



## Policy on Medical Licensure

### BACKGROUND

The American Board of Emergency Medicine (ABEM) wishes to state its policy regarding its medical licensure requirement.

### POLICY

**Each and every medical license** issued to an ABEM Emergency Medicine and subspecialty applicant, candidate, certified and formerly certified physician seeking to acquire, maintain, or regain certification must be valid, unrestricted, unqualified, and without any limitations.

In addition, each ABEM Emergency Medicine and subspecialty applicant, candidate, certified or formerly certified physician seeking to acquire, maintain, or regain certification, must continuously hold at least one current, active, valid, full, unrestricted, and unqualified license to practice medicine in at least one jurisdiction in the United States, its territories, or Canada, and in each jurisdiction in which he or she practices.

This policy applies to physicians who are:

- Applying for certification (see Exception, below)
- Registering for the Qualifying Examination (see Exception, below)
- Registering for the Oral Certification Examination
- Applying for subspecialty certification
- Registering for a subspecialty examination
- Holding certified status with ABEM and/or participating in ABEM's continuing certification process or an ABEM subspecialty recertification or continuing certification process, including formerly certified physicians seeking to regain certification

#### Exception for New EM Residency Graduates

Physicians who submit an application and take the Qualifying Examination the same year they graduate from their residency program are not required to hold a medical license to take the Qualifying Examination. If an EM residency graduate, however, holds any licenses, they must be reported to the Board on the application and when registering for the Qualifying Examination. Each and every one of these licenses must be valid, full, unrestricted, and unqualified, except that they may be educational or temporary licenses.

#### Exceptions for Fellows

This exception only applies to physicians applying for initial Emergency Medicine certification or taking the Emergency Medicine Qualifying Examination. Physicians eligible for this exemption will maintain their board eligible status (as defined in the Policy on Board Eligibility) for one year following graduation from residency. Physicians registering for the Oral Certification Examination must hold a current, active, valid, full, unrestricted, and unqualified license to practice medicine in at least one jurisdiction in the United States, its territories, or Canada, and in each jurisdiction in which he or she practices.

The licensure exceptions for fellows or physicians who have graduated from a fellowship are available only to those who entered a fellowship within six months of completing their EM residency program.

Fellows who are enrolled in a fellowship program when they apply for certification and when they take the Qualifying Examination are not required to hold a medical license.

Physicians who submit an application and take the Qualifying Examination the same year they graduate from their fellowship program are not required to hold a medical license to take the Qualifying Examination.

If a fellow holds any license, however, it must be reported to the Board on the application and when registering for the Qualifying Examination. Each and every one of these licenses must be valid, full, unrestricted, and unqualified, except that they may be educational or temporary licenses.

#### Exception for Certified Physicians Practicing Outside the United States

An international medical license may be accepted for ABEM-certified physicians to meet continuing certification requirements as long as the following requirements are met:

1. The physician completed an Accreditation Council for Graduate Medical Education (ACGME)–accredited EM residency program.
2. The physician is currently ABEM certified.
3. Educational Commission for Foreign Medical Graduates (ECFMG) verification is required and must be facilitated by the physician.
4. The physician attests to the licensure requirement that will include an expectation of following a clear self-reporting requirement (above and beyond attestation requirements for the Policy on Medical Licensure and Code of Professionalism).
5. The physician meets one or more of the following criteria:
  - a. Core faculty member (ore equivalent) in an international EM residency program
  - b. Holds a medical leadership role (e.g., Minister of Health, Department Chair, CMO, or equivalent)
  - c. Serving in a humanitarian organization (e.g., Doctors without Borders).

Requests will be reviewed on a case-by-case basis by the Chair of the Credentials Committee and by the full Committee at the Chair’s discretion. If approved, the license will be required to be re-verified through the ECFMG at least annually.

Payment of a non-refundable fee for review and acceptance upon application. Refer to the ABEM Policy on Fees.

#### Clarification of Licenses That Are Not “Current, Active, Valid, Full, Unrestricted, and Unqualified”

A medical license is not considered “current, active, valid, full, unrestricted, and unqualified” if, in any manner or to any extent whatsoever, the license is encumbered. Examples of a medical license that does not fulfill the requirements of this Policy include, but are not limited to, one that is:

- Under probation
- Conditioned, e.g., the physician is required to practice under supervision or with modification, or to obtain continuing education
- Suspended for any duration
- Limited, e.g., to specific practice settings
- Inactive as a result of an action taken by or a request made by a medical licensing board
- Institutional, educational, or temporary

ABEM may consider additional factors beyond licensure when determining a physician’s compliance with the ABEM Policy on Medical Licensure including, but not limited to:

- Felony convictions
- DEA restrictions
- Medicaid / Medicare exclusions

#### Previous Licenses

A physician may have expired licenses.

Licenses that were invalid, restricted, or qualified when they expired and that expired on or after January 1, 2004, do not meet the ABEM Policy on Medical Licensure.

Licenses that were revoked or suspended on or after January 1, 2004, or that the physician surrendered or did not renew on or after January 1, 2004, as a result of or in order to terminate or settle disciplinary proceedings, do not qualify as meeting the ABEM Policy on Medical Licensure.

#### No License

A physician who has no current, active, valid, full, unrestricted, and unqualified license to practice medicine does not meet the requirements for medical licensure and may not appeal this policy.

#### Reporting Medical Licensure Information to the Board

Each physician applying for Emergency Medicine or subspecialty certification, participating in a certification process, holding currently certified status with the Board, and/or participating in ABEM's continuing certification process a subspecialty continuing certification process must report to the Board all licenses he or she currently holds, including all inactive, temporary, and educational licenses, and all licenses previously held that do not meet the ABEM Policy on Medical Licensure.

Physicians reporting licenses that have the following conditions must include an explanation of the status of the license:

- The license is inactive, whether voluntarily or involuntarily
- The license is invalid, restricted, or qualified
- The license was encumbered when it expired and it expired on or after January 1, 2004
- The license was revoked or suspended on or after January 1, 2004
- The physician surrendered or did not renew the license on or after January 1, 2004 as a result of or in order to terminate or settle disciplinary proceedings

The Board may, at its sole discretion, determine whether to investigate a license and the information provided. The Board reserves the right to determine if a license fulfills its policy. The Board will determine if the situation is cause to deny a physician's application, deny a physician access to an examination, or revoke a physician's certification.

If the physician does not report the required information to ABEM, upon investigation, the Board may impose sanctions it determines appropriate, including but not limited to, barring the physician from taking ABEM examinations, invalidating examinations the physician took, and revoking the physician's certification.

## **APPEALS**

ABEM maintains an appeal process for physicians whose licenses are found do not fulfill the requirements described in this policy.

## **EXCEPTION**

Medical licenses in countries and locations other than the United States, its territories, or Canada, will not be counted for or against an ABEM applicant, candidate, or certified physician in determining if the physician has fulfilled the requirements for medical licensure when the physician has a license in the United States, its territories, or Canada that meets the licensure requirements.

Additionally, see "Exception for New EM Residency Graduates" and "Exception for Fellows" above.