

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 305**  
97TH GENERAL ASSEMBLY

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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.

Senate Committee Substitute adopted March 28, 2013.

Taken up March 28, 2013. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

1537S.02P

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**AN ACT**

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

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*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Section A. Section 334.040, RSMo, is repealed and one new section  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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Bill

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