

AMENDMENTS TO LB1212

Introduced by Health and Human Services.

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 board which utilizes multiple assessment methods to
16 evaluate an internationally trained physician's performance over time
17 across the general competencies within the physician's intended scope of
18 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;

27 (4) Internationally trained physician means a physician who has: (a)

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

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

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

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

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

30 (9) Transitional license means a license issued pursuant to section
31 5 of this act that permits an internationally trained physician to

1 practice as a practitioner in a health profession shortage area
2 independently without the supervision of a participating health care
3 entity.

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

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

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

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

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

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

26 (f) Has satisfied other criteria as required by the board which
27 shall not include a medical education residency program as a
28 prerequisite.

29 (2) An internationally trained physician practicing under a
30 provisional license shall be allowed to renew such physician's
31 provisional license for one three-year period. No physician practicing

1 under a provisional license shall be allowed to hold a provisional
2 license for more than six years.

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

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

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

25 (b) The assessment and evaluation program shall ensure that the
26 physician engages in a sufficient volume and breadth of cases to permit
27 meaningful assessment across the general competencies for the physician's
28 intended scope of practice.

29 (5) An internationally trained physician practicing under a
30 provisional license shall be supervised and employed by a participating
31 health care entity. All practice under a provisional license shall

1 initially occur under supervision by a supervisor who meets the
2 requirements described in subdivision (a) of this subsection. The level
3 of supervision may be adjusted over time based on documented competence
4 demonstrated through the assessment and evaluation program, in accordance
5 with standards and supervision levels established by the board in rule
6 and regulation. A participating health care entity shall:

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

11 (b) Carry medical malpractice insurance covering such physician
12 during the period of time the physician practices under the provisional
13 license; and

14 (c) Complete all required assessment and evaluation program
15 criteria.

16 **Sec. 5.** (1) The department, with approval of the board, shall issue
17 a transitional license for no longer than three years to an
18 internationally trained physician if such physician has:

19 (a) Practiced medicine for three years under the supervision of a
20 participating health care entity;

21 (b) Completed and received satisfactory results on the participating
22 health care entity's board-approved assessment and evaluation program
23 which shall document, using multiple assessment methods, the physician's
24 performance across the general competencies within the physician's
25 intended scope of practice;

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

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

30 (2) Prior to issuing a transitional license, the board shall receive
31 from the participating health care entity a final assessment and

1 evaluation report on a form prescribed by the board affirming that, in
2 the judgment of the participating health care entity, the physician has
3 demonstrated the ability to engage in independent and unsupervised
4 practice within the physician's intended scope of practice across all
5 general competencies.

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

8 **Sec. 6.** (1) After an internationally trained physician has
9 practiced under a provisional license for a minimum of three years and a
10 transitional license for a minimum of three years, such physician shall
11 be eligible to apply for an unrestricted license to practice medicine in
12 this state. Prior to granting such unrestricted license, the board shall
13 consider assessment data and reports submitted under sections 4 and 5 of
14 this act.

15 (2) While practicing under a provisional or transitional license,
16 the physician shall submit the following information to the board every
17 six months or upon request: (a) A statement certifying that the physician
18 is employed as a physician in this state and not subject to discipline;
19 and (b) a disclosure of the results of any assessment or evaluation
20 completed by the participating health care entity under a board-approved
21 assessment and evaluation program.

22 (3) The physician shall notify the board of any changes in
23 employment during the period of time a provisional license is in effect.

24 **Sec. 7.** A participating health care entity employing a physician
25 practicing under a provisional or transitional license shall ensure that
26 such physician:

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

31 (2) Receives written information at the commencement of employment

1 regarding the policies described in subdivision (1) of this section.

2 **Sec. 8.** (1) In addition to other grounds for disciplinary action
3 against the license under the Uniform Credentialing Act, the department
4 may take disciplinary action, including suspension and revocation,
5 against a license granted pursuant to section 4 or 5 of this act for
6 professional misconduct, noncompliance with licensure requirements, or an
7 unsatisfactory assessment or evaluation submitted by a participating
8 health care entity. In determining whether an assessment or evaluation is
9 unsatisfactory under this subsection, the department and the board may
10 consider the totality of assessment data generated under a board-approved
11 assessment and evaluation program, including repeated deficiencies in one
12 or more general competencies and the physician's response to remediation.

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

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

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

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