

State of Texas
House of Representatives

RQ-0621-JC

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OPINION COMMITTEE

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October 10, 2002

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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

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The Honorable John Cornyn
Attorney General
State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-42842-02
I.D. # 42842

Dear General Cornyn:

I would like to request an official opinion concerning the Board of Medical Examiners recognizing training at sites accredited by the Accreditation Council Graduate Medical Education (ACGME).

Medical schools may be accredited by the ACGME to train students in one of 24 medical specialties recognized by the American Board of Medical Specialties (ABMS). The ABMS is an umbrella organization of 24 specialty boards created by the American Medical Association, the American Hospital Association, and other private organizations.

Within each of the 24 specialties, there are approximately 100 subspecialties recognized by the ABMS. For example, Internal Medicine, a recognized specialty, has 17 subspecialties, including Cardiovascular Disease, Gastroenterology, Infections Disease, and Oncology.

Since 1995, the Texas State Board of Medical Examiners (Board) has reviewed and approved U.S. clerkships of international medical graduates to determine if the medical student received such clerkships relating to a subspecialty at a facility accredited by the ACGME in one of the 24 specialties. Recently, there has seemingly been a change in the way this is done, even though there have been no significant changes in the Board rules.

The change in interpreting the Board rules relates in particular to clinical clerkships taken in facilities accredited in one of the 24 specialties, but not accredited in one of the subspecialties. For example, a student may complete training at a facility accredited for Internal Medicine residents, but not for subspecialty residents in Cardiovascular Disease or Oncology.

Ltr to General Cornyn
RE: AG Opinion Request
October 10, 2002
Page 2

At issue is the Board's interpretation of the words "same subject" as they pertain to clerkships in subspecialties. The Board has begun denying licensure to international medical graduates when the clinical training site has ACGME accreditation in Internal Medicine but does not have ACGME accreditation for subspecialties of Internal Medicine. The denial is based on the Board's reasoning that Internal Medicine and its subspecialty of Oncology are not the "same subject."

Medical schools outside of the U.S. were of the belief that if a student had participated in a facility that was ACGME accredited to teach one of the 24 specialties, then the institution had demonstrated its capacity to train students in a subspecialty of those specialties.

The Board's Rules dictate that an international medical graduate must receive training in certain fundamental clinical subjects. These subjects will be offered in the form of required patient-related clerkships. These clinical subjects include the 24 specialties recognized by the ABMS. If an international medical graduate completes a core clerkship in one of the 24 specialties and completes additional elective clerkships in a subspecialty, is the Board authorized to deny licensure because these additional elective clerkships in a subspecialty were taken in a hospital or teaching institution sponsoring or participating in a program of a graduate medical education accredited by the ACGME or the Board in a specialty but not in a subspecialty?

Between 1995 and 2002, according to Board records, the Board has licensed international medical graduates who have completed subspecialty training at facilities accredited in specialty training by the ACGME but not accredited in subspecialty training. Given that the Board rules have remained essentially the same during this time period, is the Board correct now in denying licensure to international medical graduates with similar credentials?

Thank you for your attention to this issue. Please feel free to contact Arturo Lopez of my Capitol office at 463-0566 if you have any questions concerning this opinion request. Arturo can provide additional resource materials if they are needed.

Sincerely,



Pete P. Gallego

PPG/acl