

April 12, 1957.
Sifting Committee.

House File 582
By COMMITTEE ON PUBLIC
HEALTH AND PHARMACY.

Passed House, Date 4-15 Passed Senate, Date 4-18
Vote: Ayes 101 Nays 0 Vote: Ayes 17 Nays 0
Approved 5-2-57

House File 4-23
ayes 91- may 10

A BILL FOR

An Act relating to licenses to practice medicines and surgery.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Subsection one (1) of section one hundred forty-
2 eight point three (148.3), Code 1954, is hereby amended by adding
3 to said subsection the following:

4 "The medical examiners may accept, in lieu of a diploma from
5 a medical college approved by them, all of the following:

6 a. A diploma issued by a medical college which has been
7 neither approved nor disapproved by the medical examiners; and

8 b. The completion of three years of training as a resident
9 physician, which training has been approved by or is acceptable
10 to the medical examiners; and

11 c. The recommendation of the educational council for foreign
12 medical graduates, incorporated or similar accrediting agency."

1 Sec. 2. Subsection five (5) of section one hundred forty-
2 eight point three (148.3), Code 1954, is hereby repealed.

1 Sec. 3. Section one hundred forty-eight point five (148.5),
2 Code 1954, is amended by striking all of said section and inserting
3 in lieu thereof the following:

4 "Any physician, who is a graduate of a medical school and is
5 serving only as a resident physician and who is not licensed to
6 practice medicine and surgery in this state, shall be required to
7 obtain from the medical examiners a temporary or special license

8 to practice as a resident physician. The license shall be designated
9 "Resident Physician License" and shall authorize the licensee to
10 serve as a resident only, under the supervision of a licensed
11 practitioner of medicine and surgery, in an institution approved for
12 this purpose by the medical examiners. Such license shall be valid
13 for one year and may be annually renewed at the discretion of the
14 medical examiners for a period not to exceed six additional years.
15 The fee for this license shall be fifteen dollars, and if extended
16 beyond one year, an annual renewal fee of three dollars per year
17 shall be required. The medical examiners shall determine in each
18 instance those eligible for this license, whether or not examina-
19 tions shall be given, and the type of examinations. No requirements
20 of the law pertaining to regular permanent licensure shall be mandatory
21 for this resident licensure except as specifically designated by the
22 medical examiners. The granting of a resident physician's license
23 does not in any way indicate that the person so licensed is
24 necessarily eligible for regular licensure, nor are the medical
25 examiners in any way obligated to so license such individual. The
26 medical examiners shall revoke said license at any time they shall
27 determine either that the caliber of work done by a licensee or the
28 type of supervision being given such licensee does not conform to
29 reasonable standards established by the medical examiners."

EXPLANATION OF HOUSE FILE 582

This bill will facilitate the licensing of foreign doctors to practice medicine in Iowa and should help solve the shortage of trained personnel for Iowa's mental health institutions.

This bill reflects the best current thinking with respect to evaluating foreign doctors. Under present law, a foreign doctor is not eligible for licensure in Iowa unless he has a diploma from an approved school. It is no longer feasible to approve or disapprove foreign medical schools and it is considered better practice to judge foreign doctors on the basis of their individual qualifications.

The Educational Council for Foreign Medical Graduates, Inc., is a nonprofit corporation established by the Association of American Medical Colleges, the Federation of State Medical Examining Boards, the American Hospital Association and the American Medical Association. The council will evaluate the foreign-trained physician's medical credentials and will examine his factual knowledge of medicine. This may be done either in the applicant's home country or in the United States. The council's announced policy is to approve applicants who have "reached a level of educational

attainment comparable to that of students in American schools at the time of organization."

This bill will accordingly make a considerably larger number of foreign-trained physicians eligible for licensure in Iowa with proper safeguards to assure that they will be substantially as well-qualified as American-trained physicians.

HOUSE FILE 582

1 House File 582 is hereby amended as follows:

2 By adding at the end thereof the following new sections:

3 "Sec. 4. In lieu of and as an alternative to the provisions
4 of sections one hundred forty-seven point fifty-eight (147.58)
5 through one hundred forty-seven point seventy-one (147.71),
6 inclusive, of the Code, the medical examiners after due notice
7 and hearing may direct the commissioner of public health to
8 issue an order to revoke, suspend or place on probation the
9 license of any person licensed to practice medicine and surgery
10 for any of the grounds set forth in sections one hundred
11 forty-seven point fifty-five (147.55) and one hundred forty-seven
12 point fifty-six (147.56) of the Code.

13 Sec. 5. Any proceeding for revocation, suspension or
14 probation of a license to practice medicine and surgery shall
15 be substantially in accord with the following procedure:

16 1. The medical examiners may, upon their own motion or upon
17 verified complaint in writing, and shall, if such complaint is
18 filed by the commissioner of public health, issue an order
19 fixing the time and place for hearing thereon. A written
20 notice of the time and place of the hearing together with a
21 statement of the charges shall be served upon the licensee at
22 least ten days before said hearing in the manner required for
23 the service of notice of the commencement of an ordinary action.

24 2. If the licensee has absented or removed himself from the
25 state, the notice and statement of the charges shall be so
26 served at least twenty days before the date of the hearing,
27 wherever he may be found. If the whereabouts of the licensee
28 is unknown, service may be had by publication as provided in
29 the rules of civil procedure upon filing the affidavit
30 required by said rules. In case the licensee fails to appear,
31 either in person or by counsel at the time and place designated
32 in said notice, the medical examiners shall proceed with the
33 hearing as hereinafter provided.

34 3. The hearing shall be before a member or members
35 designated by the board. The board shall designate one member
36 to serve as presiding member. Such presiding member is hereby
37 empowered to issue subpoenas, administer oaths and take or
38 cause depositions to be taken in connection with the hearing.
39 He shall issue subpoenas at the request and on behalf of the
40 licensee.

41 4. A stenographic record of the proceedings shall be kept.
42 The licensee shall have the opportunity to appear personally
43 and by his attorney, with the right to produce evidence in his
44 own behalf, to examine and cross-examine witnesses and to
45 examine documentary evidence produced against him.

46 5. In case any person refuses to obey a subpoena issued by
47 the presiding member or to answer any proper question put to

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48 him during the hearing, the presiding member may invoke the
49 aid of any court of competent jurisdiction or judge thereof in
50 requiring the attendance and testimony of such person and the
51 production of papers. Any failure to obey such order of the
52 court may be punished by the court as a civil contempt may be
53 punished.

54 6. Unless the hearing is before the entire board, a
55 transcript of the proceeding, together with exhibits presented,
56 shall be considered by the entire board at the earliest
57 practicable time. The licensee and his attorney shall have
58 the opportunity to appear personally to present the licensee's
59 position and arguments to the board. The board shall determine
60 the charge or charges upon the merits on the basis of the
61 evidence in the record before it.

62 7. If a majority of the members of the board vote in favor
63 of finding the licensee guilty of any act or offense specified
64 in sections one hundred forty-seven point fifty-five (147.55)
65 or one hundred forty-seven point fifty-six (147.56) of the
66 Code, the board shall prepare written findings of fact and
67 its decision based thereon. Such findings of fact and decision
68 shall be filed with the commissioner of public health who shall
69 within ten days from such filing enter an order revoking,
70 suspending or placing on probation the license as directed by
71 the board in its decision. A copy of the commissioner's order
72 shall immediately be sent by registered mail to the licensee's
73 last known postoffice address accompanied by a copy of the
74 board's findings of fact and decision.

75 8. The licensee shall have the right to a judicial review
76 of the board's decision and the order of the commissioner.
77 Such review shall be initiated by application to the district
78 court in and for Polk county, or to the district court of the
79 county in which the licensee resides, by any method permissible
80 under the laws of this state. Such application must be made
81 within thirty days after the date of the commissioner's order.
82 On any such review, the hearing shall be tried as a suit in
83 equity and shall be de novo.

84 Sec. 6. The commissioner of public health is hereby
85 authorized to accept the voluntary surrender of a license if
86 accompanied by a written statement of intention. Such
87 voluntary surrender, when so accepted, shall have the same
88 force and effect as an order of revocation.

89 Sec. 7. Any person whose license has been suspended,
90 revoked or placed on probation may apply to the board of
91 medical examiners for reinstatement at any time and the board
92 may hold hearings on any such petition and may order reinstatement
93 and impose terms and conditions thereof and issue a certificate
94 of reinstatement to the commissioner of public health who shall
95 thereupon issue a license as directed by the board."

Filed and adopted
April 18, 1957.

By SHOEMAN.

Adopted
4-18