
TEXAS PHYSICIAN LICENSURE SEMINAR

9/21/2011

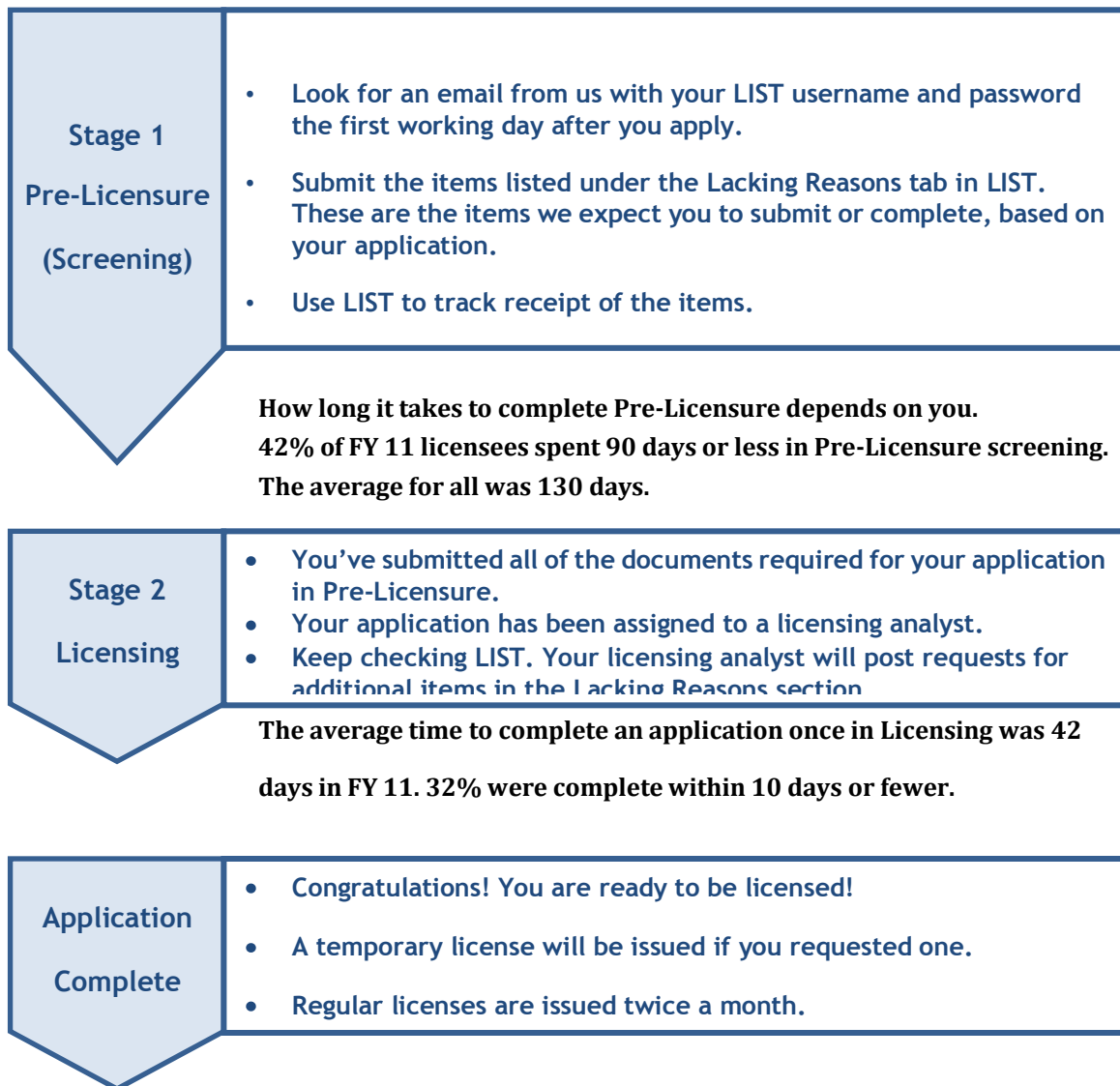
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GOVERNANCE

- Laws relating to licensure, registration, and discipline of physicians
 - TMB Web site link – www.tmb.state.tx.us – Laws, Rules and Guidelines/Texas Statutes/Texas Occupations Code
- Rules relating to licensure, registration, and discipline of physicians
 - TMB Web site link – www.tmb.state.tx.us – Laws, Rules and Guidelines/Board Rules
 - Rules are adopted by the TMB
 - Board cannot waive requirements in rule unless rules specifically allow it
 - Rule change process

PHYSICIAN LICENSURE PROCESS – FULL PHYSICIAN LICENSE

TMB'S PHYSICIAN LICENSURE APPLICANT WEB PAGE



TWO MOST IMPORTANT THINGS TO KNOW!

1. Completing Stage 1 (Pre-Licensure) does not mean you're eligible for licensure. Only after you complete Stage 2 (Licensing) are you ready to be licensed.
2. Visit [LIST](#) as often as you can, to check the status of your application and communicate with your Licensing Analyst.

GET STARTED

ARE YOU ELIGIBLE?

View the [Eligibility Checklist](#) (PDF)

GATHER YOUR DOCUMENTS

View the [Documentation Checklist](#) (PDF)

DO YOU WANT TO USE THE FEDERATION CREDENTIALS VERIFICATION SERVICE (FCVS)?

FCVS is a service created by the [Federation of State Medical Boards](#) to streamline the credentialing and licensing process. FCVS is not a requirement for Texas licensure and is in no way a guarantee of licensure or of an expedited application process in Texas. Click on the link below to see FAQs, including information about FCVS.

<http://www.tmb.state.tx.us/professionals/physicians/applicants/plq.php>

APPLY

1. Review the [Sample Application](#). You need to know what information to have on hand when applying online.
2. [Apply Online](#). The fee is \$1002.
3. On the next business day, check for an e-mail from TMB with your username and password for [LIST](#).
4. Review the documentation checklist above and submit those required.
5. Find the [Supplemental Licensure Forms](#) you need.
6. Are you eligible for a [Provisional License](#)? If so, you may want to apply for one.

USE LIST TO CHECK ON YOUR APPLICATION

[The Licensure Inquiry System of Texas \(LIST\)](#) is an online communication system for physician licensure applicants. LIST provides detailed explanations of any items required to process an individual's physician licensure application, and provides a message center where applicants and Board staff can exchange messages. Messages are archived in LIST for later reference.

PASS THE TEXAS MEDICAL JURISPRUDENCE EXAM

You must pass the [Texas Medical Jurisprudence Exam](#) before your application can move from Pre-Licensure to Licensing.

GET FINGERPRINTED

You must submit your fingerprints for a criminal history background check before your application can move from Pre-Licensure to Licensing.

ADDITIONAL REFERENCE MATERIAL

- Frequently Asked Questions
- Exam Attempts Examples
- Physician Initial License Registration Fees
- Physician Licensing Seminar Presentation - 10/09
- Professional Name Presentation
What name do you want to use in your practice?
- Substantial Equivalence
List of schools whose graduates do not have to complete Forms Z1-Z7 to demonstrate that their education is equivalent to that of a Texas medical school
- Texas Medical Association's "New to Texas Resource Page"

PRE-LICENSURE AND LICENSING STAGES

Pre-Licensure Processing Begins

- Application reviewed for expected documentation, etc. based on application characteristics
- No evaluation of documents at this stage
- LIST is used to communicate with the applicant regarding lacking items
- Applicant must pass JP exam
- Criminal history report based on fingerprints (DPS and FBI) must be received
- IMGs: substantial equivalence documentation, clerkship documentation may be required

Pre-Licensure Process Completed

- When everything above is done, the Pre-Licensure stage is complete
- The time clock for license processing begins

Licensing Processing Begins

- Application assigned to a licensing analyst
- Licensure analyst evaluates application and documents for compliance with rules and statute
- Analyst may discover that the content of documents submitted is lacking and ask applicant for supplemental information
- Analyst may discover that the online application was incomplete, resulting in a request for additional information, for example:
Applicant fails to enter complete list of hospitals at which he/she has had privileges in last 5 years, resulting in need for additional professional evaluations
- LIST is used to communicate with the applicant regarding lacking items

Licensing Processing Completed

- When everything above is done, the Licensing stage is complete
- The time clock for license processing ends

Temporary License (optional)

- If an applicant needs to begin work after the licensing processing is completed and before the next license issuance date, a Temporary License may be issued
- Applicant must request a Temporary License
- There is no fee, but the applicant must complete an affidavit

Permanent License

- Issued by staff (first workday after 1st and 15th of each month) or considered at next board meeting
 - Registration and fees due immediately (no more than 90 days after license issuance)
 - Supersedes all other Texas licenses or permits
- NEW: Expiration date assigned immediately upon licensure for 90 days from date of issuance. After physician completes his/her initial registration, the expiration date extended.

PRIORITY AND EXPEDITED HANDLING

What is priority/expedited handling?

Qualified applicants' applications and supporting documents are put at the top of the list for handling whenever the TMB process allows.

Whenever:

- a batch of applications arrives
- Pre-Licensure mail (supporting documents, exam scores, etc.) is received
- a batch of applications is ready to be assigned to licensing analysts
- Licensing mail is received

Qualified applicants' applications and supporting documents are processed first.

Who is eligible for priority/expedited handling?

There are 4 ways to qualify for priority/expedited handling.

- Priority (Use [Form X](#)) - Physician applicants who agree to treat Medicare/Medicaid Patients for 5 years following licensure.
- Expedited (Use [Form Y](#)) - Physician applicants planning to practice in:
 - A medically underserved area (MUA)
 - A health professionals shortage area (HPSA)
 - A rural area

Does priority/expedited handling really help?

Yes, but it may be that it still takes longer than the average to complete a priority/expedited handling application because:

- Applicants choosing one or more of the expediting factors have higher complexity applications than others overall
- Fewer applicants choose an expediting option, so the average days to complete can be skewed by a few very lengthy applications

And even though the average days to complete may be higher for expedited applications, they are still completed more quickly than they would have been without expediting.

ELIGIBILITY & DOCUMENTATION REQUIREMENTS - FULL PHYSICIAN LICENSE

Check out our web site: www.tmb.state.tx.us.

Click on *Services for Healthcare Professionals/Physicians/Physician Licensure Applicants*. You'll see the options described in the section called "Physician Licensure Process and Useful Links."

Types Eligibility Requirements

- Education
- Postgraduate Training
- Examinations
- Professional Character
- Demonstration of Current Competence

Refer to Eligibility and Documentation Checklist attachments.

MORE ON PROFESSIONAL CHARACTER

Requirement: Good professional character

Cannot have violated Medical Practice Act, Tex. Occ. Code Ann. §§164.051-.053.

- §164.051- Grounds for Denial or Disciplinary Action
- §164.052 - Prohibited Practices by Physician or License Applicant
- §164.053 - Unprofessional or Dishonorable Conduct

Violations include:

- Competency
- Disciplinary action taken by peers or licensing board
- Non-therapeutic prescribing of drugs
- Felony or misdemeanor involving moral turpitude
- Repeated meritorious health care liability claims
- Submission of false or misleading statements
- Alcoholism, substance abuse, or a mental or physical condition

How do we investigate professional character?

- Questions on application form, data and documents called for on additional licensure forms
- Criminal history – fingerprints for DPS and FBI background check
- Disciplinary action by medical schools, training programs, other state licensing agencies, or health care entities
- Medical liability suits/claims
- Mental/physical health

Refer to Application Facsimile and Form R Attachments.

- Application Questions: Training/ Employment Actions, Investigations
- Application Questions: Mental and Physical Health
- Application Questions: Arrest / Criminal History

Driving Record Resources

- Google "driving record." A number of services, public and private, provide you a copy of your driving record
- May need to get records for more than one state
- Criminal History Resources

- Texas DPS Crime Records Service
- Google “texas dps crime records public.” Click on the Criminal History Conviction Search link.
- May be incomplete; only returns **convictions reported** to DPS by cities, counties
- May need to Google “criminal history search” for other states as well

Demonstration of Current Competence

Active Practice of Medicine Rule

- Must have actively practiced medicine full-time for one of the two years preceding the date of application
- Full-time for a year: at least 20 hours per week for 40 weeks

“10 Year” Rule

- Passed a monitored examination within last 10 years
- Licensing examinations, specialty board examinations, recertification examinations accepted
- If not, SPEX examination is required

WHAT HAPPENS WHEN THERE ARE ELIGIBILITY ISSUES?

Analyst prepares summary for staff file review.

Clear Cut Ineligibility

- Exceeds exam attempt limits, insufficient postgrad training
- Licensure staff makes determination, applicant may appeal

Possible Ineligibility

- criminal history
- medical liability suits/competence questions
- falsification of application
- disciplinary action by peers

Review Process

1. Twice-weekly Licensure/General Counsel meetings
Outcomes:
 - approval
 - deferral for more information
 - referral to next level
 - determination of ineligibility
2. Once-weekly meetings with Executive Director and Medical Director for cases referred from Licensure/General Counsel Meetings
Outcomes:
 - approval
 - deferral for more information (e.g., consultant review of medical liability cases)
 - recommendation of public order – administrative penalty – for cases of falsification
 - referral to Physician Health Program – for cases of mental or physical impairment, substance/alcohol abuse
 - referral to licensure committee
 - determination of ineligibility

Appeal Process – may appeal determination to next level

- Licensure/GC Staff to Executive Director
- Executive Director to Licensure Committee
- Licensure Committee to State Office of Administrative Hearings (SOAH)
- SOAH/Full Board to District Court, and higher

TIPS TO APPLICANTS FOR A SMOOTH LICENSURE PROCESS

- Review eligibility – use the TMB web site
- Read and follow all instructions
- Review application for completeness
- Send supplemental documentation in one package
- Track your mail – use a service that delivers to TMB’s physical address, not the PO Box

Hint: If an applicant has to analyze every word in a question to justify answering “no,” it’s better to answer “yes” and explain the circumstances.

CURRENT STATUS OF PHYSICIAN LICENSING

Physician Licenses - FY 2011					
	Q1	Q2	Q3	Q4	FY 2011
Average Days to License	46	42	37	43	42
Number of Licenses Issued	585	750	963	1138	3436

Average Licensing Time for Priority License Applications - FY 2011 YTD		
Priority Category (may be more than one category/application)	Number of Applications	Average Days to Complete
Applicants Selecting 1 or More Priority Category	1532	43
Agree to Treat Medicare/Medicaid Patients	1463	43
Plan to Practice in Health Professional Shortage Area	357	49
Plan to Practice in Medically Underserved Area	407	43
Plan to Practice in Rural Area	255	48
Total All Applications	3436	42

LICENSE TYPES

- Full Physician License
- Limited Licenses Associated with Academic Institutions/Training Programs
 - Physician in Training License
 - Faculty Temporary License
 - Visiting Professor Temporary License
 - Conceded Eminence License
 - Distinguished Professor Temporary License
- Administrative Medicine License
- Provisional License
- Public Health License
- Telemedicine License
- Visiting Physician Temporary Permit

License Type	Benefit	Basic Requirements, Limitations	Training	Exams	Application, Fee
FULL LICENSE	Full scope of practice	<ul style="list-style-type: none"> • Must demonstrate recent active, clinical practice • Must have passed specified exam within past 10 years • Medical education equivalent to that of Texas medical education • Good professional character 	<ul style="list-style-type: none"> • 1 year – US grads • 2 years - IMGs 	<ul style="list-style-type: none"> • USMLE, COMLEX or equivalent • Attempt limits on all exams • Time limit to pass all parts of licensing exam • Must pass JP 	Regular online application \$1002
PHYSICIAN IN TRAINING LICENSE	<ul style="list-style-type: none"> • Fewer requirements than full licensure • Less expensive 	<ul style="list-style-type: none"> • Training setting only – no moonlighting • Must be in approved postgraduate training program • Valid for length of program • Valid only for program for which issued 	None	None	Online application \$212

License Type	Benefit	Basic Requirements, Limitations	Training	Exams	Application, Fee
FACULTY TEMPORARY LICENSE	<ul style="list-style-type: none"> • Don't have to pass licensing exam • Can exceed licensing exam failure limit required for full licensure • Years on FTL substitute for required postgraduate training in US for full licensure 	<ul style="list-style-type: none"> • Academic appointment – full time, salaried, assistant professor level or higher (or equivalent in standalone fellowship) • Academic setting only • Limited to specialty for which it was issued • Limited to 1 year per license • Can reapply each year 	<ul style="list-style-type: none"> • If licensed in US, none required • If not, 3 years in any country 	Must pass JP	Paper \$737
VISITING PROFESSOR TEMPORARY LICENSE	Fewer requirements than faculty temporary license	<ul style="list-style-type: none"> • Academic appointment – visiting professor • Academic setting only • Limited to specialty for which it was issued • 24 months max, in 31-day increments 	None	None	Paper application \$167
CONCEDED EMINENCE LICENSE	Reduced training requirement	<ul style="list-style-type: none"> • Demonstrate conceded eminence, authority in field • Academic appointment • Academic setting only • Limited to specialty for which it was issued 	1 year accredited subspecialty training in US	<ul style="list-style-type: none"> • Cannot exceed licensing exam failure limit required for full licensure • Must pass JP 	Regular online application \$1002
DISTINGUISHED PROFESSOR TEMPORARY LICENSE	Can get full license without passing SPEX as required by 10-year rule, if applicable	<ul style="list-style-type: none"> • 1-2 year temporary license prior to full licensure • Academic appointment – full time, salaried, full professor • Other requirements same as for full license except SPEX 	Same as for full license	Same as for full license, except SPEX exemption	Regular online application \$1002

License Type	Benefit	Basic Requirements, Limitations	Training	Exams	Application, Fee
ADMINISTRATIVE MEDICINE LICENSE	Don't have to demonstrate active clinical practice within 1 of last 2 years as required for full licensure	<ul style="list-style-type: none"> Administrative medicine only (see definition in board rule 172.17(b)) Cannot practice clinical medicine, prescribe dangerous drugs or controlled substances, or delegate medical acts or prescriptive authority Other requirements same as for full license except active practice 	Same as for full license	Same as for full license	Regular online application \$1002
PROVISIONAL LICENSE	Full license applicants can practice before application complete	<p><u>For issuance of provisional</u></p> <ul style="list-style-type: none"> Must file full licensure application Must practice in HPSA or MUA Must meet licensing examination attempt requirements Must pass criminal background check Must be sponsored by Texas-licensed physician Valid for 270 days or until permanent license is issued, whichever comes first; no renewals or extensions <p><u>For issuance of full license</u> Same as for full license</p>	Same as for full license	<p>Same as for full license</p> <div style="border: 1px solid gray; padding: 5px; background-color: #f0f0f0; margin: 10px auto; width: fit-content;"> <p><i>Applicants who have provisional licenses and don't complete the full licensure process within 270 days of issuance of the provisional license will have to stop practicing.</i></p> </div>	Regular online application \$1002 plus \$107 provisional license fee
PUBLIC HEALTH LICENSE	Don't have to demonstrate active clinical practice within 1 of last 2 years as required for full licensure	<ul style="list-style-type: none"> Public health medicine for a public health entity Other requirements same as for full license except active practice 	Same as for full license	Same as for full license	Regular online application \$1002
TELEMEDICINE LICENSE	Fewer eligibility requirements	<ul style="list-style-type: none"> ABMS or BOS certified Limited to specialty for which it was issued Practice on TX patients only from outside of TX - no physical practice in TX allowed 	None	Must pass JP	Regular online application \$1002

License Type	Benefit	Basic Requirements, Limitations	Training	Exams	Application, Fee
VISITING PHYSICIAN TEMPORARY PERMIT	<ul style="list-style-type: none"> • Few requirements • Designed for physicians only in Texas for a short time to learn, teach, or provide charity care to underserved populations in TX 	<ul style="list-style-type: none"> • Must be sponsored by Texas-licensed physician • Duration is 10 days only, except for good cause • Not for use in postgraduate training programs 	None	None	Paper application No fee

RECENT LEGISLATIVE CHANGES AFFECTING LICENSURE – 82ND SESSION

Bill Number	Description
HB 1380	Postgraduate training requirement for IMGs reduced to 2 years from 3
SB 189	Additional service required for physicians who are not citizens or permanent residents
SB 867	Reasonable accommodations during testing
SB 1733	Alternative licensing requirements for spouses of active duty service personnel
SB 1661	Policy requirements, etc. for non-profit health organizations certified by TMB
SB 761, SB 894, SB 311, HB 1568, HB 2351	Direct hire of physicians by certain hospitals, hospital districts
HB 2098	Physician/PA Owned Clinics
SB 1360, HB 2975	CME and Lyme disease

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