

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 305
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 14, 2013, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1537S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 334.040, RSMo, and to enact in lieu thereof one new section relating to examination requirements for physicians.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 334.040, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 334.040, to read as follows:

334.040. 1. Except as provided in section 334.260, all persons desiring to
2 practice as physicians and surgeons in this state shall be examined as to their
3 fitness to engage in such practice by the board. All persons applying for
4 examination shall file a completed application with the board upon forms
5 furnished by the board.

6 2. The examination shall be sufficient to test the applicant's fitness to
7 practice as a physician and surgeon. The examination shall be conducted in such
8 a manner as to conceal the identity of the applicant until all examinations have
9 been scored. In all such examinations an average score of not less than
10 seventy-five percent is required to pass; provided, however, that the board may
11 require applicants to take the Federation Licensing Examination, also known as
12 FLEX, or the United States Medical Licensing Examination (USMLE). If the
13 FLEX examination is required, a weighted average score of no less than
14 seventy-five is required to pass. Scores from one test administration of the FLEX
15 shall not be combined or averaged with scores from other test administrations to
16 achieve a passing score. The passing score of the United States Medical
17 Licensing Examination shall be determined by the board through rule and
18 regulation. **Applicants graduating from a medical or osteopathic college,**
19 **as defined in section 334.031 prior to January 1, 1994, shall provide**
20 **proof of successful completion of the FLEX, USMLE, an exam**

21 administered by the National Board of Osteopathic Medical Examiners
22 (NBOME), a state board examination approved by the board,
23 compliance with subsection 2 of section 334.031, or compliance with 20
24 CSR 2150-2005. Applicants graduating from a medical or osteopathic
25 college, as defined in section 334.031 on or after January 1, 1994, must
26 provide proof of completion of the USMLE or an exam administered by
27 NBOME or provide proof of compliance with subsection 2 of section
28 334.031. The board shall not issue a permanent license as a physician and
29 surgeon or allow the Missouri state board examination to be administered to any
30 applicant who has failed to achieve a passing score within three attempts on
31 licensing examinations administered in one or more states or territories of the
32 United States, the District of Columbia or Canada. The steps one, two and three
33 of the United States Medical Licensing Examination shall be taken within a
34 seven-year period with no more than three attempts on any step of the
35 examination; however, the board may grant an extension of the seven-year period
36 if the applicant has obtained a MD/PhD degree in a program accredited by the
37 Liaison Committee on Medical Education (LCME) and a regional university
38 accrediting body or a DO/PhD degree accredited by the American Osteopathic
39 Association and a regional university accrediting body. The board may waive the
40 provisions of this section if the applicant is licensed to practice as a physician and
41 surgeon in another state of the United States, the District of Columbia or Canada
42 and the applicant has achieved a passing score on a licensing examination
43 administered in a state or territory of the United States or the District of
44 Columbia and no license issued to the applicant has been disciplined in any state
45 or territory of the United States or the District of Columbia and the applicant is
46 certified in the applicant's area of specialty by the American Board of Medical
47 Specialties, the American Osteopathic Association, or other certifying agency
48 approved by the board by rule.

49 3. If the board waives the provisions of this section, then the license
50 issued to the applicant may be limited or restricted to the applicant's board
51 specialty. The board shall not be permitted to favor any particular school or
52 system of healing.

53 4. If an applicant has not actively engaged in the practice of clinical
54 medicine or held a teaching or faculty position in a medical or osteopathic school
55 approved by the American Medical Association, the Liaison Committee on Medical
56 Education, or the American Osteopathic Association for any two years in the

57 three-year period immediately preceding the filing of his or her application for
58 licensure, the board may require successful completion of another examination,
59 continuing medical education, or further training before issuing a permanent
60 license. The board shall adopt rules to prescribe the form and manner of such
61 reexamination, continuing medical education, and training.

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