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Assembly Bill No. 359

CHAPTER 612

An act to amend Section 2177 of, and to add Section 2190.15 to, the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 07, 2021. Filed with Secretary of State October 07, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 359, 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 expand the exception described above to include an applicant who meets certain requirements, including holding an unlimited license as a physician and surgeon in another state, or in a Canadian province, issued as provided, holding an unrestricted license to practice medicine in a state, in a Canadian province, or as a member of the active military, United States Public Health Services, or other federal program for a period of at least 4 years, having satisfactorily completed specified postgraduate training, certification, and examination requirements, and not having been subject to specified licensure denials or disciplinary action.

Existing law requires a physician and surgeon to demonstrate satisfaction of continuing education requirements and requires the board to adopt and administer standards for continuing education for licensees. Under existing law, these continuing medical education (CME) standards may be met by educational activities that meet the standards of the board and that serve to maintain, develop, or increase the knowledge, skills, and professional performance that a physician and surgeon uses to provide care, or to improve the quality of care provided to patients. Existing law specifically authorizes educational activities with specified content or curriculum. Existing law prohibits educational activities that are not directed toward the practice of medicine, or are directed primarily toward the business aspects of medical practice, from being deemed to meet the standards.

This bill, notwithstanding those provisions, would authorize a physician and surgeon to meet the CME standards through courses that satisfy specified criteria, including supporting educational methodology for physicians and

surgeons teaching in a medical school, if these courses do not together comprise more than 30% of the total hours of continuing medical education completed by a licensee to satisfy the continuing educational requirement established by the board.

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

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

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

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

(2) Notwithstanding paragraph (1), an applicant who obtains a passing score on all parts of Step 3 of the United States Medical Licensing Examination in more than four attempts and who meets the requirements of Section 2135 or 2135.5 shall be eligible to be considered for issuance of a physician's and surgeon's certificate.

SEC. 2. Section 2190.15 is added to the Business and Professions Code, to read:

2190.15. Notwithstanding Section 2190.1, a physician and surgeon may meet the continuing medical education standards in Section 2190 through continuing medical education courses that meet any of the criteria below, except that these courses shall not together comprise more than 30 percent of the total hours of continuing medical education completed by a licensee to satisfy the continuing educational requirement established by the board:

(a) Have practice management content designed to provide better service to patients, including, but not limited to, the use of technology or clinical office workflow.

(b) Have management content designed to support managing a health care facility, including, but not limited to, coding or reimbursement in a medical practice.

(c) Support educational methodology for physicians and surgeons teaching in a medical school.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

California is currently in a declared state of emergency due to the COVID-19 pandemic. This is alarming, as California has a shortage of licensed physicians and surgeons, as evidenced by the recent passage of AB 890 in 2020, which removes the physician supervision requirement for nurse practitioners, and the publication by the Emergency Medical Services Authority of a memorandum permitting physicians licensed in other states to practice medicine in California.

To immediately increase the number of licensed medical doctors (MDs) practicing in California as physicians and surgeons, by adjusting the reciprocity statutes that govern the entry of out-of-state MDs into our state, making them consistent with the reciprocity statutes that already apply to other independent, out-of-state health care practitioners, like Doctors of Osteopathy, and to expand continuing medical education course offerings for improved practice management, health care facility management, and medical school teaching as soon as possible, it is necessary for this act to take immediate effect.