

ASSEMBLY BILL

No. 359

**Introduced by Assembly Member Cooper
(Principal coauthor: Assembly Member Smith)**

February 1, 2021

An act to amend Section 2177 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as introduced, Cooper. Physicians and surgeons: licensure: examination.

Existing law, the Medical Practice Act, requires the Medical Board of California to issue a physician's and surgeon's certificate to a qualified applicant. Under the act, an applicant for a physician's and surgeon's certificate is required to include specified information in the application and to obtain a passing score on an entire examination or on each part of an examination. Existing law requires an applicant to obtain a passing score on all parts of Step 3 of the United States Medical Licensing Examination within not more than 4 attempts in order to be eligible for a certificate. Existing law provides an exception to the 4-attempt requirement for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state, and has held that license continuously for a minimum of 4 years prior to the date of application, meets certain postgraduate training requirements and is certified by a specialty board, and is not subject to specified licensure denials or disciplinary action.

This bill would eliminate the exception described above and would instead establish an exception for an applicant who holds an unrestricted

license as a physician and surgeon in another state, if the board makes prescribed determinations with regard to the applicant.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2177 of the Business and Professions
2 Code is amended to read:

3 2177. (a) A passing score is required for an entire examination
4 or for each part of an examination, as established by resolution of
5 the board.

6 (b) Applicants may elect to take the written examinations
7 conducted or accepted by the board in separate parts.

8 (c) (1) An applicant shall have obtained a passing score on all
9 parts of Step 3 of the United States Medical Licensing Examination
10 within not more than four attempts in order to be eligible for a
11 physician’s and surgeon’s certificate.

12 ~~(2) Notwithstanding paragraph (1), an applicant who obtains~~
13 ~~a passing score on all parts of Step 3 of the United States Medical~~
14 ~~Licensing Examination in more than four attempts and who meets~~
15 ~~the requirements of Section 2135.5 shall be eligible to be~~
16 ~~considered for issuance of a physician’s and surgeon’s certificate.~~

17 *(2) Paragraph (1) shall not apply to an applicant for a*
18 *physician’s and surgeon’s certificate who holds an unrestricted*
19 *license as a physician and surgeon in another state, if the board*
20 *determines that no disciplinary action has been taken against the*
21 *applicant by any medical licensing authority and that the applicant*
22 *has not been the subject of adverse judgments or settlements*
23 *resulting from the practice of medicine that the board determines*
24 *constitutes evidence of a pattern of negligence or incompetence.*

25 SEC. 2. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the California Constitution and shall
28 go into immediate effect. The facts constituting the necessity are:

29 California is currently in a declared state of emergency due to
30 the COVID-19 pandemic. This is alarming, as California has a
31 shortage of licensed physicians, as evidenced by the recent passage

1 of AB 890 in 2020, which removes the physician supervision
2 requirement for nurse practitioners, and the publication by the
3 Emergency Medical Services Authority of a memorandum
4 permitting physicians licensed in other states to practice medicine
5 in California.

6 To immediately increase the number of licensed medical doctors
7 (MDs) practicing in California, by adjusting the reciprocity statutes
8 that govern the entry of out-of-state MDs into our state, making
9 them consistent with the reciprocity statutes that already apply to
10 other independent, out-of-state health care practitioners, like
11 Doctors of Osteopathy, it is necessary for this act to take immediate
12 effect.

O