

North Carolina Medical Board
License Committee – Agenda
July 2014

Mr. Michael Arnold, Chairperson, Subhash Gumber, MD, Diane Meelheim, FNP-BC,
Timothy Lietz, MD, Mr. A. Wayne Holloman

Open Session

Old Business

1. ACGME International (ACGME-I) Accreditation – Dr. Kirby

Issue: ACGME is now accrediting training programs outside the US (ACGME-I). It is the opinion of the legal and licensing departments that the 1 and 3 year ACGME approved postgraduate training requirements can consist of training outside the US, if ACGME approved. This was presented to the Board at the May 2014 meeting and the Board requested staff gather information on the accreditation process for ACGME-I for its review.

Staff Recommendation: Do not accept ACGME-I approved training programs until we have unspecified additional information. (SSRC)

2. Rules for Approval

Issue: The proposed rules changes for NCAC 32B .1350 (c)(4)(g), 32B .1360 (d), 32B .1402 (10)(a), 32B .1402 (10)(b), 32B .1402 (c) have been published in the NC register and the Board's website. To date, no comments have been received. Public hearing is scheduled for July 14, 2014. If no comments are received prior to July 14, the proposed rules will be sent to Rules Review with an expected effective date of September 1, 2014.

Staff Recommendation: Approve rules unless comments have been received.

New Business

1. Requirement for ECFMG Certification

Issue: Currently all IMG's are required to be ECFMG certified as required by NCGS 90-9.2 and 21 NCAC 32B .1303(a)(11). This requires passing USMLE Step 1 & both components of Step 2 (clinical knowledge and clinical skills). It has been suggested that the Board discuss whether it would be appropriate to allow specialty Board Certification to constitute a waiver of the ECFMG requirement for IMGs.

- Step 1 assesses a physician's ability to understand and apply important concepts of the sciences basic to the practice of medicine.

- Step 2 assesses whether a physician can apply medical knowledge, skills, and understanding of clinical science to the provision of patient care.
- Most importantly, Step 2 CS uses standardized patients to evaluate a physician's ability to gather information from patients (and thus have some proficiency in English), perform physical examinations, and communicate their findings to patients and colleagues.

ABMS certification tests knowledge in a narrow and specialized field of medicine. Importantly it does not evaluate any of the critical physician skills covered by USMLE Step CS.

A NC full and unrestricted license does not limit “graduates of foreign medical schools” to the narrow area of practice relative to their ABMS specialty certification. ABMS specialty certification does not assess a physician’s broad based general “ability to gather information from patients, perform physical examinations, and communicate their findings to patients and colleagues” as is required of IS medical school graduates.

Current Statute and Regulatory Rule:

§ 90-9.2. Requirements for graduates of foreign medical schools

(a) To be eligible for licensure under this section, an applicant who is a graduate of a medical school not approved by the Liaison Commission on Medical Education, the Committee for the Accreditation of Canadian Medical Schools, or the American Osteopathic Association shall submit proof satisfactory to the Board that the applicant:

- (1) Has successfully completed three years of training in a medical education program approved by the Board after graduation from medical school;
- (2) Is of good moral character;
- (3) Has a currently valid standard certificate of Educational Commission for Foreign Medical Graduates (ECFMG); and
- (4) Is able to communicate in English.

(b) The Board may waive ECFMG certification if the applicant:

- (1) Has passed the ECFMG examination and successfully completed an approved Fifth Pathway Program. The applicant is required to provide the original ECFMG Certification Status Report from the ECFMG; or
- (2) Has been licensed in another state on the basis of written examination before the establishment of ECFMG in 1958.

(c) The Board may, by rule, require an applicant to comply with other requirements or submit additional information the Board deems appropriate. (2007-346, s. 9.)

21 NCAC 32B .1303 APPLICATION FOR PHYSICIAN LICENSE

(a) In order to obtain a Physician License, an applicant shall:

- (11) if a graduate of a medical school other than those approved by LCME, AOA, COCA or CACMS, furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if:
 - (A) the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required); or
 - (B) the applicant has been licensed in another state on the basis of a written examination before the establishment of the ECFMG in 1958;

Staff Recommendation: Staff does not believe specialty Board certification by the American Board of Medical Specialities (ABMS), the American Osteopathic Association (AOA), the College of Family Physicians of Canada (CFPC) or the Royal College of Physicians and Surgeons of Canada (RCPSC) are adequate substitutes for ECFMG certification. NCGS 90-9.2 nor 21 NCAC 32B .1303(a)(11) should not be changed. (SSRC)

2. Physicians Health Program PHP Referral Criteria

Issue: The Board previously approved criteria for referring applicants for PHP assessments.

May 2008 BOARD ACTION: Establish the following policy with regard to applicants with DWI history and NC PHP evaluations:

Applicants for license will be referred for NC PHP assessment under any one of the following circumstances:

1. Any arrest within the past 5 years for the operation of any vehicle under the influence of any impairing substance.
2. Two or more previous DWI arrests, or the equivalent, over any period of time.
3. In some cases an out-of-state assessment by another state's PHP, which is known and trusted by the Board, will be accepted in lieu of a NC PHP evaluation.

If the license application is otherwise clean, and NC PHP evaluation, performed in compliance with the criteria above, identifies no alcohol or substance abuse problems, no applicant interview will be required with regard to the question of a previous DWI arrest.

A private letter of concern (PLOC) will be sent to applicants who meet this criteria.

The Legal Department has recommended the above criteria be amended as follows:

1. Any arrest within the past 3 years for the operation of any vehicle under the influence of an impairing substance (previously stated: 5 years)
2. Two or more previous DWI arrests, or the equivalent, in the past 5 years (previously stated: over any period of time)
3. (No change to this section)

A private letter of concern (PLOC) may be sent to applicants who meet the criteria. (previously stated: will)

Staff Recommendation: Accept proposed changes. (SSRC)

3. Application Review Process for Misdemeanor Charges

Issue: It has been the experience of the Legal Department that applicants falling within this category routinely receive a license without action. By allowing the Licensing Department to routinely process these applications without additional review by staff or a Board member, the

Board will reduce the amount of time a licensing coordinator spends on the application and the applicant will receive his or her license days earlier.

Staff Recommendation: Allow the Licensing Department to process otherwise clean applications where the applicant truthfully reports one minor misdemeanor charge and/or conviction that:

- (1) occurred more than five years ago, and
- (2) prior to professional school

without the need for the application to be reviewed by the Legal Department or Senior Staff Review Committee. Additionally, these applications would not be reviewed by a Board Member. Importantly, if the applicant does not truthfully report the charge or conviction or if there are any other issues on the application, the application will still require Legal Department and/or OMD review.