

TEXAS MEDICAL BOARD RULES
Texas Administrative Code, Title 22, Part 9
Proposed Changes

Chapter 163

Licensure

V4- 7/20/12

163.1. Definitions.

The following words and terms, (concerning General Definitions) when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) (12) (no change)

(13) Two-year training program--Two continuous years of postgraduate training in the United States or Canada, progressive in nature ~~[and acceptable for specialty board certification in one specialty area]~~ that is:

(A) accredited by one of the following:

(i) the Accreditation Council for Graduate Medical Education;

(ii) the American Osteopathic Association;

(iii) the Committee on Accreditation of Preregistration Physician Training Programs, Federation of Provincial Medical Licensing Authorities of Canada;

(iv) the Royal College of Physicians and Surgeons of Canada;

(v) the College of Family Physicians of Canada; or

(vi) all programs approved by the board after August 25, 1984; or

(B) a board-approved program for which a Faculty Temporary Permit was issued; or

(C) a postresidency program, usually called a fellowship, for additional training in a medical specialty or subspecialty, approved by the board.

163.2. Full Texas Medical License.

(a) (no change)

(b) Graduates of medical schools outside the United States or Canada. To be eligible for full licensure, an applicant who is a graduate from a school outside the United States or Canada must:

(1) be 21 years of age;

(2) be of good professional character as defined under 163.1(8) of this title;

(3) have completed 60 semester hours of college courses as defined under 163.1(10) of this title;

(4) be a graduate of:

(A) an acceptable unapproved medical school as defined under 163.1(2) of this title; or

(B) any medical school and at the date of application to the Board or prior to approval for licensure by the Board hold a certificate from a specialty board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists.

(5) have successfully completed a two-year training program of graduate medical training in the United States or Canada as defined under 163.1(13) of this title;

(6) submit evidence of passing an examination accepted by the board for licensure as defined under 163.6 of this title;

(7) pass the Texas Medical Jurisprudence Examination;

(8) possess a valid certificate issued by the Educational Commission for Foreign Medical Graduates (ECFMG);

(9) have the ability to communicate in the English language; and

(10) have supplied all additional information that the board may require concerning the applicant's medical school.

(c) Fifth Pathway Program. To be eligible for licensure, an applicant who has completed a Fifth Pathway Program must:

(1) be at least 21 years of age;

(2) be of good professional character as defined under 163.1(8) of this title;

(3) have completed 60 semester hours of college courses as defined under 163.1(10) of this title;

(4) have completed all of the didactic work, but not graduated from a foreign medical school and meet the requirements subparagraph (A) or (B) of this paragraph.

(A) The medical school's curriculum meets the requirements for an acceptable unapproved medical school as determined by a committee of experts selected by the Texas Higher Education Coordinating Board; or

(B) Either:

(i) the medical school's curriculum is substantially equivalent to a Texas medical school as defined under 163.1(11) of this title and has not been disapproved by another state physician licensing agency unless the applicant can provide evidence that the disapproval was unfounded, or:

(ii) the applicant must:

(I) have passed the basic sciences portion of an acceptable examination listed in 163.6(a) of this title within two attempts;

(II) have not been the subject of disciplinary action by any other state, the uniformed services of the United States, or the applicant's peers in a local, regional, state, or national professional medical association or staff of a hospital;

(III) have, on a full-time basis, actively diagnosed or treated persons or have been on the active teaching faculty of an acceptable approved medical school for three of the last four years preceding receipt of an Application for licensure, which may include post-graduate training (The term "full-time basis" shall have the same meaning provided in 163.11(b) of this title (relating to Active Practice of Medicine)); and

(IV) at the date of application to the Board or prior to approval for licensure by the Board hold a certificate from a specialty board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists.

(5) have successfully completed a two-year training program of graduate medical education in the United States or Canada as defined under 163.1(13) of this title;

(6) submit evidence of passing an examination, that is acceptable to the board for licensure;

(7) pass the Texas Medical Jurisprudence Examination;

(8) submit a sworn affidavit that no proceedings, past or current, have been instituted against the applicant before any state medical board, provincial medical board, in any military jurisdiction or federal facility;

- (9) have attained a passing score on the ECFMG examination;
 - (10) have the ability to communicate in the English language;
 - (11) have attained a satisfactory score on a qualifying examination and have completed one academic year of supervised clinical training for foreign medical students as defined by the American Medical Association Council on Medical Education (Fifth Pathway Program) in a United States medical school; and
 - (12) have supplied all additional information that the board may require, concerning the applicant's medical school, before approving the applicant.
- (d) (no change)

163.11. Active Practice of Medicine.

(a) All applicants for licensure shall provide sufficient documentation to the board that the applicant has, on a full-time basis, actively diagnosed or treated persons or has been on the active teaching faculty of an acceptable approved medical school, within either of the last two years preceding receipt of an Application for licensure.

(b) The term "full-time basis," for purposes of this section, shall mean at least 20 hours per week for 40 weeks duration during a given year.

(c) Applicants who do not meet the requirements of subsections (a) and (b) of this section may, in the discretion of the executive director or board, be eligible for:

(1) an unrestricted license **if the applicant demonstrates** ~~[or a restricted license subject to one or more of the following conditions or restrictions]:~~

(A) ~~[(1)]~~ current certification by a member board of the American Board of Medical Specialties, Bureau of Osteopathic Specialists, or the American Board of Oral and Maxillofacial Surgery obtained by passing within the two years prior to date of applying for licensure, a monitored:

(i) ~~[(A)]~~ specialty certification examination;

(ii) ~~[(B)]~~ maintenance of certification examination; or

(iii) ~~[(C)]~~ continuous certification examination;

~~[(2) limitation of the practice of the applicant to specified activities of medicine and/or exclusion of specified activities of medicine;]~~

(B) completion of ~~[(3)]~~ remedial education, including but not limited to a mini-residency, fellowship or other structured program; **or**

(C) [(4)] such other remedial **measures** ~~[or restrictive conditions or requirements]~~ that, in the discretion of the board, are necessary to ensure protection of the public and minimal competency of the applicant to safely practice medicine.

(2) a license subject to one of more of the following conditions:

(A) limitation of the practice of the applicant to specified activities of medicine and/or exclusion of specified activities of medicine; or

(B) such other restrictive or remedial conditions that, in the discretion of the executive director or board, are necessary to ensure protection of the public and establish minimal competency of the applicant to safely practice medicine.