



# Ohio Legislative Service Commission

## Bill Analysis

Laurel Mannion

### **S.B. 286**

129th General Assembly  
(As Introduced)

**Sens.** Jones, Bacon, Seitz

---

## **BILL SUMMARY**

- Creates the visiting clinical professional development certificate for certain physicians who are not licensed in Ohio.

---

## **CONTENT AND OPERATION**

### **Visiting clinical professional development certificates**

The bill creates a new certificate for certain physicians – the visiting clinical professional development certificate.<sup>1</sup> It requires the State Medical Board to issue the certificate, without examination, to an applicant who meets the bill's requirements. The visiting clinical professional development certificate authorizes the practice of medicine and surgery or osteopathic medicine and surgery as part of the certificate holder's participation in a clinical professional development program.<sup>2</sup>

#### **Eligibility for certificate**

To be eligible for a visiting clinical professional development certificate, an applicant must pay a fee of \$375<sup>3</sup> and provide to the Board the following documentation:

- Verification from the school or hospital conducting the clinical professional development program that the applicant has sufficient financial resources to support the applicant and any dependents based on

---

<sup>1</sup> R.C. 4731.297.

<sup>2</sup> R.C. 4731.297(A).

<sup>3</sup> R.C. 4731.297(C).

the cost of living in the geographic area of the school or hospital conducting the program, including room, board, transportation, and related living expenses;

- Valid health and evacuation insurance for the duration of the applicant's stay in the United States;
- Professional liability insurance provided by the program or the school or hospital conducting the program for the duration of the applicant's participation in the program;
- Proficiency in spoken English as demonstrated by passing an examination the Board requires;
- A description from the school or hospital conducting the program of the scope of medical or surgical activities permitted during the applicant's participation in the program that includes (1) the type of practice in which the applicant will be involved, (2) the type of patient contact that will occur, (3) the type of supervision the applicant will experience, (4) a list of procedures the applicant will learn, (5) a list of any patient-based research projects in which the applicant will be involved, (6) whether the applicant will act as a consultant to an Ohio physician, and (7) any other details of the applicant's participation in the program;
- A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.<sup>4</sup>

The applicant must also provide evidence satisfactory to the Board that the applicant meets all of the following requirements:

- Has been accepted for participation in a clinical professional development program of (a) a medical school or osteopathic medical school in Ohio that is accredited by the Liaison Committee on Medical Education or the American Osteopathic Association or (b) such a program of a teaching hospital affiliated with such a medical school;
- Is an international medical graduate who holds a medical degree from an educational institution listed in the International Medical Education Directory;

---

<sup>4</sup> R.C. 4731.297(B)(1).

- Has practiced medicine and surgery or osteopathic medicine and surgery for at least five years after completing graduate medical education, including postgraduate residency and advanced training;
- Has credentials that are primary-source verified by the Educational Commission for Foreign Medical Graduates or the Federation Credentials Verification Service (*see* **COMMENT**);
- Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country;
- Agrees to comply with all state and federal laws regarding health, health care, and patient privacy;
- Agrees to return to the applicant's home state or country at the conclusion of the clinical professional development program.<sup>5</sup>

### **Validity of certificate**

A visiting clinical professional development certificate is valid for the shorter of one year or the duration of the program in which the certificate holder is participating. The certificate ceases to be valid if the certificate holder resigns or is otherwise terminated from the program. It may not be extended.<sup>6</sup>

### **Scope of practice**

The holder of a visiting clinical professional development certificate may practice medicine and surgery or osteopathic medicine and surgery only as part of the clinical professional development program in which the certificate holder participates. The certificate holder's practice must be under the direct supervision of an Ohio physician who is a qualified faculty member of the medical school, osteopathic medical school, or teaching hospital conducting the program.

The program in which the certificate holder participates must ensure that the certificate holder does not do any of the following:

- Write orders or prescribe medication;
- Bill for services performed;

---

<sup>5</sup> R.C. 4731.297(B)(2).

<sup>6</sup> R.C. 4731.297(F).

- Occupy a residency or fellowship position approved by the Accreditation Council for Graduate Medical Education;
- Attempt to have participation in a clinical professional development program counted toward meeting the graduate medical education requirements for a certificate to practice medicine or osteopathic medicine in Ohio.<sup>7</sup>

### **Authority of the Board**

The Board may revoke a clinical professional development certificate on receiving proof that (1) the certificate holder has engaged in practice in Ohio outside the scope of the certificate or (2) there are grounds for disciplinary action against the certificate holder for any of the reasons that an Ohio physician could be disciplined.<sup>8</sup> The Board is required to maintain a register of all persons who hold visiting clinical professional development certificates.<sup>9</sup> The Board may adopt rules it considers necessary to implement the bill. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.).<sup>10</sup>

### **Visiting medical faculty certificates and training certificates**

Current law authorizes two other types of certificates related to medical education. The Board may issue a *visiting medical faculty certificate* to a physician licensed in another state or country who has been appointed to serve in Ohio on the academic staff of a medical school.<sup>11</sup> The certificate entitles the holder to practice medicine and surgery or osteopathic medicine and surgery only as incidental to the certificate holder's teaching duties at the school or a teaching hospital affiliated with the school. (H.B. 438 and S.B. 297 of the 129th General Assembly propose a number of changes to this certificate, including changing the name to the *clinical research faculty certificate*.) The Board also is authorized to issue a *training certificate*. An individual who wants to pursue an internship, residency, or clinical fellowship program in Ohio, but is not an Ohio physician, must apply for a training certificate, which authorizes the

---

<sup>7</sup> R.C. 4731.297(D).

<sup>8</sup> R.C. 4731.297(E).

<sup>9</sup> R.C. 4731.297(C).

<sup>10</sup> R.C. 4731.297(H).

<sup>11</sup> R.C. 4731.293.

individual to perform acts that are required by or incidental to the individual's internship, residency, or clinical fellowship program.<sup>12</sup>

---

## COMMENT

### Primary-source verification of credentials

The bill requires that an international medical graduate's credentials be primary-source verified by the Educational Commission for Foreign Medical Graduates (ECFMG) or the Federation Credentials Verification Service (which uses information from ECFMG to perform this service). At this time, the ECFMG does not provide primary-source verification of credentials for those graduates. According to its web site, ECFMG intends to implement such a program (the Electronic Portfolio of International Credentials (EPIC)) in the second half of 2012.<sup>13</sup>

---

## HISTORY

ACTION	DATE
Introduced	01-31-12

S0286-129.docx/ejs

---

<sup>12</sup> R.C. 4731.291.

<sup>13</sup> ECFMG, *Electronic Portfolio of International Credentials: Contact EPIC* (visited March 16, 2012), available at <<http://www.ecfmgepic.org/contact.html>>.

