

SUBJECT: Extending deadlines for doctors to pass medical exams

COMMITTEE: Public Health — favorable, with amendment

VOTE: 7 ayes — Capelo, Laubenberg, Coleman, Dawson, McReynolds, Naishtat, Zedler

1 nay — Truitt

1 absent — Taylor

SENATE VOTE: On final passage, May 12 — 31-0

WITNESSES: *(On House companion bill, HB 2495:)*  
For — None

Against — None

On — Jaime Garanfio, Texas State Board of Medical Examiners

BACKGROUND: Occupations Code, sec. 155.051 requires that an applicant for a license to practice medicine in Texas must pass each part of an approved national exam within seven years of taking the first part of the exam. A graduate of a joint doctor of philosophy (Ph.D.)/doctor of medicine (M.D.) or Ph.D./doctor of osteopathy (D.O.) program must pass all parts of the national exam within two years of being awarded the M.D. or D.O. degree.

Sec. 155.156 requires that an applicant pass each part of the examination within three attempts to qualify for medical licensure. It makes an exception for a certified medical specialist with two additional years of postgraduate medical training in Texas who has passed all but one part of the exam within three attempts and passes the remaining part within five attempts.

The Board of Medical Examiners (BME) regulates the practice of medicine and reviews applications for licenses to practice medicine.

**DIGEST:** SB 787, as amended, would extend from seven to 10 years the time a medical license applicant would have to pass all three parts of a national medical exam. It would allow graduates of a joint Ph.D./M.D. or Ph.D./D.O. program two years from the time they completed postgraduate training to pass all three components of the national medical exam. An applicant who had passed all parts of a national exam could be granted a license if he or she was a member of the American Board of Medical Specialties, recognized by the Bureau of Osteopathic Specialists, or approved by BME following a hearing.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS SAY:** Some current state laws, though well-intentioned, inhibit qualified doctors from practicing in Texas. Medical licensing law in Texas is not consistent with the majority of other states and has resulted in the state losing highly qualified physicians who are specialists in their field. In several high-profile cases, leading physicians coming to Texas from the nation's most prestigious medical schools have been denied a license to practice medicine in Texas because of technicalities surrounding their initial exams. These physicians clearly were qualified to practice medicine, yet they were prevented from doing so by inappropriately restrictive statutes.

If a physician takes longer than seven years to pass the national medical exam, he or she cannot practice medicine in Texas, regardless of whether he or she has practiced medicine in another state for many years and is certified in advanced medical practice by a specialty board. Texas law makes no allowance for physicians who engage in advanced study, training, or other career-enhancing activities that take longer than seven years.

The problem is similar for joint degree graduates. Current law requires that they pass the national exam within two years of receiving a medical degree. However, most joint degree recipients engage in research and postgraduate training as a part of their academic requirements for at least two years after receiving the M.D. or D.O. degree. Many of these advanced-study physicians are not eligible to practice medicine in Texas because it is logistically very difficult to finish the exams while doing postgraduate work within two years of graduation.

One reason for the time frames in current law is to keep people from being licensed to practice medicine if they have been away from the field for a while. Some aspects of medical practice and medical technologies change so quickly that a medical school graduate's skill could become obsolete in only a few years if he or she is away from the field. From a public health and safety perspective, the state has an interest in keeping these people from being granted licenses to practice medicine. However, postgraduate training helps a person stay current with medical practice. Also, M.D.s and D.O.s who take longer than seven years are not necessarily away from the medical field. SB 787 would align Texas law with that of other states by allowing institutions to attract capable doctors from other regions, without disqualifying physicians because of arcane criteria relating to when they passed certifying exams.

In Texas, if an applicant does not pass the exam within three attempts, he or she is prohibited from receiving a medical license. It does not matter if the physician is board-certified in a specialty or otherwise accomplished in the advanced practice of medicine. In many states, specialty certification supersedes basic medical exams so that once the specialty has been achieved, regulators consider those qualifications rather than the applicant's performance on general examinations. SB 787 would help Texas follow those states' lead. This issue particularly affects doctors for whom English is a second language. It is common for those doctors to take the exams more than once because of the language barrier.

**OPPONENTS  
SAY:**

SB 787 would create an option for an applicant to receive a Texas license even if the applicant took longer than seven years to pass all parts of the exam and regardless of the number of times the exam was taken. This would diminish the high standards that Texans expect from their doctors. The number of times it takes an applicant to pass a national exam reflects his or her ability to retain information, an important skill in the practice of medicine. Thus, the applicant's performance on the exam bears on his or her ability to practice medicine. Current standards should be maintained.

For the same reasons, the seven-year examination period in current statute should not be changed to 10 years. Doing so would allow a medical school graduate who had not studied medicine for years to obtain a license to practice medicine. Such a change would not be in the best interest of Texans' health.

**NOTES:**

The committee amendment to the Senate engrossed version would add a provision intended to allow an applicant who had passed all parts of a national exam to be granted a license if the applicant was a member of the American Board of Medical Specialties, recognized by the Bureau of Osteopathic Specialists, or approved by BME following a hearing.

The sponsor intends to offer a floor amendment to remove the provision that would extend from seven to 10 the number of years an applicant would have to pass all parts of a national exam.

The companion bill, HB 2495 by Branch, was considered in a public hearing by the House Public Health Committee on April 30 and left pending.