

By Representative Diaz de la Portilla

1 A bill to be entitled
 2 An act relating to foreign-licensed physicians;
 3 reenacting and amending s. 458.3115, F.S.;
 4 providing a date by which the examination
 5 developed by the Department of Health for
 6 certain foreign-licensed physicians must be
 7 made available; providing a limitation on the
 8 development cost of such examination;
 9 authorizing the department, in consultation
 10 with the Board of Medicine, to modify the
 11 examination; updating terminology; repealing
 12 another version of s. 458.3115, F.S., relating
 13 to restricted licensure of certain
 14 foreign-trained physicians, passed during the
 15 same legislative session; providing an
 16 effective date.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. Section 458.3115, Florida Statutes, 1996
 21 Supplement, as created by section 3 of chapter 96-197, Laws of
 22 Florida, is reenacted and amended to read:

23 458.3115 Restricted license; certain foreign-licensed
 24 physicians; United States Medical Licensing Examination
 25 (USMLE) or department-developed ~~agency-developed~~ examination;
 26 restrictions on practice; full licensure.--

27 (1)(a) Notwithstanding any other provision of law, the
 28 ~~U>~~department ~~agency~~ shall provide procedures under which certain
 29 physicians who are or were foreign-licensed and have practiced
 30 medicine no less than 2 years may take the United States
 31 Medical Licensing Examination (USMLE) ~~USMLE~~ or a

1 department-developed ~~an agency-developed~~ examination to
2 qualify for a restricted license to practice medicine in this
3 state. The department-developed examination must be made
4 available to such physicians no later than September 1, 1998.
5 The department-developed ~~agency and board-developed~~
6 examination shall test the same areas of medical knowledge as
7 the Federation of State Medical Boards of the United States,
8 Inc. (FLEX) previously administered by the Florida Board of
9 Medicine to grant medical licensure in Florida and. ~~Said~~
10 ~~examination~~ shall be in the same form and content and ~~shall be~~
11 administered in the same manner as the FLEX. The development
12 cost of such examination may not exceed \$1 million; and the
13 department, in consultation with the board, may alter the
14 length and content of the examination to comply with the
15 budgetary limitations. A person who is eligible to take and
16 elects to take the department-developed ~~agency and~~
17 ~~board-developed~~ examination, who has previously passed part 1
18 or part 2 of the previously administered FLEX, is ~~shall not be~~
19 required to retake or pass the equivalent parts of the
20 department-developed ~~agency-developed~~ examination, and may sit
21 for the department-developed ~~agency and board-developed~~
22 examination five times within 5 years.

23 (b) A person who is eligible to take and elects to
24 take the USMLE, who has previously passed part 1 or part 2 of
25 the previously administered FLEX, is ~~shall not be~~ required to
26 retake or pass the equivalent parts of the USMLE up to the
27 year 2000.

28 (c) A person is ~~shall be~~ eligible to take such
29 examination for restricted licensure if the person:

30 1. Has taken, upon approval by the board, and
31 completed, in November 1990 or November 1992, one of the

1 special preparatory medical update courses authorized by the
2 board and the University of Miami Medical School and
3 subsequently passed the final course examination; or upon
4 approval by the board to take the course completed in 1990 or
5 in 1992, has a certificate of successful completion of that
6 course from the University of Miami or the Stanley H. Kaplan
7 course;

8 2. Applies to the department ~~agency~~ and submits an
9 application fee that is nonrefundable and equivalent to the
10 fee required for full licensure;

11 3. Documents no less than 2 years of the active
12 practice of medicine in another jurisdiction;

13 4. Submits an examination fee that is nonrefundable
14 and equivalent to the fee required for full licensure plus the
15 actual per-applicant cost to the department ~~agency~~ to provide
16 either examination described in this section;

17 5. Has not committed any act or offense in this or any
18 other jurisdiction that would constitute a substantial basis
19 for disciplining a physician under this chapter or chapter
20 455; and

21 6. Is not under discipline, investigation, or
22 prosecution in this or any other jurisdiction for an act that
23 would constitute a violation of this chapter or chapter 455
24 and that substantially threatened or threatens the public
25 health, safety, or welfare.

26 (d) Every person eligible for restricted licensure
27 under this section may sit for the USMLE or the
28 department-developed ~~agency and board-developed~~ examination
29 five times within 5 calendar years. Applicants desiring to use
30 portions of the FLEX and the USMLE may do so up to the year
31 2000. However, notwithstanding subparagraph (c) ~~4.3-~~,

1 applicants applying under this section who fail the
2 examination up to a total of five times will only be required
3 to pay the examination fee required for full licensure for the
4 second and subsequent times they take the examination.

5 (e) The department ~~Agency for Health Care~~
6 ~~Administration~~ and the board shall be responsible for working
7 with one or more organizations to offer a medical refresher
8 course designed to prepare applicants to take either licensure
9 examination described in this section. The organizations may
10 develop the medical refresher course, purchase such a course,
11 or contract for such a course from a private organization that
12 specializes in developing such courses.

13 (f) The course shall require no less than two 16-week
14 semesters of 16 contact hours per week for a total of 256
15 contact hours per student for each semester. The cost is to be
16 paid by the students taking the course.

17 (2)(a) Before the department ~~agency~~ may issue a
18 restricted license to an applicant under this section, the
19 applicant must have passed either of the two examinations
20 described in this section. However, the board may impose
21 reasonable restrictions on the applicant's license to
22 practice. These restrictions may include, but are not limited
23 to:

24 1. Periodic and random department ~~agency~~ audits of the
25 licensee's patient records and review of those records by the
26 board or the department ~~agency~~.

27 2. Periodic appearances of the licensee before the
28 board or the department ~~agency~~.

29 3. Submission of written reports to the board or the
30 department ~~agency~~.

31

1 (b) A restricted licensee under this section shall
2 practice under the supervision of a full licensee approved by
3 the board with the first year of the licensure period being
4 under direct supervision as defined by board rule and the
5 second year being under indirect supervision as defined by
6 board rule.

7 (c) The board may adopt rules necessary to implement
8 this subsection.

9 (3)(a) A restricted license issued by the department
10 ~~agency~~ under this section is valid for 2 years unless sooner
11 revoked or suspended, and a restricted licensee is subject to
12 the requirements of this chapter, chapter 455, and any other
13 provision of law not in conflict with this section. Upon
14 expiration of such restricted license, a restricted licensee
15 shall become a full licensee if the restricted licensee:

16 1. Is not under discipline, investigation, or
17 prosecution for a violation which poses a substantial threat
18 to the public health, safety, or welfare; and

19 2. Pays all renewal fees required of a full licensee.

20 (b) The department ~~agency~~ shall renew a restricted
21 license under this section upon payment of the same fees
22 required for renewal for a full license if the restricted
23 licensee is under discipline, investigation, or prosecution
24 for a violation which posed or poses a substantial threat to
25 the public health, safety, or welfare and the board has not
26 permanently revoked the restricted license. A restricted
27 licensee who has renewed such restricted license shall become
28 eligible for full licensure when the licensee is no longer
29 under discipline, investigation, or prosecution.

30 (4) The board shall adopt rules necessary to carry out
31 the provisions of this section.

