

AMENDMENTS TO LB1212

(Amendments to Standing Committee amendments, AM2477)

Introduced by Riepe, 12.

1           1. Strike the original sections and insert the following new  
2 sections:

3           **Section 1.** Section 38-2001, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           38-2001 Sections 38-2001 to 38-2064 and sections 3 to 9 of this act  
6 shall be known and may be cited as the Medicine and Surgery Practice Act.

7           **Sec. 2.** Section 38-2002, Revised Statutes Cumulative Supplement,  
8 2024, is amended to read:

9           38-2002 For the purposes of the Medicine and Surgery Practice Act  
10 and elsewhere in the Uniform Credentialing Act, unless the context  
11 otherwise requires, the definitions found in sections 38-2003 to 38-2022  
12 and section 3 of this act apply.

13           **Sec. 3.** For purposes of sections 3 to 9 of this act:

14           (1) Assessment and evaluation program means a structured program  
15 approved by the department, with the recommendation of the board, which  
16 utilizes multiple assessment methods to evaluate an internationally  
17 trained physician's performance over time across the general competencies  
18 within the physician's intended scope of practice;

19           (2) General competencies means the six domains of professional  
20 competence endorsed by the Coalition for Physician Accountability,  
21 including patient care and procedural skills, medical knowledge,  
22 practice-based learning and improvement, interpersonal and communication  
23 skills, professionalism, and systems-based practice;

24           (3) Health profession shortage area means a geographic region of the  
25 state that has been designated by the Nebraska Rural Health Advisory  
26 Commission pursuant to section 71-5665;

1           (4) Internationally trained physician means a physician who has: (a)  
2 Received a degree of doctor of medicine or its equivalent from a legally  
3 chartered medical school outside the United States; (b) completed a  
4 graduate medical education training program that is substantially similar  
5 to United States graduate medical education or residency, as determined  
6 by the board; (c) been licensed or otherwise authorized to practice  
7 medicine in a country other than the United States; (d) practiced  
8 medicine for at least three of the last five years following the  
9 completion of a graduate medical education training program, unless that  
10 period is waived by the board; and (e) been in good standing with any  
11 previous medical licensing or regulatory institution during the most  
12 recent three years of practice and has no pending discipline before the  
13 licensing or regulatory institution;

14           (5) Legally chartered medical school outside the United States means  
15 a medical school recognized by the Educational Commission for Foreign  
16 Medical Graduates that provides individuals with a medical education or  
17 training outside the United States that is substantially similar to the  
18 training required to qualify to practice medicine and surgery in this  
19 state, as determined by the board;

20           (6) Licensing examination means the United States Medical Licensing  
21 Examination;

22           (7) Participating health care entity means a federally qualified  
23 health center, hospital, or other entity that provides an assessment and  
24 evaluation program and is approved by the department, with the  
25 recommendation of the board. The department, with the recommendation of  
26 the board, may establish additional criteria for qualification as a  
27 participating health care entity including criteria relating to the  
28 ability to implement a board-approved assessment and evaluation program  
29 addressing the general competencies;

30           (8) Provisional license means a license to practice medicine issued  
31 pursuant to section 4 of this act; and

1           (9) Transitional license means a license issued pursuant to section  
2 5 of this act that permits an internationally trained physician to  
3 practice as a practitioner in a health profession shortage area  
4 independently without the supervision of a participating health care  
5 entity.

6           **Sec. 4.** (1) The department, with the recommendation of the board,  
7 shall issue a provisional license for no longer than three years to an  
8 internationally trained physician if the physician and the participating  
9 health care entity submit evidence that the physician:

10           (a) Meets the definition of an internationally trained physician as  
11 defined in section 3 of this act;

12           (b) Has a valid certification issued by the Educational Commission  
13 for Foreign Medical Graduates;

14           (c) Has achieved a passing score on step 1 and step 2 of the  
15 licensing examination;

16           (d) Has entered into an agreement with a participating health care  
17 entity for full-time employment under the supervision of a licensed  
18 physician. Such agreement shall provide that the participating health  
19 care entity shall conduct an initial formative needs assessment, develop  
20 an individualized learning and supervision plan, and assess and evaluate  
21 the physician's familiarity with the standards appropriate for medical  
22 practice in the state, consistent with assessment and evaluation criteria  
23 established in rules and regulations adopted and promulgated by the  
24 department, with the recommendation of the board, and designed to address  
25 all general competencies;

26           (e) Is either a United States citizen or is legally authorized to  
27 work by the federal government pursuant to 8 C.F.R. 274a.12, as such  
28 regulation existed on January 1, 2026; and

29           (f) Has satisfied other criteria as required by the board which  
30 shall not include a medical education residency program as a  
31 prerequisite.

1       (2) An internationally trained physician practicing under a  
2 provisional license shall be allowed to renew such physician's  
3 provisional license for one three-year period. No physician practicing  
4 under a provisional license shall be allowed to hold a provisional  
5 license for more than six years.

6       (3)(a) Within six months after a physician commences practice under  
7 a provisional license, the participating health care entity shall: (i)  
8 Conduct an initial formative needs assessment of the internationally  
9 trained physician's competence in the general competencies, including a  
10 review of the physician's prior graduate medical education and practice  
11 experience using a process approved by the department, with the  
12 recommendation of the board; and (ii) submit an individualized learning  
13 and supervision plan to the department for the physician that is informed  
14 by the initial formative needs assessment and addresses all general  
15 competencies for the physician's intended scope of practice. A copy of  
16 such plan shall be provided to the board.

17       (b) The initial formative needs assessment shall be used to identify  
18 areas of strength and areas in which additional support is needed and  
19 shall not be used to deny issuance of a provisional license to a  
20 physician who otherwise meets the requirements of subsection (1) of this  
21 section.

22       (4)(a) The assessment and evaluation program utilized by a  
23 participating health care entity for a physician practicing under a  
24 provisional license shall include, but not be limited to: (i)  
25 Standardized assessments of medical knowledge; (ii) direct observation of  
26 the physician's clinical skills; (iii) multi-source feedback from  
27 physicians and other health care team members and, when feasible,  
28 patients; and (iv) periodic audits of medical records for which the  
29 physician is responsible.

30       (b) The assessment and evaluation program shall ensure that the  
31 physician engages in a sufficient volume and breadth of cases to permit

1 meaningful assessment across the general competencies for the physician's  
2 intended scope of practice.

3 (5) An internationally trained physician practicing under a  
4 provisional license shall be supervised and employed by a participating  
5 health care entity. All practice under a provisional license shall  
6 initially occur under supervision by a supervisor who meets the  
7 requirements described in subdivision (a) of this subsection. The level  
8 of supervision may be adjusted over time based on documented competence  
9 demonstrated through the assessment and evaluation program, in accordance  
10 with standards and supervision levels established in rules and  
11 regulations adopted and promulgated by the department, with the  
12 recommendation of the board. A participating health care entity shall:

13 (a) Employ one or more supervisors to supervise internationally  
14 trained physicians. A supervisor shall (i) be licensed to practice  
15 medicine in the state in good standing, and (ii) possess all necessary  
16 institutional privileges;

17 (b) Carry medical malpractice insurance covering such physician  
18 during the period of time the physician practices under the provisional  
19 license; and

20 (c) Complete all required assessment and evaluation program  
21 criteria.

22 (6) The department, with the recommendation of the board, may adopt  
23 and promulgate rules and regulations to carry out this section,  
24 including, but not limited to, criteria for participating health care  
25 entities and supervisors, requirements for assessment and evaluation  
26 programs, supervision levels, and required forms for initial formative  
27 needs assessments and individualized learning and supervision plans.

28 **Sec. 5.** (1) The department, with the recommendation of the board,  
29 may issue a transitional license for no longer than three years to an  
30 internationally trained physician if such physician has:

31 (a) Practiced medicine for three years under the supervision of a

1 participating health care entity;

2 (b) Completed and received satisfactory results on the participating  
3 health care entity's department-approved and board-recommended assessment  
4 and evaluation program which shall document, using multiple assessment  
5 methods, the physician's performance across the general competencies  
6 within the physician's intended scope of practice;

7 (c) Received a satisfactory score on step 3 of the licensing  
8 examination; and

9 (d) Completed additional prerequisites required by the board. Such  
10 prerequisites shall not include a medical education residency program.

11 (2) Prior to issuing a transitional license, the department shall  
12 receive from the participating health care entity a final assessment and  
13 evaluation report on a form prescribed by the department, with the  
14 recommendation of the board, affirming that, in the judgment of the  
15 participating health care entity, the physician has demonstrated the  
16 ability to engage in independent and unsupervised practice within the  
17 physician's intended scope of practice across all general competencies.  
18 The board shall be provided with a copy of the final assessment and  
19 evaluation report and may review the report and make a recommendation to  
20 the department regarding issuance, denial, or renewal of a provisional or  
21 transitional license under this section.

22 (3) The transitional license may be renewed for one three-year  
23 period.

24 **Sec. 6.** (1) After an internationally trained physician has  
25 practiced under a provisional license for a minimum of three years and a  
26 transitional license for a minimum of three years, such physician shall  
27 be eligible to apply for an unrestricted license to practice medicine in  
28 this state. Prior to granting such unrestricted license, the board shall  
29 consider assessment data and reports submitted under sections 4 and 5 of  
30 this act.

31 (2) While practicing under a provisional or transitional license,

1 the physician shall submit the following information to the department  
2 and the board every six months or upon request: (a) A statement  
3 certifying that the physician is employed as a physician in this state  
4 and not subject to discipline; and (b) a disclosure of the results of any  
5 assessment or evaluation completed by the participating health care  
6 entity under an approved assessment and evaluation program pursuant to  
7 section 5 of this act.

8 (3) The physician shall notify the department and the board of any  
9 changes in employment during the period of time a provisional license is  
10 in effect.

11 **Sec. 7.** A participating health care entity employing a physician  
12 practicing under a provisional or transitional license shall ensure that  
13 such physician:

14 (1) Is subject to, and protected by, the entity's policies regarding  
15 work hours, discrimination and harassment, and access to wellness and  
16 support services on the same basis as other physicians employed by the  
17 entity; and

18 (2) Receives written information at the commencement of employment  
19 regarding the policies described in subdivision (1) of this section.

20 **Sec. 8.** (1) In addition to other grounds for disciplinary action  
21 against the license under the Uniform Credentialing Act, the department  
22 may take disciplinary action, including suspension and revocation,  
23 against a license granted pursuant to section 4 or 5 of this act for  
24 professional misconduct, noncompliance with licensure requirements, or an  
25 unsatisfactory assessment or evaluation submitted by a participating  
26 health care entity. In determining whether an assessment or evaluation is  
27 unsatisfactory under this subsection, the department may consider the  
28 totality of assessment data generated under an approved assessment and  
29 evaluation program, including repeated deficiencies in one or more  
30 general competencies and the physician's response to remediation. The  
31 department shall consider any board recommendation relating to an

1 assessment or evaluation described in this section.

2 (2) A provisional or transitional license may be suspended, pending  
3 a full disciplinary review by the department if, in the judgment of a  
4 participating health care entity, the internationally trained physician's  
5 practice jeopardizes the health and well-being of a patient.

6 **Sec. 9.** An internationally trained physician aggrieved by any  
7 action against such physician's provisional or transitional license may  
8 appeal the decision. The appeal shall be in accordance with the  
9 Administrative Procedure Act.

10 **Sec. 10.** This act becomes operative on August 1, 2027.

11 **Sec. 11.** Original sections 38-2001 and 38-2002, Revised Statutes  
12 Cumulative Supplement, 2024, are repealed.