

Subchapter K TEMPORARY LICENSES

161.53 PROVISIONAL LICENSE TO FOREIGN MEDICAL LICENSE HOLDERS WITH OFFERS OF EMPLOYMENT

(a) All applicants for an Initial Provisional License must:

- (1) meet the general eligibility requirements set forth in §155.1015(a)- (d) of the Act;
- (2) declare the area of medical specialty in which they will practice; and
- (3) meet the criteria under subsection (b)(5) of this section.

(b) All applicants must submit a completed application for licensure and all documents and information necessary to complete an applicant's request for licensure including, but not limited to:

- (1) the required application fee;
- (2) additional fees and surcharges, as applicable;
- (3) proof of ECFMG certification;
- (4) licensure verification form from the licensing body of the other country as required by §155.1015(a)(2) of the Act;
- (5) proof of completion of a residency or a substantially similar postgraduate medical training required by applicant's country of licensure that is in the same specialty as the area of medicine the applicant will practice in while under the Provisional License; and:
 - (A) is recognized as substantially similar by the board; or
 - (B) completion of a comprehensive competency evaluation administered by a board-approved assessment program, with a favorable recommendation regarding competency and proficiency in the area of specialty practice in which they will practice;
- (6) passage of the Texas Jurisprudence examination with at least a score of 75;
- (7) copy of federal work authorization;
- (8) copy of offer of employment to practice only in:
 - (A) a facility-based or group practice setting as set forth in §155.1015(d) of the Act; and
 - (B) the specialty that applicant declared in the application;
- (9) certified transcript of Examination Scores documenting passage of USMLE Step 1 within three attempts and USMLE Step 2 within three attempts;

- (10) FBI/DPS Fingerprint Report;
 - (11) documentation of alternate name or name change, if applicable; and
 - (12) medical school transcript, if requested;
 - (13) specialty board certification, if applicable;
 - (14) arrest records, if applicable;
 - (15) malpractice records, if applicable;
 - (16) all disciplinary history related to any professional license, if applicable;
 - (17) copies of all comprehensive competency evaluations administered by a board-approved assessment program demonstrating competency and proficiency in the area of specialty practice in which they will practice, if applicable;
 - (18) treatment records for alcohol or substance use disorder or any physical or mental illness impacting the ability to practice, if applicable;
 - (19) Professional or Work History Evaluation forms demonstrating or relating to the practice of medicine in the area of the declared specialty for the preceding two years from the date of the application as a physician; and
 - (20) any other documentation deemed necessary to process an application.
- (c) Any document received from a direct third-party or primary source that is in a language other than the English language must:
- (1) have a certified translation prepared;
 - (2) be translated by a translation agency that is a member of the American Translations Association or a United States college or university official;
 - (3) be verified by the translator as a “true word for word” translation; and
 - (4) be included with the copy of the translation.
- (d) Initial Provisional License Standards:
- (1) The initial provisional license is valid for two years.
 - (2) Practice is limited as set forth in §155.1015(d) of the Act.
 - (3) The initial provisional license holder is not authorized to delegate or supervise.
 - (4) Mandatory updates shall be reported to the Board by the initial provisional license holder and employer within 10 days in accordance with §162.2(b) of this title (relating to Profile Updates), including, but not limited to, any change in status of the provisional holder’s license in another country on which the provisional license was granted.

(5) If employment is terminated for any reason the license is placed in a suspended status and, the provisional license holder must;

(A) cease practice immediately;

(B) notify the Board in writing within 48 hours of termination;

(C) obtain a new position by a qualified employer within 60 days; and

(D) submit to and obtain approval from the Board of the qualified employer.

(6) Failure to report, to the Board, within 48 hours of termination eliminates the 60-day period to find new employment and the provisional license is automatically canceled effective on the date of termination.

(7) The two-year duration of the initial provisional license will be tolled while the provisional license holder attempts to obtain qualified employment. The two-year duration will be extended for the number of days equal to the number of days between ending and beginning qualified employment. Any extension of the initial provisional license's two-year duration is not to exceed a maximum of 60 days. If the provisional license holder is unable to obtain qualified employment within 60 days, or the total extensions during the initial provisional license period exceeds 60 days, then the initial provisional license is terminated.

(8) In the event of termination of the provisional license holder's employment, the employer's medical director, chief medical officer, lead physician, or supervising physician shall ensure written notice to the Board within 72 hours of the termination.

(9) If a provisional license holder does not fully complete their initial provisional license period, for any reason, they will receive no credit for prior initial provisional practice time and:

(A) may reapply for a second initial provisional license; and

(B) may be required to appear before the licensure committee of the Board;

(10) An applicant is limited to a maximum of two initial provisional licenses;

(11) A Provisional License Holder is limited to practicing in the area of medical specialty declared in the Provisional License Holder's approved application.

(12) The provisional license holder must comply with the Continuing Medical Education (CME) requirements set out in Subchapter H, §161.35 of this title (relating to Continuing Medical Education (CME) Requirements for License Renewal). The applicant must create and utilize an account with the Board approved CME tracker for tracking and meeting the CME requirements.

(e) All applicants for a Second Provisional License must meet the general eligibility requirements set forth in §155.1015(e) and (f) of the Act and must submit a completed application for licensure and all documents and information necessary to complete an applicant's request for licensure including, but not limited to:

- (1) completion of a two-year period during an initial provisional license;
- (2) the required application fee;
- (3) additional fees and surcharges as applicable;
- (4) all disciplinary history related to any professional license, if applicable;
- (5) Professional or Work History Evaluation form from first provisional employer;
- (6) copy of employment offer that meets the criteria set forth in §155.1015(f) of the Act;
- (7) successful remediation of deficiencies identified in the comprehensive competency assessment evaluation completed for issuance of the initial provisional license, if applicable;
- (8) any other documentation deemed necessary to process an application; and
- (9) If a pathway to board specialization exists for a Provisional License Holder from an organization recognized by the Board through §164.4 of this title (relating to Advertising Board Certification), the certification granting organization must submit a letter, on behalf of the provisional license holder, of satisfactory progress towards board specialization eligibility.

(f) Second Provisional License Standards:

- (1) The second provisional license is valid for two years.
- (2) Practice is limited as set forth in §155.1015(f) of the Act.
- (3) The second provisional license holder may delegate or supervise.
- (4) Mandatory updates shall be reported to the Board by the second provisional license holder and employer within 10 days in accordance with §162.2 of this title, including, but not limited to, any change in status of the provisional holder's license in another country on which the provisional license was granted.
- (5) If employment is terminated for any reason, the provisional license holder must:
 - (A) cease practice immediately;
 - (B) the license is suspended automatically;
 - (C) obtain a new position by a qualified employer within 60 days; and
 - (D) submit to and obtain the approval of the Board proof of qualified employer.

(6) Failure to make the report within 48 hours of termination eliminates the 60-day period to find new employment and the provisional license is automatically canceled effective on the date of termination.

(7) The two-year duration of the second provisional license will be tolled while the provisional license holder attempts to obtain qualified employment. The two-year duration will be extended for the number of days equal to the number of days between ending and beginning qualified employment. Any extension of the second provisional license's two-year duration is not to exceed a maximum of 60 days. If the provisional license holder is unable to obtain qualified employment within 60 days, or the total extensions during the second provisional license period exceeds 60 days, then the second provisional license is terminated.

(8) In the event of termination of the provisional license holder's employment, the employer's medical director, chief medical officer, lead physician, or supervising physician shall ensure written notice to the Board within 72 hours of the termination.

(9) If a provisional license holder does not fully complete their second provisional license period, for any reason, they will receive no credit for prior second provisional practice time and;

(A) may reapply for a second initial provisional license; and

(B) may be required to appear before the licensure committee of the board;

(10) An applicant is limited to a maximum of two second provisional licenses.

(11) A Provisional License Holder is limited to practicing in the area of medical specialty declared in the Provisional License Holder's approved application.

(12) the provisional license holder must comply with the Continuing Medical Education (CME) requirements set out in Subchapter H, §161.35 of this title. The applicant must create and utilize an account with the Board approved CME tracker for tracking and meeting the CME requirements.

(g) All applicants for a Full License must meet the general eligibility requirements set forth in §155.1015(g) and (h) of the Act and must submit a completed application for licensure and all documents and information necessary to complete an applicant's request for licensure including, but not limited to:

(1) certified transcript of Examination Scores documenting passage of each part of USMLE within three attempts and within seven years;

(2) proof of completion of an Initial Provisional and Second Provisional for the requisite time periods as set forth in subsections (d) and (f) within a period of five years, in total, calculated

from the first day of an Initial Provisional license to the last day of a Second Provisional license;

(3) If a pathway to board specialization exists for a Provisional License Holder from an organization recognized by the Board through §164.4 of this title, the certification granting organization must submit a letter, on behalf of the provisional license holder, of satisfactory progress towards board specialization eligibility;

(4) Professional or Work History Evaluation form from second provisional employer; and

(5) any other documentation deemed necessary to process an application.

(h) Applications are valid for one year from the date of submission. The one-year period can be extended for the following reasons:

(1) delay in processing application;

(2) referral of the applicant to the Licensure Committee;

(3) unanticipated military assignments, medical reasons, or catastrophic events; or

(4) other extenuating circumstances.

(i) The board may allow substitute documents where exhaustive efforts on the applicant's part to secure the required documents are presented.

(j) A Provisional License holder is subject to board rules, including rules regarding complaints, investigations, and disciplinary procedures and sanctions of the board.

(k) The Executive Director may approve reasonable deviations from the required provisional licensee timelines due to extenuating circumstances. The provisional licensee may appeal the Executive Director's decision to the Licensure Committee.