

Introduced by

Senators Roers, Davison, Mathern

Representatives McLeod, Schreiber-Beck, Beltz

1 A BILL for an Act to create and enact chapter 43-17.6 of the North Dakota Century Code,
2 relating to the licensure of international physicians.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 43-17.6 of the North Dakota Century Code is created and enacted as
5 follows:

6 **43-17.6-01. Definitions.**

7 As used in this chapter:

8 1. "Board" means the state board of medicine.

9 2. "Health care provider" means a person who:

10 a. Furnishes, bills, or is paid for health care procedures or services in the normal
11 course of business; and

12 b. Includes health systems, hospitals, hospital-based facilities, freestanding
13 emergency facilities, and urgent care clinics.

14 3. "International medical program" means any medical school, residency program,
15 medical internship program, or entity that:

16 a. Provides physicians with medical education or training eligible for certification by
17 the educational commission on foreign medical graduates; or

18 b. Is substantially similar to the medical education or training required by the board
19 for licensure in this state.

20 4. "International physician" means an individual who:

21 a. Has been granted a medical doctorate or substantially similar degree by a
22 domestic or international medical program in good standing;

23 b. Maintained good standing with the medial licensing authority of the licensing
24 country within the previous five years without pending disciplinary action;

- 1 c. Completed either:
- 2 (1) A residency or substantially similar postgraduate medical training program;
- 3 or
- 4 (2) Seven years of practice as a medical professional performing physician
- 5 duties in the licensing country after completing a medical doctorate;
- 6 d. Practiced medicine as a fully licensed or authorized physician in the licensing
- 7 country after completing the requirements under subdivision c;
- 8 e. Obtained certification by the educational council for foreign medical graduates or
- 9 a successor organization approved by the board;
- 10 f. Passed all three steps of the United States medical licensing examination; and
- 11 g. Demonstrates English language proficiency.
- 12 5. "Physician" means an individual who has obtained a medical doctorate or a
- 13 substantially similar degree and is licensed inside or outside the United States.
- 14 **43-17.6-02. Provisional licensure program.**
- 15 1. The board shall grant a provisional license to practice medicine to any international
- 16 physician who:
- 17 a. Has an offer of employment from a health care provider operating in this state;
- 18 b. Is eligible to obtain appropriate federal immigration status for medical practice;
- 19 c. Passes the United States medical licensing examination;
- 20 d. Meets all other requirements under subsection 4 of section 43-17.6-01; and
- 21 e. Completes the required application and pays applicable fees.
- 22 2. The board may revoke a provisional license if:
- 23 a. The physician ceases employment with a health care provider in this state, during
- 24 the provisional period; or
- 25 b. Clear and convincing evidence shows the physician violated the medical, safety,
- 26 competency, or conduct standards of this state.
- 27 3. An appeal of a provisional license revocation:
- 28 a. Must be filed with the district court within one hundred twenty days of revocation;
- 29 b. Must follow the procedures established in chapter 28-32; and
- 30 c. Must result in license reinstatement if the court finds the board's actions did not
- 31 meet the standards under subsection 2.

1 4. A provisional license converts to a full medical license automatically after three years
2 of active practice in this state.

3 **43-17.6-03. Additional provisions.**

4 1. The board may:

5 a. Verify training equivalency;

6 b. Review examination results;

7 c. Conduct background investigations;

8 d. Require complete license applications; and

9 e. Collect necessary fees.

10 2. International physicians may:

11 a. Apply for provisional licensure before receiving federal work authorization but
12 may not begin practicing until federal work authorization is obtained; and

13 b. Obtain employment outside of the original sponsoring facility after receiving full
14 licensure.