

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 400

AN ACT

To repeal section 334.040, RSMo, and to enact in lieu thereof two new sections relating to physician licensure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 334.040, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 334.040
3 and 334.280, to read as follows:

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

10 2. The examination shall be sufficient to test the
11 applicant's fitness to practice as a physician and surgeon. The
12 examination shall be conducted in such a manner as to conceal the
13 identity of the applicant until all examinations have been
14 scored. In all such examinations an average score of not less
15 than seventy-five percent is required to pass; provided, however,
16 that the board may require applicants to take the Federation
17 Licensing Examination, also known as FLEX, or the United States
18 Medical Licensing Examination (USMLE). If the FLEX examination

1 is required, a weighted average score of no less than
2 seventy-five is required to pass. Scores from one test
3 administration of the FLEX shall not be combined or averaged with
4 scores from other test administrations to achieve a passing
5 score. The passing score of the United States Medical Licensing
6 Examination shall be determined by the board through rule and
7 regulation. Applicants graduating from a medical or osteopathic
8 college, as [defined] described in section 334.031 prior to
9 January 1, 1994, shall provide proof of successful completion of
10 the FLEX, USMLE, an exam administered by the National Board of
11 Osteopathic Medical Examiners (NBOME), a state board examination
12 approved by the board, compliance with subsection 2 of section
13 334.031, or compliance with 20 CSR 2150-2.005. Applicants
14 graduating from a medical or osteopathic college, as [defined]
15 described in section 334.031 on or after January 1, 1994, must
16 provide proof of successful completion of the USMLE or an exam
17 administered by NBOME or provide proof of compliance with
18 subsection 2 of section 334.031. [The board shall not issue a
19 permanent license as a physician and surgeon or allow the
20 Missouri state board examination to be administered to any
21 applicant who has failed to achieve a passing score within three
22 attempts on licensing examinations administered in one or more
23 states or territories of the United States, the District of
24 Columbia or Canada. The steps one, two and three of the United
25 States Medical Licensing Examination shall be taken within a
26 seven-year period with no more than three attempts on any step of
27 the examination; however, the board may grant an extension of the
28 seven-year period if the applicant has obtained a MD/PhD degree

1 in a program accredited by the Liaison Committee on Medical
2 Education (LCME) and a regional university accrediting body or a
3 DO/PhD degree accredited by the American Osteopathic Association
4 and a regional university accrediting body.】 The board may waive
5 the provisions of this section if the applicant is licensed to
6 practice as a physician and surgeon in another state of the
7 United States, the District of Columbia or Canada and the
8 applicant has achieved a passing score on a licensing examination
9 administered in a state or territory of the United States or the
10 District of Columbia and no license issued to the applicant has
11 been disciplined in any state or territory of the United States
12 or the District of Columbia [and the applicant is certified in
13 the applicant's area of specialty by the American Board of
14 Medical Specialties, the American Osteopathic Association, or
15 other certifying agency approved by the board by rule].

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

20 4. If an applicant has not actively engaged in the practice
21 of clinical medicine or held a teaching or faculty position in a
22 medical or osteopathic school approved by the American Medical
23 Association, the Liaison Committee on Medical Education, or the
24 American Osteopathic Association for any two years in the
25 three-year period immediately preceding the filing of his or her
26 application for licensure, the board may require successful
27 completion of another examination, continuing medical education,
28 or further training before issuing a permanent license. The

1 board shall adopt rules to prescribe the form and manner of such
2 reexamination, continuing medical education, and training.

3 334.280. 1. For purposes of this section, the following
4 terms shall mean:

5 (1) "Continuous medical education", continued postgraduate
6 medical education intended to provide medical professionals with
7 knowledge of new developments in their field;

8 (2) "Maintenance of certification", any process requiring
9 periodic recertification examinations to maintain specialty
10 medical board certification;

11 (3) "Maintenance of licensure", the Federation of State
12 Medical Boards' proprietary framework for physician license
13 renewal including additional periodic testing other than
14 continuous medical education;

15 (4) "Specialty medical board certification", certification
16 by a board that specializes in one particular area of medicine
17 and typically requires additional and more strenuous exams than
18 state board of medicine requirements to practice medicine.

19 2. The state shall not require any form of maintenance of
20 licensure as a condition of physician licensure including
21 requiring any form of maintenance of licensure tied to
22 maintenance of certification. Current requirements including
23 continuous medical education shall suffice to demonstrate
24 professional competency.

25 3. The state shall not require any form of specialty
26 medical board certification or any maintenance of certification
27 to practice medicine within the state. There shall be no
28 discrimination by the state board of registration for the healing

1 arts or any other state agency against physicians who do not
2 maintain specialty medical board certification including
3 recertification.

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