

By Representative Rodriguez-Chomat

1 A bill to be entitled
2 An act relating to foreign licensed physicians;
3 creating s. 458.3124, F.S.; providing for
4 development of formulas for reserving certain
5 medical education postgraduate training
6 positions for foreign licensed physicians;
7 providing for proposals to increase the number
8 of certified or establish noncertified
9 postgraduate training positions; providing
10 eligibility requirements for such positions for
11 foreign licensed physicians; specifying
12 circumstances under which supervised practice
13 shall fulfill the postgraduate training
14 requirement; requiring additional supervised
15 practice for certain foreign licensed
16 physicians prior to examination for licensure;
17 providing for rules; providing for future
18 repeal and legislative review; amending s.
19 458.311, F.S.; revising a medical education
20 specialty requirement for foreign licensed
21 physicians; providing an effective date.

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

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25 Section 1. Section 458.3124, Florida Statutes, is
26 created to read:

27 458.3124 Foreign licensed physicians; intern positions
28 leading to licensure by examination.--

29 (1) The Legislature recognizes that in order to ensure
30 the safe practice of medicine in Florida, every physician
31 practicing in this state must meet minimum requirements and

1 demonstrate minimum competencies, as determined by the board.
2 The Legislature recognizes that a significant portion of
3 Florida's population comes from other countries in the Western
4 Hemisphere, particularly Cuba, Haiti, and Nicaragua. Further,
5 the Legislature recognizes that, in order to ensure access to
6 quality health care for these individuals, a concerted effort
7 is required to increase the number of qualified health care
8 practitioners who represent these populations. Therefore,
9 foreign licensed physicians from other countries in the
10 Western Hemisphere are afforded reasonable opportunities to
11 meet Florida's requirements for licensure by examination.

12 (2) The Agency for Health Care Administration shall
13 work with representatives of the medical schools at the
14 Universities of Florida, Miami, and South Florida to develop
15 mutually agreed-upon formulas for reserving a minimum number
16 of existing postgraduate training positions certified by the
17 Accreditation Council for Graduate Medical Education for
18 foreign licensed physicians, which shall be agreed upon by
19 January 1, 1998.

20 (3) The Agency for Health Care Administration shall
21 work with representatives of the medical schools at the
22 Universities of Florida, Miami, and South Florida to develop
23 proposals to increase the number of postgraduate training
24 positions certified by the Accreditation Council for Graduate
25 Medical Education, or to establish postgraduate training
26 positions not certified by the Accreditation Council for
27 Graduate Medical Education. Proposals shall be submitted to
28 the approving authority no later than January 1, 1998.
29 Notwithstanding the provisions of s. 458.311(1)(f)3.c., any
30 foreign licensed physician who is approved to enroll in a
31 postgraduate training position not certified by the

1 Accreditation Council for Graduate Medical Education and who
2 successfully completes the training as determined by the
3 appropriate institution shall be required to practice 12
4 additional months as an unlicensed physician under the
5 indirect supervision of a fully licensed physician, or a
6 physician holding a medical faculty certificate, before he or
7 she may be sponsored to sit for Part III of the United States
8 Medical Licensing Examination.

9 (4) If the postgraduate training positions described
10 in subsections (2) and (3) are not created or are not
11 sufficient to satisfy the need and demand for such positions,
12 the requirement for postgraduate training shall be satisfied
13 by full-time work or participation in:

14 (a) A program of the Department of Health or the
15 Department of Corrections, in which the participant provides
16 supervised medical services;

17 (b) Any special program, approved by the agency,
18 provided by a nonteaching hospital, a clinic, or a health
19 maintenance organization in the state, in which the
20 participant provides supervised medical services; or

21 (c) Any program, activity, or employment in which the
22 participant provides supervised medical services.

23 (5) To be eligible for an intern position as described
24 in subsections (2) and (3), an applicant must document in the
25 application to the appropriate institution that he or she
26 meets the following requirements:

27 (a) Is a United States citizen or has lawful
28 immigration status.

29 (b) Was a resident of Florida during the immediately
30 preceding 12 months prior to applying under this section.

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1 (c) Is a graduate of a foreign medical institution
2 located in the Western Hemisphere and listed in the World
3 Directory of Medical Schools published by the World Health
4 Organization.

5 (d) Has practiced medicine a minimum of 5 years.

6 (e) Has not committed any act or offense in this or
7 any other jurisdiction which would constitute the basis for
8 disciplining a physician or physician assistant pursuant to
9 this chapter or chapter 455 or chapter 893.

10 (f) Is not under discipline, investigation, or
11 prosecution in any jurisdiction for an action that would
12 constitute a violation of this chapter or chapter 455 or
13 chapter 893.

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15 The application for an internship under this program must be
16 submitted and accepted prior to October 1, 2002.

17 (6) The Agency for Health Care Administration and the
18 board shall adopt rules to implement this section.

19 (7) This section shall stand repealed on October 1,
20 2002. The Legislature shall prior to such repeal review the
21 need to continue this program.

22 Section 2. Paragraph (f) of subsection (1) of section
23 458.311, Florida Statutes, 1996 Supplement, is amended to
24 read:

25 458.311 Licensure by examination; requirements;
26 fees.--

27 (1) Any person desiring to be licensed as a physician
28 shall apply to the department to take the licensure
29 examination. The department shall examine each applicant whom
30 the board certifies:

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1 (f) Meets one of the following medical education and
2 postgraduate training requirements:

3 1.a. Is a graduate of an allopathic medical school or
4 allopathic college recognized and approved by an accrediting
5 agency recognized by the United States Office of Education;

6 b. If the language of instruction of the medical
7 school is other than English, has demonstrated competency in
8 English through presentation of a satisfactory grade on the
9 Test of Spoken English of the Educational Testing Service or a
10 similar test approved by rule of the board; and

11 c. Has completed an approved residency of at least 1
12 year.

13 2.a. Is a graduate of a foreign medical school
14 registered with the World Health Organization and certified
15 pursuant to s. 458.314 as having met the standards required to
16 accredit medical schools in the United States or reasonably
17 comparable standards;

18 b. If the language of instruction of the foreign
19 medical school is other than English, has demonstrated
20 competency in English through presentation of the Educational
21 Commission on Foreign Medical Graduates English proficiency
22 certificate or by a satisfactory grade on the Test of Spoken
23 English of the Educational Testing Service or a similar test
24 approved by rule of the board; and

25 c. Has completed an approved residency of at least 1
26 year.

27 3.a. Is a graduate of a foreign medical school which
28 has not been certified pursuant to s. 458.314;

29 b. Has had his medical credentials evaluated by the
30 Education Commission on Foreign Medical Graduates, holds an
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1 active, valid certificate issued by that commission, and has
2 passed the examination utilized by that commission; and

3 c. Has completed an approved residency of at least 1
4 year; however, after July 1, 1997 ~~October 1, 1992~~, the
5 applicant shall have completed an approved residency or
6 fellowship of at least 2 3 years in one specialty area.

7 Section 3. This act shall take effect July 1, 1997.

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10 SENATE SUMMARY

11 Provides responsibilities of the Agency for Health Care
12 Administration and the medical schools at the
13 Universities of Florida, Miami, and South Florida for
14 reserving internships, and for proposing establishment of
15 or increase in the number of certain internship
16 positions, to provide training of foreign licensed
17 physicians prior to examination for licensure in the
18 state. Provides that if such positions are not
19 established or are not sufficient to meet the need
20 therefor, certain supervised practice will fulfill
21 internship requirements. Provides for 12 months'
22 additional supervised practice prior to examination under
23 certain circumstances. Provides requirements for
24 eligibility of a foreign licensed physician for an
25 internship position created under the program. Repeals
26 the program on October 1, 2002, and provides for
27 legislative review. Reduces the minimum specialty
28 requirement for licensure by examination for foreign
29 licensed physicians from a 3-year residency to a 2-year
30 residency or fellowship in the specialty area.
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