

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.200 Assistant Physician - Application for Licensure

Purpose: The rule establishes the process to apply for an assistant physician license.

- (1) An applicant for an assistant physician license shall submit a completed application form approved by the board. The application form shall include at least the following:
 - (A) Name of the applicant and any former names used;
 - (B) Date of birth of the applicant;
 - (C) Gender of applicant;
 - (D) The applicant's social security number. If applicant does not have a social security number then the applicant shall supply visa or passport identification number;
 - (E) Answers to questions regarding the applicant's moral character, professional background, and fitness to practice;
 - (F) A statement of activities from graduation of professional school to the present or from the last ten years to the present, whichever is less; and
 - (G) A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a license is granted, that the applicant understands that he or she cannot practice unless and until a license is granted, and he or she has entered into a collaborative practice agreement.

- (2) Applicants applying for licensure shall submit the following:
 - (A) Completed application;
 - (B) Appropriate licensure fee as defined in 20 CSR 2150-2.080;
 - (C) Proof that the applicant is a resident and citizen of the United States or is a legal resident alien; this proof shall include:
 1. A birth certificate or United States passport; or
 2. A visa or other United States government document evidencing legal resident status.
 - (D) Proof that the applicant has passed step 2 or level 2 of a board approved medical licensing examination within the two (2) year period immediately preceding application for licensure as an assistant physician, but in no event more than three (3) years after graduation from medical college or osteopathic medical college. However, if the applicant was serving as a resident physician in a residency program accredited by the Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association in the United States within thirty (30) days of filing his or her application for an assistant physician license, the two (2) year time period shall not apply;

- (E) Proof of competency as an assistant physician, which shall include but not be limited to:
 - 1. A self-query from the National Practitioner's Databank, or its successor agency;
 - 2. Proof of graduation from an approved medical school in the form of either a copy of the diploma or an official transcript.
 - 3. Examination and Board Action History Report (EBAHR) from the Federation of State Medical Boards. This may be obtained by contacting the Federation of State Medical Boards (FSMB) at fsmb.org. FSMB will make the report available to the board.
 - 4. If not contained in the EBAHR, the applicant shall cause a certified copy of his or her exam scores demonstrating passage of steps 1 and 2 of a board approved medical licensing exam to be submitted to the board.
 - 5. If the applicant has participated in any post-graduate training program, a post-graduate reference letter signed by the current director of that program submitted directly to the board and on the form provided by the board, if applicable.
 - 6. Proof of hospital affiliation from each hospital where the applicant has held admitting privileges in the last ten (10) years on a form approved by the board or by causing the hospital to send a letter to the board containing the dates the applicant had admitting privileges at that hospital and whether there was ever any adverse action taken against those privileges, including but not limited to revocation, suspension, or limitation of privileges or if the applicant ever resigned privileges while under investigation.
 - (F) If the applicant's name is not the same as that which appears on the above mentioned records, evidence of the name change, which may include a copy of a marriage certificate, divorce decree, adoption order, other court order or naturalization certificate; and
 - (G) In addition to the other requirements of this rule, graduates from any medical or osteopathic school outside the United States shall submit the following:
 - 1. Proof of licensure in the country the applicant attended medical school, if applicable; and
 - 2. A certificate from the Educational Commission on Foreign Medical Graduates (ECFMG).
 - (H) Verification of any licensure, registration, or certification in this state, any other state, territory, or country in which the applicant has ever held a professional license. Verification must be received directly from the licensing agency and must include the type of license, registration or certification, the issue and expiration dates, and information concerning any disciplinary or investigative actions. If a licensing agency refuses or fails to provide verification the board may consider other evidence of licensure;
- (3) If any of the documents required by this rule are in a language other than English, the applicant shall provide an official translation, as defined in 20 CSR 2150-2.001, along with a copy of the original document.

- (4) The applicant shall submit statement(s) and supporting documentation to supplement their application, including but not limited to:
 - (A) If any professional license held by the applicant has ever been disciplined, the applicant shall submit documentation of the disciplinary action such as a settlement agreement, order, judgment or consent order, and a statement from him or her describing the circumstances of the discipline.
 - (B) If any civil suit for medical malpractice, medical negligence, wrongful death, or any similar action has ever been filed against the applicant, he or she shall submit a copy of the initiating document (petition or complaint) and documentation of the outcome of the case (judgment or dismissal) or if the case was settled, a letter stating that the case was settled and a statement from the applicant explaining the circumstances of the case.
 - (C) If the applicant has ever been arrested for a crime (including any municipal ordinance violations), he or she shall submit any documentation regarding that arrest, including a summons or police report and a statement from the applicant explaining the circumstances.
 - (D) If the applicant has ever been charged with or convicted of a crime, including any municipal ordinance violations he or she shall submit a copy of the charging document (information, complaint, indictment, or petition) and a copy of the dismissal or judgment and sentence and a statement from the applicant explaining the circumstances.
 - (E) If the applicant has been diagnosed with or undergone treatment for substance abuse, dependence, or for any physical or mental disorder which impaired his or her ability to practice medicine, he or she shall submit a description of the circumstances leading to the diagnosis or treatment and a letter from a treatment provider stating that he or she is currently fit to practice medicine.
 - (F) If the applicant has ever had any adverse action taken against his or her privileges at any hospital, including but not limited to revocation, suspension, or limitation of privileges or if the applicant ever resigned privileges while under investigation, he or she shall submit a description of the circumstances and any available documentation, including but not limited to a letter from the hospital indicating the final action taken; and
 - (G) Any other documentation specifically requested by the board.
- (5) All applicants shall take and pass a twenty (20) question jurisprudence test regarding the rules and statutes governing assistant physicians in Missouri. Seventy-five percent (75%) shall be considered a passing score. If an applicant fails the test, he or she may retake the test. The test may be administered through an on-line service or via a traditional paper exam. It is cause to discipline pursuant to section 334.100.2(6), RSMo, for the assistant physician to fail to complete the exam.
- (6) Any application for an assistant physician license may be denied by the board for one of the following causes singularly or in combination:
 - (A) Failure to meet any requirement of Chapter 334, RSMo, or 20 CSR 2150-2.200 through 20 CSR 2150-2.270;
 - (B) Failure to demonstrate good moral character; or
 - (C) Any cause listed in section 334.100, RSMo.

- (7) If the board denies an assistant physician application for licensure, the applicant may appeal to the Administrative Hearing Commission as set forth in section 334.100, RSMo, and Chapters 536 and 621, RSMo.
- (8) The applicant may withdraw the application prior to the board's final decision.
- (9) All fees submitted to the board are non-refundable and will be retained by the board.
- (10) The board may require the applicant for licensure to make a personal appearance before a final decision regarding licensure is rendered.
- (11) Any person practicing as an assistant physician without a current license shall be subject to discipline under section 334.100, RSMo, or subject to the injunction procedures of section 334.230, RSMo.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty thousand, seven hundred twenty-one dollars and eighty-two cents (\$20,721.82) to twenty-six thousand two hundred eighty-nine dollars and eighty-three cents (\$26,289.83) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately thirty thousand one hundred forty-three dollars and fifty-two cents (\$30,143.52) to forty-two thousand six hundred - six dollars and fifty-two cents (\$42,606.52) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.