEN GRANTED A MEDICAL DOCTORATE OR A SUBSTANTIALLY SIMILAR
14 DEGREE BY AN INTERNATIONAL MEDICAL PROGRAM OF GOOD STANDING.
15 (b) HAS COMPLETED A RESIDENCY OR SUBSTANTIALLY SIMILAR POSTGRADUATE
16 MEDICAL TRAINING RECOGNIZED BY THE LICENSING BODY OF THE COUNTRY WHERE THE
17 INDIVIDUAL IS LICENSED.
18 (c) POSSESSES BASIC FLUENCY IN THE ENGLISH LANGUAGE AT A LEVEL
19 SUFFICIENT TO COMMUNICATE WITH PATIENTS ABOUT MEDICAL CONDITIONS AND
20 TREATMENTS.
21 (d) HAS BEEN LICENSED TO PRACTICE MEDICINE WITHIN THE PRECEDING
22 FIVE YEARS IN ONE OR MORE OF THE FOLLOWING:
23 (i) AUSTRALIA.
24 (ii) CANADA.
25 (iii) HONG KONG.
26 (iv) IRELAND.
27 (v) ISRAEL.
28 (vi) NEW ZEALAND.
29 (vii) SINGAPORE.
30 (viii) SOUTH AFRICA.
31 (ix) SWITZERLAND.
32 (x) THE UNITED KINGDOM.
33 (xi) ANY ADDITIONAL COUNTRY ADDED BY THE BOARD.
34 (e) HAS PRACTICED MEDICINE IN THE LICENSING COUNTRY FOR AT LEAST
35 FIVE YEARS AFTER COMPLETING THE POSTGRADUATE TRAINING REQUIRED IN
36 SUBDIVISION (b) OF THIS PARAGRAPH.
37 4. "INTERNATIONAL MEDICAL PROGRAM" MEANS ANY MEDICAL SCHOOL,
38 RESIDENCY PROGRAM, MEDICAL INTERNSHIP PROGRAM OR ENTITY THAT PROVIDES
39 PHYSICIANS WITH A MEDICAL EDUCATION OR TRAINING THAT IS SUBSTANTIALLY
40 SIMILAR TO THAT REQUIRED TO PRACTICE AS A PHYSICIAN IN THIS STATE.
41 5. "PHYSICIAN" MEANS AN INDIVIDUAL WHO HAS OBTAINED A MEDICAL
42 DOCTORATE OR A SUBSTANTIALLY SIMILAR DEGREE AND WHO HAS COMPLETED A
43 RESIDENCY PROGRAM OR SUBSTANTIALLY SIMILAR POSTGRADUATE MEDICAL TRAINING.

1 Sec. 2. Exemption from rulemaking

2 Notwithstanding any other law, for the purposes of this act, the
3 Arizona medical board and the Arizona board of osteopathic examiners in
4 medicine and surgery are exempt from the rulemaking requirements of title
5 41, chapter 6, Arizona Revised Statutes, for one year after the effective
6 date of this act.

7 Sec. 3. Effective date

8 Section 32-1440, Arizona Revised Statutes, as added by this act, is
9 effective from and after December 31, 2024.