

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1560

Session of
1979

INTRODUCED BY MESSRS. SHADDING, WHITE, GIAMMARCO, McMONAGLE,
BARBER, GRAY, BORSKI, DUMAS, CIANCIULLI, RIEGER, GOODMAN,
SHUPNIK, PUCCIARELLI, DeWEESE, COCHRAN, GREENFIELD, WARGO,
PERZEL, SCHMITT, KUKOVICH, DONATUCCI, ROCKS, IRVIS, McKELVEY,
EARLEY AND GANNON, JUNE 26, 1979

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, AS
AMENDED, JUNE 25, 1980

AN ACT

1 Amending the act of July 20, 1974 (P.L.551, No.190), entitled
2 "An act relating to the right to practice medicine and
3 surgery in the Commonwealth of Pennsylvania; and establishing
4 means and methods whereby the right to practice medicine and
5 surgery and any of its branches and limited right to practice
6 medically related acts may be obtained, and exemptions
7 therefrom; imposing powers and duties on the State Board of
8 Medical Education and Licensure; providing for appropriation
9 of board fees to carry out the provisions thereof, and for
10 the granting, revocation and suspension of licenses;
11 providing penalties for violations; and making repeals,"
12 further providing for licensure of graduates of foreign <—
13 medical schools, further providing for programs of clinical
14 training and making an appropriation. CITIZENS OF THE UNITED <—
15 STATES WHO ARE ENROLLED IN FOREIGN MEDICAL SCHOOLS.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 6.1, act of July 20, 1974 (P.L.551,
19 No.190), known as the "Medical Practice Act of 1974," added <—
20 ~~December 2, 1976 (P.L.1234, No.273), is amended to read:~~ IS <—
21 REPEALED.

22 ~~Section 6.1. Graduates of Foreign Medical Schools. (a) A~~ <—

1 ~~document granted by a medical school located outside the United~~
2 ~~States, which is listed by the World Health Organization, issued~~
3 ~~after the completion of all the formal requirements of the~~
4 ~~foreign medical school except internship and social service,~~
5 ~~upon certification by the medical school in which the training~~
6 ~~was received of satisfactory completion by the person to whom~~
7 ~~the document was issued of the requirements listed in this~~
8 ~~section, shall qualify a person for participation in "fifth~~
9 ~~pathway" programs as hereinafter defined. Participating [medical~~
10 ~~schools] teaching hospitals may require such additional evidence~~
11 ~~of student fitness for admission into "fifth pathway" programs~~
12 ~~as [they deem necessary] is deemed necessary by the Pennsylvania~~
13 ~~State Board of Medical Education and Licensure.~~

14 ~~(b) The Commonwealth of Pennsylvania through the Department~~
15 ~~of Education shall fund adequate programs of clinical training~~
16 ~~for students in "fifth pathway" programs [established by medical~~
17 ~~schools in Pennsylvania] in teaching hospitals as prescribed by~~
18 ~~the Council on Medical Education of the American Medical~~
19 ~~Association [in teaching hospitals affiliated with medical~~
20 ~~schools] to meet the needs of all those United States of America~~
21 ~~citizens who were legal residents of Pennsylvania immediately~~
22 ~~prior to entering a foreign medical school, provided that the~~
23 ~~requirements of said programs shall be equivalent to those~~
24 ~~recommended by the Council on Medical Education of the American~~
25 ~~Medical Association and the Pennsylvania State Board of Medical~~
26 ~~Education and Licensure.~~

27 ~~(c) The Department of Education and the Pennsylvania State~~
28 ~~Board of Medical Education and Licensure may, before funding any~~
29 ~~program of clinical training established pursuant to subsection~~
30 ~~(b), require each [medical school] teaching hospital to submit~~

~~such information as the department deems necessary to determine that each [medical school] teaching hospital complies with all the guidelines established for clinical training programs by the Council on Medical Education of the American Medical Association and the Pennsylvania State Board of Medical Education and Licensure. Successful completion by the student of the requirements of the "fifth pathway" program shall be deemed the equivalent of a [degree of doctor of medicine] medical program necessary for purposes of licensing and practice as a physician in the Commonwealth.~~

~~(d) For purposes of this section "teaching hospital" shall mean an approved hospital that has a program whose requirements are equivalent to those recommended by the Council of Medical Education of the American Medical Association.~~

~~Section 2. The sum of \$400,000 or as much thereof as may be necessary is specifically appropriated to the Department of Education for the fiscal year July 1, 1979 to June 30, 1980 for payment to qualified teaching hospitals at a rate of \$10,000 per student who is a citizen of the United States of America and a legal resident of Pennsylvania immediately prior to entering a foreign medical school for a one year "fifth pathway" program. In the event a teaching hospital requires a program of more than one year's duration for one or more of its "fifth pathway" students, it shall be the responsibility of the student and/or the teaching hospital to assume all further costs. Exhaustion of the appropriation provided for in this amendatory act shall not prevent any teaching hospital from accepting resident or nonresident students for participation in the "fifth pathway" program: Provided, however, That after exhaustion of the appropriation it shall be the responsibility of the student~~

~~and/or the teaching hospital to assume all costs of such
program.~~

~~Section 3. This act shall take effect August 1, 1979.~~

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

SECTION 6.2. CITIZENS ENROLLED IN FOREIGN MEDICAL SCHOOLS.--

(A) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT OR ANY
OTHER LAW TO THE CONTRARY, AN INDIVIDUAL WHO AT THE TIME OF HIS
ENROLLMENT IN A MEDICAL SCHOOL OUTSIDE THE UNITED STATES IS A
CITIZEN OF THE UNITED STATES IS ELIGIBLE FOR LICENSURE IN THIS
COMMONWEALTH IF HE HAS SATISFIED THE FOLLOWING REQUIREMENTS:

(1) HAS STUDIED MEDICINE IN A MEDICAL SCHOOL LOCATED OUTSIDE
THE UNITED STATES WHICH IS RECOGNIZED BY THE WORLD HEALTH
ORGANIZATION;

(2) HAS COMPLETED ALL OF THE FORMAL REQUIREMENTS OF THE
FOREIGN MEDICAL SCHOOL EXCEPT INTERNSHIP AND SOCIAL SERVICE;

(3) HAS ATTAINED A SCORE SATISFACTORY TO A MEDICAL SCHOOL
APPROVED BY THE BOARD ON A QUALIFYING EXAMINATION ACCEPTABLE TO
THE BOARD, AND HAS SATISFACTORILY COMPLETED A PROGRAM APPROVED
BY THE BOARD CONSISTING OF ONE ACADEMIC YEAR OF SUPERVISED
CLINICAL TRAINING SUBSEQUENT TO COMPLETING THE REQUIREMENTS OF
CLAUSE (2) UNDER THE DIRECTION OF THE MEDICAL SCHOOL;

(4) HAS COMPLETED THE POST-GRADUATE HOSPITAL TRAINING
REQUIRED BY THE BOARD OF ALL APPLICANTS FOR LICENSURE; AND

(5) HAS PASSED THE EXAMINATION REQUIRED BY THE BOARD OF ALL
APPLICANTS FOR LICENSURE.

(B) SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (A) ARE
IN LIEU OF THE COMPLETION OF ANY FOREIGN INTERNSHIP AND SOCIAL
SERVICE REQUIREMENTS, AND NONE OF THOSE REQUIREMENTS MAY BE A
CONDITION OF LICENSURE AS A PHYSICIAN IN THIS COMMONWEALTH.

(C) NO HOSPITAL LICENSED BY THIS COMMONWEALTH, OR OPERATED

1 BY THIS COMMONWEALTH OR A POLITICAL SUBDIVISION OR WHICH
2 RECEIVES STATE FINANCIAL ASSISTANCE, DIRECTLY OR INDIRECTLY, MAY
3 REQUIRE AN INDIVIDUAL WHO AT THE TIME OF HIS ENROLLMENT IN A
4 MEDICAL SCHOOL OUTSIDE THE UNITED STATES IS A CITIZEN OF THE
5 UNITED STATES, TO SATISFY ANY REQUIREMENTS OTHER THAN THOSE
6 CONTAINED IN CLAUSES (1), (2) AND (3) OF SUBSECTION (A) PRIOR TO
7 COMMENCING AN INTERNSHIP OR RESIDENCY.

8 (D) A DOCUMENT GRANTED BY A MEDICAL SCHOOL LOCATED OUTSIDE
9 THE UNITED STATES WHICH IS RECOGNIZED BY THE WORLD HEALTH
10 ORGANIZATION ISSUED AFTER THE COMPLETION OF ALL THE FORMAL
11 REQUIREMENTS OF THE FOREIGN MEDICAL SCHOOL EXCEPT INTERNSHIP AND
12 SOCIAL SERVICE, UPON CERTIFICATION BY THE MEDICAL SCHOOL IN
13 WHICH THE TRAINING WAS RECEIVED OR SATISFACTORY COMPLETION BY
14 THE PERSON TO WHOM THE DOCUMENT WAS ISSUED OF THE REQUIREMENTS
15 LISTED IN CLAUSE (3) OF SUBSECTION (A), SHALL BE CONSIDERED THE
16 EQUIVALENT OF A DEGREE OF DOCTOR OF MEDICINE FOR PURPOSES OF
17 LICENSING AND PRACTICE AS A PHYSICIAN IN THIS COMMONWEALTH.

18 (E) ANY PROPOSED RULE OR REGULATION RELATING TO THIS SECTION
19 SHALL BE SUBMITTED TO THE CHIEF CLERK OF THE HOUSE OF
20 REPRESENTATIVES WHO SHALL CAUSE THE REGULATIONS TO BE PRINTED
21 AND DISTRIBUTED AMONG ALL MEMBERS OF BOTH CHAMBERS IN THE SAME
22 MANNER AS A REORGANIZATION PLAN. IF BOTH BODIES FAIL TO ACT
23 WITHIN SIXTY DAYS OF RECEIPT OF SUCH REGULATIONS, OR WITHIN TEN
24 LEGISLATIVE DAYS AFTER RECEIPT, WHICHEVER SHALL LAST OCCUR, THE
25 RULE OR REGULATION ADOPTED BY THE BOARD SHALL BE PROMULGATED
26 PURSUANT TO THE PROVISIONS OF THE ACT OF JULY 31, 1968 (P.L.769,
27 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW AND 45
28 PA.C.S. PART II (RELATING TO PUBLICATION AND EFFECTIVENESS OF
29 COMMONWEALTH DOCUMENTS). IF EITHER CHAMBER DISAPPROVES ANY RULE
30 OR REGULATION, SUCH INFORMATION SHALL BE CERTIFIED BY THE

1 SPEAKER OF THE HOUSE OF REPRESENTATIVES OR PRESIDENT PRO TEMPORE
2 OF THE SENATE TO THE BOARD, AND SUCH REGULATION SHALL NOT BE
3 PROMULGATED AS A FINAL REGULATION.

4 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.