

LEGISLATIVE BILL 761

Approved by the Governor March 21, 1978

Introduced by Public Health and Welfare Committee, R. Lewis, 38, Chmn.; Kelly, 35; Rasmussen, 41; Moylan, 6; R. Maresh, 32; Kennedy, 21; Cullan, 49

AN ACT to amend sections 71-1,104 and 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to provide for the manner in which a foreign medical graduate may apply for a license to practice medicine and surgery, or for a temporary educational permit as prescribed; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-1,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,104. Each applicant for a license to practice medicine and surgery shall (1) present proof that he or she is a graduate of an accredited school or college of medicine or, if a foreign medical graduate, provide a copy of a permanent certificate issued by the Educational Commission on Foreign Medical Graduates that is currently effective and relates to such applicant, or provide such credentials as are necessary to certify that such a foreign medical graduate has successfully passed the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health, Education and Welfare and the United States Immigration and Naturalization Service, or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination, but has not yet received the permanent certificate attesting to the same, provide such credentials as certify the same to the Department of Health; (2) unless waived by the Board of Examiners in Medicine and Surgery with the approval of the Department of Health present proof that he or she has served at least one year of graduate medical education approved by the Board of Examiners in Medicine and Surgery, except that the Board of Examiners in Medicine and Surgery shall not waive such requirement in the case of a foreign medical graduate; and (3) pass

an examination prescribed and conducted by the Board of Examiners in Medicine and Surgery, and approved by the Department of Health covering appropriate medical subjects.

Sec. 2. That section 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.13. A temporary educational permit may be issued to graduates of foreign schools or colleges of medicine or to individuals; Provided, that such applicant in addition to meeting the other requirements for the issuance of such permit presents to the Department of Health a copy of a permanent certificate of the Educational Commission on Foreign Medical Graduates currently effective and relating to such applicant, or, in lieu thereof, such credentials as are necessary to certify to successful passage of the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health, Education and Welfare and the United States Immigration and Naturalization Service, or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination, but has not yet received a permanent Educational Commission on Foreign Medical Graduates certificate attesting to the same, and provides such credentials as certify the same to the Department of Health, at such time as the Department of Health, upon recommendation of the Board of Examiners in Medicine and Surgery shall determine, and, if so directed by the Department of Health, shall pass an examination prescribed by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to measure his or her clinical competence to proceed to advanced training before advancing beyond the initial phase of the training program, and if such examination is required, shall pay a fee of one hundred dollars or such additional amount as shall be determined by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover the expense of such examination.

Sec. 3. That original sections 71-1,104 and 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.