

Report on Licensure of Physicians Enrolled in Postgraduate Training Programs

Federation of State Medical Boards of the United States, Inc.

The Federation of State Medical Boards of the United States accepted this report from the Legislative and Legal Advisory Committee as policy in April 1996.

In November 1994, the Legislative and Legal Advisory Committee (LLAC) met to discuss several issues referred for its consideration. Among those was a request that the committee review the status of resident licensure in the United States and make recommendations to state medical boards to strengthen the current system of monitoring and regulating physicians enrolled in postgraduate training programs.

As part of its study of resident licensure, the committee reviewed cases of problematic residents who were able to avoid disciplinary action for an extended period of time. The committee found that in these cases, certain factors existed which could be addressed by the role of state medical boards in the regulation of participants in medical postgraduate training programs. They were (a) exploitation of current, institution-based regulatory system by such residents, (b) a reluctance on the part of program directors to report cases of continuous or serious malfeasance by residents to state medical boards, (c) inconsistency among training institutions in credentials verification and background investigation procedures, and (d) a lack of minimum educational and examination requirements for physicians enrolled in postgraduate training programs that are standard among all states.

Section I. Current Regulation of Residents by State Medical Boards

The committee reviewed the resident licensing procedures currently practiced by state medical boards. It is the opinion of the LLAC that because residents are involved in patient care from the beginning of their training programs and given an increasing amount of autonomy as they progress, such physicians should be under the jurisdiction of the state medical board.

From a review of state medical board responses reported in the Federation's 1995-1996 *Exchange*(1,2), the committee found the following:

- a. Of the 63 state medical boards that reported to the *Exchange*, 13 require full licensure to be obtained before completion of the postgraduate training program.
- b. Of the remaining 50 boards, only 37 require a limited license or permit to participate in a postgraduate training program.
- c. Thus, 13 state medical boards reported having no process in place for the regulation and discipline of resident physicians until an application for full medical licensure is made.

For detailed information identifying the above-mentioned state medical boards, please see the chart titled [Attachment](#). (Three boards--Guam, Puerto Rico, and the Virgin Islands--did not respond.)

Current methods used by states to regulate physicians enrolled in postgraduate training programs include issuance of a limited license or permit directly to the resident by the medical board. This limited license or permit restricts the practice of medicine to solely within the residency program and brings the resident physician directly under the jurisdiction of the medical board. The second type of process involves an institutional permit in which a training institution is issued a permit allowing it to operate a postgraduate training program and to recruit, enroll, and train resident physicians. The institution is held responsible for reviewing the background, education, training, physical and mental capacity, and experience of individuals

employed as resident physicians. The program director of the training institution is also responsible for documenting the resident's progress and reporting to the medical board.

The following state medical boards reported in the Federation's *Exchange, Sections 1 and 2* that they use a limited licensure or permit process to regulate residents:

Alaska	Michigan-M	Pennsylvania-O
Arizona-M	Michigan-O	Rhode Island
California-M	Minnesota	South Carolina
Connecticut	Mississippi	South Dakota-M
Delaware	Missouri	South Dakota-O
Hawaii-M	Nebraska	Tennessee-M
Hawaii-O	Nevada	Tennessee-O
Illinois	New Hampshire	Utah-O
Indiana	New Jersey	Vermont-M
Iowa	New Mexico-O	Vermont-O
Kansas	North Carolina	Virginia
Kentucky	Ohio	Washington-M
Louisiana	Oklahoma-M	West Virginia-O
Maine-M	Oregon	Wisconsin
Massachusetts	Pennsylvania-M	

Texas is the only state that regulates resident physicians through the institutional permit process.

The following state medical boards reported to the *Exchange* that they have no authority to regulate resident physicians:

Alabama	Florida-O	New York
Arizona-O	Georgia	North Dakota
Arkansas	Idaho	Utah
Colorado	Maryland	Washington-O
District of Columbia	Montana	West Virginia-M
Florida-M	Nevada-O	Wyoming

Section II. Recommendations

The LLAC recommends that state medical boards develop mechanisms to allow resident physicians to be brought under the jurisdiction of the medical board. The committee believes that use of the term "permit" is preferred over the term "limited license," as the latter may imply that the individual has met a broader

scope of requirements or demonstrated a higher level of competency than resident physicians actually possess.

A. Definitions

The LLAC recommends that the following definitions be used in describing a permit process for resident physicians.

1. **Resident Physician Permit**--a permit issued by the Medical Board to a physician who is enrolled in a postgraduate training program deemed acceptable by the Board and who does not currently hold a full and unrestricted license within the state
2. **Resident**--a physician who is enrolled in a postgraduate training program accredited by the American Council for Graduate Medical Education, the American Osteopathic Association, or other programs recognized by the Board
3. **Fellow**--a physician who is enrolled in a postresidency fellowship program accredited by the American Council for Graduate Medical Education, the American Osteopathic Association, or other programs recognized by the board
4. **Training Institution**--an institution that conducts a postgraduate training program approved by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or other programs approved by the Board for the training of interns, residents, and postresidency fellows
5. **Program Director**--an individual who is responsible for screening, selecting, and supervising physicians enrolled in one or more of an institution's postgraduate training programs

B. Requirements for Resident Physician Permit

The LLAC recommends that applicants for a Resident Physician Permit satisfy the following requirements:

1. Submission of a signed application approved by the Board
2. Documentation which verifies:
 - o that the applicant has graduated from an accredited medical school recognized by the Medical Board
 - o certification by the Educational Commission for Foreign Medical Graduates, if the applicant is a graduate of a foreign medical school and has completed the examination requirements for such certification within the preceding seven years; and
 - o that the applicant has obtained a passing score on Steps 1 and 2 of the United States Medical Licensing Examination or Part 1 and 2 of the certifying examination administered by the National Board of Osteopathic Medical Examiners within the preceding seven years.
3. Enrollment in a residency program recognized by the state medical board
4. Verification that a background investigation, including acquisition of a photograph of the applicant certified by the dean of the medical school, was conducted and that the results proved satisfactory
5. Payment of an application fee.

C. Reporting Requirements for Program Directors

The LLAC recommends that state medical boards require an annual report from all program directors responsible for training residents. The report should be submitted at the completion of the program year and should contain the following information:

1. whether any disciplinary actions were taken against a resident physician in the postgraduate training program
2. whether a resident physician has failed to advance in the residency program for performance or behavioral reasons
3. whether a resident physician's practice has been placed on restriction by the program

4. director for performance or behavioral reasons
5. whether any resident physicians have been dismissed from the training program and the reasons for such dismissals
6. whether any resident physicians have resigned from the training program and the reasons for such resignations
7. whether any resident physician has been referred by the program director to a substance abuse program, unless the resident physician enrolls in an impaired physician program approved by the Board
8. whether any resident physician has left the program for any length of time in excess of two weeks and the reason
9. a list of resident physicians who are recommended for advancement to the next level of the postgraduate training program.

Failure to comply with the reporting requirements should be grounds for disciplinary action by the Medical Board against the program director. If the program director is not a physician licensed by the Medical Board, the training institution should be required to identify among its staff a licensed physician responsible for meeting the reporting requirements.

D. Restrictions Placed Upon Permit-Holders

The Resident Physician Permit should restrict the physician to the supervised practice of medicine within the confines of the training program. It should permit resident physicians to practice in facilities affiliated with the program only if such practice is part of the training program.

The committee believes that issuance of a permit to a physician enrolled in a postgraduate training program should not be construed to obligate the Board to issue the permit-holder a full and unrestricted license upon completion of the training program and that the applicant for the Resident Physician Permit should be required to affirm his understanding of this fact in writing.

E. Disciplinary Authority

The LLAC recommends that a resident physician holding a permit should be subject to the disciplinary provisions of the medical practice act, including unprofessional conduct. Any resulting disciplinary action taken against a resident physician should be reported to the Federation's Board Action Data Bank for inclusion in the physician's permanent file.

F. Renewal of Resident Physician Permit

The Resident Physician Permit should be renewed annually, and all information concerning the physician should be current at the time the permit is renewed.

Section III. Conclusion

It is the responsibility of state medical boards to regulate the delivery of health care provided by physicians who practice within their jurisdictions. The Legislative and Legal Advisory Committee believes that resident physicians do provide varying levels of unsupervised patient care and, therefore, should be subject to the authority of state medical boards. The recommendations contained in this report will assist state medical boards in fulfilling their role protecting the public through implementation of an effective system to monitor and regulate physicians enrolled in postgraduate training programs.

Section IV. References

1. 1995-1996 *Exchange, Section 1: USMLE and M.D. Licensing Requirements*. Eules, Tex: Federation of State Medical Boards of the US, Inc; 1995: Table 59, page 89.
 2. 1995-1996 *Exchange, Section 2: USMLE and D.O. Licensing Requirements*. Eules, Tex: Federation of State Medical Boards of the US, Inc; 1995: Table 49, page 73.
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Attachment

Licensure for Postgraduate Training Full License, or Special Permit

Alabama

no license required

Alaska

postresidency and internship permits

Arizona

postgraduate training permit

Arizona Osteo

no license required

Arkansas

no license required

California

full license (PGY 2 +)

California Osteo

full license (PGY 2 +)

Colorado

no license required

Connecticut

postgraduate training permit

Delaware

postgraduate training permit

District of Columbia

no license required

Florida

no license or permit, but registration required

Florida Osteo

no license, but registration required

Georgia

no license required

Guam

no information reported

Hawaii

postgraduate training permit

Idaho

no license or permit, but registration required

Illinois

full license required

Indiana

postgraduate training permit (PGY 1 +)

Iowa

*postgraduate training permit
(Resident Physician License)*

Kansas

postgraduate training permit

Kentucky**Nebraska**

*postgraduate training permit
(Temporary Training Permit)*

Nevada

limited license

Nevada Osteo

no license required

New Hampshire

*postgraduate training permit
(Training License)*

New Jersey

postgraduate training permit

New Mexico

no license required

New Mexico Osteo

postgraduate training permit

New York

no license required

North Carolina

postgraduate training permit

North Dakota

no license required

Ohio

postgraduate training permit

Oklahoma

postgraduate license

Oklahoma Osteo

full license required for PGY 2 +

Oregon

*full license required
(Limited License, Postgraduate)*

Pennsylvania

postgraduate training permit

Pennsylvania Osteo

postgraduate training permit

Puerto Rico

no information reported

Rhode Island

postgraduate training permit

South Carolina

*full license required
(Limited License, Postgraduate)*

South Dakota

*postgraduate permit
(Resident License)*

South Dakota Osteo

limited license

Tennessee

*full license required (PGY 2 +)
institutional limited license for
IMGs (PGY 2 +)*

Louisiana

*postgraduate training permit (PGY 1 +)
full license required (PGY 2 +)*

Maine

postgraduate training permit

Maine Osteo

postgraduate training permit (PGY 1)

Maryland

full license not required, registration required

Massachusetts

limited license

Michigan

*postgraduate training permit
(Educational Limited License)*

Michigan Osteo

postgraduate training permit

Minnesota

postgraduate training permit

Mississippi

*full license required (PGY 2 +)
temporary license for PGY 1
limited institutional license for IMGs*

Missouri

postgraduate training permit

Montana

no license required

*postgraduate training permit
(Special Training License)*

Texas

institutional permits

Utah

no license required

Vermont

*full license required
(Limited Temporary Permit)*

Virginia

postgraduate training permit

Virgin Islands

no information reported

Washington

limited license

Washington Osteo

no license required

West Virginia

no license required

West Virginia Osteo

*postgraduate training permit (PGY 1 +)
full license (PGY 2+)*

Wisconsin

full license required

Wyoming

no license required