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Regulatory
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Final Regulation Agency Background Document

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 85-20
Regulation title	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic
Action title	Post-graduate training for graduates of non-accredited medical schools
Document preparation date	6/22/06

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board proposes to amend section 122, which sets out the educational requirements for graduates and former students of institutions not approved by an accrediting agency recognized by the board, to specify that at least one of the required two years of postgraduate training or study in the United States or Canada must be as an intern or resident in a hospital or health care facility.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 22, 2006, the Board of Medicine adopted a final regulation for 18VAC85-20-10 et seq., Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and

Chiropractic to establish that at least one of the required two years of postgraduate training must be in the U. S.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

In addition, the Medical Practice Act, as amended in 2003, specifies at least two years of satisfactory postgraduate training for applicants from a non-accredited educational program:

§ 54.1-2935. Supplemental training or study required of certain graduates.

In the event that a candidate has completed an educational course of study in an institution that is not approved by an accrediting agency recognized by the Board, the candidate shall not be admitted to any examination given by the Board until he has completed two years of satisfactory postgraduate training in a hospital approved by an accrediting agency recognized by the Board for internship or residency training. The Board may consider other postgraduate training as a substitute for the required postgraduate training if it finds that such training is substantially equivalent to that required by this section.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

In 2003, § 54.1-2935 of the Code of Virginia was amended to reduce the requirement for postgraduate training for graduates of non-approved programs in medicine from three to two years. Accordingly, the Board amended its regulations for satisfactory postgraduate training to require two years. Prior to 2003, the Board allowed such a graduate to substitute other postgraduate training or

study for up to two of the required three years, but required at least one year of training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program. With the reduction in total training to two years, it became possible for all of the postgraduate training to be met without any period of internship or residency. The Board believes at least one year of supervised postgraduate training is essential to ensure that a graduate has the knowledge and skills necessary to practice medicine with safety and competency.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

The proposed change would amend section 122 to specify that at least one year of the two years of postgraduate training must consist of training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program. The other year could be waived for a graduate who has secured an approved fellowship or teaching position.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

1) The primary advantage to the public would be additional assurance that a graduate of a non-accredited medical school is adequately prepared and sufficiently knowledgeable to be licensed as an independent doctor of medicine or osteopathic medicine. Without one year of supervised practice in a residency or internship, there is less assurance of minimal competency for persons who may have received their medical education in third-world countries. There are no disadvantages. The requirement for two years of post-graduate training has not been changed, only the alternatives for completion of the two years have been amended.

2) There are no advantages or disadvantages to the agency or the Commonwealth.

3) There are no other matters of interest.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

There were no changes made to the proposed regulation since its publication.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Proposed regulations were published on January 23, 2006 with a 60-day comment period ending on March 24, 2006. A public hearing on proposed regulations was held on February 23, 2006. There were no public comments submitted.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
22	n/a	5. Requires completion of two years of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program when such a program is approved by an accrediting agency recognized by the board for internship and residency. a. The board may substitute other postgraduate training or study for the two-year requirement when such training or study has	An amendment would specify that only one of the two years of residency or internship could be waived for someone in an approved fellowship or teaching position. Since the academic rigor of medical education programs in other countries may vary widely from what is expected of graduates of approved programs accredited in the United States or Canada, it is necessary to require graduates of non-approved programs to practice in an internship or residency in a hospital or health care system organized and structured for such practice, observation, supervision and evaluation to ensure public health and safety. Competency to safely practice on the public cannot be solely measured by passage of a written examination. If the graduate is allowed to spend all of his two years in a fellowship or teaching position, his practice skills and

	<p>occurred in the United States or Canada and is:</p> <p>(1) An approved fellowship program; or</p> <p>(2) A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.</p>	<p>knowledge may not be appropriately evaluated and minimal competency assured.</p>
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Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There is no impact of the proposed regulatory action on the institution of the family and family stability.