Bill No. CS for SB 1028

Amendment No. ____

	Amendment No
	CHAMBER ACTION Senate House
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11	Senator Horne moved the following substitute for amendment to
12	amendment (783276):
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14	Senate Amendment (with title amendment)
15	On page 30, lines 28-31, delete those lines
16	
17	and insert: with federal and state law.
18	Section 18. Section 458.3135, Florida Statutes, is
19	created to read:
20	458.3135 Temporary certificate for visiting physicians
21	to practice in approved cancer centers
22	(1) Any physician who has been accepted for a course
23	of training by a cancer center approved by the board and who
24	meets all of the qualifications set forth in this section may
25	be issued a temporary certificate to practice in a
26	board-approved cancer center under the International Cancer
27	Center Visiting Physician Program. A certificate may be issued
28	to a physician who will be training under the direct
29	supervision of a physician employed by or under contract with
30 31	an approved cancer center for a period of no more than 1 year. The purpose of the International Cancer Center Visiting
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Physician Program is to provide to internationally respected
and highly qualified physicians advanced education and
training on cancer treatment techniques developed at an
approved cancer center. The board may issue this temporary
certificate in accordance with the restrictions set forth in
this section.

- (2) A temporary certificate for practice in an approved cancer center may be issued without examination to an individual who:
- (a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;
- (b) Holds a valid and unencumbered license to practice medicine in another country;
- (c) Has completed the application form adopted by the board and remitted a nonrefundable application fee not to exceed \$300;
- (d) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 455.624 or s. 458.331;
- (e) Meets the financial responsibility requirements of s. 458.320; and
- (f) Has been accepted for a course of training by a cancer center approved by the board.
- (3) The board shall by rule establish qualifications for approval of cancer centers under this section, which at a minimum shall require the cancer center to be licensed under chapter 395 and have met the standards required to be a National Cancer Institute-designated cancer center. The board shall review the cancer centers approved under this section 31 | not less than annually to ascertain that the minimum

requirements of this chapter and the rules adopted thereunder are being complied with. If it is determined that such minimum requirements are not being met by an approved cancer center, the board shall rescind its approval of that cancer center and no temporary certificate for that cancer center shall be valid until such time as the board reinstates its approval of that cancer center.

- (4) A recipient of a temporary certificate for practice in an approved cancer center may use the certificate to practice for the duration of the course of training at the approved cancer center so long as the duration of the course does not exceed 1 year. If at any time the cancer center is no longer approved by the board, the temporary certificate shall expire and the recipient shall no longer be authorized to practice in this state.
- (5) A recipient of a temporary certificate for practice in an approved cancer center is limited to practicing in facilities owned or operated by that approved cancer center and is limited to only practicing under the direct supervision of a physician who holds a valid, active, and unencumbered license to practice medicine in this state issued under this chapter or chapter 459.
- (6) The board shall not issue a temporary certificate for practice in an approved cancer center to any physician who is under investigation in another jurisdiction for an act that would constitute a violation of this chapter or chapter 455 until such time as the investigation is complete and the physician is found innocent of all charges.
- (7) A physician applying under this section is exempt from the requirements of ss. 455.565-455.5656. All other provisions of chapters 455 and 458 apply.

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1	(8) In any year, the maximum number of temporary
2	certificates that may be issued by the board under this
3	section may not exceed 10 at each approved cancer center.
4	(9) The board may adopt rules pursuant to ss.
5	120.536(1) and 120.54 as necessary to implement this section.
6	(10) Nothing in this section may be construed to
7	authorize a physician who is not licensed to practice medicine
8	in this state to qualify for or otherwise engage in the
9	practice of medicine in this state, except as provided in this
10	section.
11	Section 19. Paragraph (i) of subsection (1), and
12	subsection (4) of section 458.3145, Florida Statutes, are
13	amended to read:
14	458.3145 Medical faculty certificate
15	(1) A medical faculty certificate may be issued
16	without examination to an individual who:
17	(a) Is a graduate of an accredited medical school or
18	its equivalent, or is a graduate of a foreign medical school
19	listed with the World Health Organization;
20	(b) Holds a valid, current license to practice
21	medicine in another jurisdiction;
22	(c) Has completed the application form and remitted a
23	nonrefundable application fee not to exceed \$500;
24	(d) Has completed an approved residency or fellowship
25	of at least 1 year or has received training which has been
26	determined by the board to be equivalent to the 1-year
27	residency requirement;
28	(e) Is at least 21 years of age;
29	(f) Is of good moral character;

31 | jurisdiction which would constitute the basis for disciplining |

(g) Has not committed any act in this or any other

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29 30 a physician under s. 458.331;

- (h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and
- (i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:
 - 1. The University of Florida,
 - 2. The University of Miami,
 - 3. The University of South Florida, or
 - 4. The Florida State University, or
- 54. The Mayo Medical School at the Mayo Clinic in Jacksonville, Florida.
- (2) The certificate authorizes the holder to practice only in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing. Such certificate automatically expires when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and provides certification by the dean of the medical school that the holder is a distinguished medical scholar and an outstanding practicing physician.
- (3) The holder of a medical faculty certificate issued under this section has all rights and responsibilities 31 prescribed by law for the holder of a license issued under s.

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458.311, except as specifically provided otherwise by law. Such responsibilities include compliance with continuing medical education requirements as set forth by rule of the board. A hospital or ambulatory surgical center licensed under chapter 395, health maintenance organization certified under chapter 641, insurer as defined in s. 624.03, multiple-employer welfare arrangement as defined in s. 624.437, or any other entity in this state, in considering and acting upon an application for staff membership, clinical privileges, or other credentials as a health care provider, may not deny the application of an otherwise qualified physician for such staff membership, clinical privileges, or other credentials solely because the applicant is a holder of a medical faculty certificate under this section.

- (4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 15 persons at each institution named in subparagraphs (1)(i)1.-43. and at the facility named in s. 240.512 and may not exceed 5 persons at the institution named in subparagraph (1)(i)54.
- 5. Annual review of all such certificate recipients will be made by the deans of the accredited 4-year medical schools within this state and reported to the Board of Medicine.
- (5) Notwithstanding subsection (1), any physician, when providing medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within this state or at the request of the medical director of a statutory teaching hospital as defined in s. 408.07, may do so 31 upon registration with the board and demonstration of

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financial responsibility pursuant to s. 458.320(1) or (2) unless such physician is exempt under s. 458.320(5)(a). The performance of such medical care or treatment must be limited to a single period of time, which may not exceed 180 consecutive days, and must be rendered within a facility registered under subsection (2) or within a statutory teaching hospital as defined in s. 408.07. A registration fee not to exceed \$300, as set by the board, is required of each physician registered under this subsection. However, no more than three physicians per year per institution may be registered under this subsection, and an exemption under this subsection may not be granted to a physician more than once in any given 5-year period.

Section 20. Subsection (5) is added to section 458.315, Florida Statutes, to read:

458.315 Temporary certificate for practice in areas of critical need.—Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of \$300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(5) The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate

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to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income Floridians. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.

Section 21. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty .--

- (1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2), who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed \$300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:
 - (a) Is at least 21 years of age.
- (b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.
- (c) Is a graduate of a medical school or college as 31 | specified in s. 458.311(1)(f).

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- (2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.
- (3) Every hospital or teaching hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training registered under this section which leads to subspecialty board certification shall designate a person who shall, on dates designated by the board, in consultation with the department, furnish the department with a list of such the hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.
- (4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training which leads to a subspecialty board certification in a hospital or teaching hospital of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established 31 by rule of the board. An application fee not to exceed \$300

as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training registered under this section which leads to subspecialty board certification shall be exempt from payment of any renewal fees.

- (5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.
- (6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:
- (a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital or teaching hospital by which the person is employed or at which the person's services are used;
- (b) The person is identified by a discrete suffix to the identification number issued to such the hospital; and
- (c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.
- (7) Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (8) The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 22. Subsection (3) of section 458.348, Florida Statutes, is created to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.--

1 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION. -- All 2 protocols relating to electrolysis or electrology using laser 3 or light-based hair removal or reduction by persons other than 4 physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately 5 6 trained and work only under the direct supervision and 7 responsibility of a physician licensed under this chapter or 8 chapter 459. 9 Section 23. Section 459.021, Florida Statutes, is 10 amended to read: 459.021 Registration of resident physicians, interns, 11 12 and fellows; list of hospital employees; penalty. --13 (1) Any person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine 14 15 recognized and approved by the American Osteopathic 16 Association who desires to practice as a resident physician, 17 assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty 18 board certification in this state, or any person desiring to 19 practice as a resident physician, assistant resident 20 21 physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 22 408.07(44) or s. 395.805(2), who does not hold an active 23 24 license issued under this chapter shall apply to the 25 department to be registered, on an application provided by the department, within 30 days of commencing such a training 26 27 program and shall remit a fee not to exceed \$300 as set by the 28 board. (2) Any person required to be registered under this 29

31 registration shall be terminated upon the registrant's receipt

section shall renew such registration annually. Such

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of an active license issued under this chapter. No person shall be registered under this section for an aggregate of more than 5 years, unless additional years are approved by the board.

- employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training registered under this section which leads to subspecialty board certification shall designate a person who shall furnish, on dates designated by the board, in consultation with the department, to the department a list of all such persons who have served in such the hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.
- (4) The registration may be revoked or the department may refuse to issue any registration for any cause which would be a ground for its revocation or refusal to issue a license to practice osteopathic medicine, as well as on the following grounds:
- (a) Omission of the name of an intern, resident physician, assistant resident physician, house physician, or fellow in fellowship training from the list of employees required by subsection (3) to be furnished to the department by the hospital or teaching hospital served by the employee.
- 30 (b) Practicing osteopathic medicine outside of a bona 31 fide hospital training program.

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hospital or teaching hospital, and also for the superintendent, administrator, and other person or persons having administrative authority in such a hospital: (a) To employ the services in such the hospital of any person listed in subsection (3), unless such person is registered with the department under the law or the holder of

(5) It is a misdemeanor of the second degree,

punishable as provided in s. 775.082 or s. 775.083 for any

(b) To fail to furnish to the department the list and information required by subsection (3).

a license to practice osteopathic medicine under this chapter.

- (6) Any person desiring registration pursuant to this section shall meet all the requirements of s. 459.0055.
- (7) The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.
- (8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.
- (9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:
- (a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital or teaching hospital by which the person is employed or at which the person's services are used;
- (b) The person is identified by a discrete suffix to the identification number issued to such the hospital; and
- The use of the institutional identification number and individual suffixes conforms to the requirements of the 31 federal Drug Enforcement Administration.

Section 24. Paragraph (d) is added to subsection (9) of section 458.347, Florida Statutes, to read:

458.347 Physician assistants.--

- (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on Physician Assistants is created within the department.
- (a) The council shall consist of five members appointed as follows:
- 1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.
- 2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.
- 3. The secretary of the department or his or her designee shall appoint a fully licensed physician assistant licensed under this chapter or chapter 459.
- (b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.
 - (c) The council shall:
- 1. Recommend to the department the licensure of physician assistants.
 - 2. Develop all rules regulating the use of physician

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assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's quidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

- 3. Make recommendations to the boards regarding all matters relating to physician assistants.
- 4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.
- (d) When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:
 - 1. Refuse to certify the applicant for licensure;
- 2. Approve the applicant for licensure with restrictions on the scope of practice or license; or
 - 3. Approve the applicant for conditional licensure.

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Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

Section 25. Paragraph (d) is added to subsection (9) of section 459.022, Florida Statutes, to read:

459.022 Physician assistants.--

- (9) COUNCIL ON PHYSICIAN ASSISTANTS. -- The Council on Physician Assistants is created within the department.
- (a) The council shall consist of five members appointed as follows:
- The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.
- The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.
- The secretary of the department or her or his designee shall appoint a fully licensed physician assistant licensed under chapter 458 or this chapter.
- (b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a 31 term of 4 years, as established by rule of the boards.

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Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

- (c) The council shall:
- 1. Recommend to the department the licensure of physician assistants.
- 2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.
- 3. Make recommendations to the boards regarding all matters relating to physician assistants.
- 4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.
 - (d) When the Council finds that an applicant for

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licensure has failed to meet, to the Council's satisfaction, 2 each of the requirements for licensure set forth in this 3 section, the Council may enter an order to: 4 1. Refuse to certify the applicant for licensure; 5 2. Approve the applicant for licensure with 6 restrictions on the scope of practice or license; or 7 3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on 8 probation for a period of time and subject to such conditions 9 10 as the Council may specify, including but not limited to, 11 requiring the licensee to undergo treatment, to attend 12 continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take 13 14 corrective action. 15 16 (Renumber subsequent sections) 17 18 ======== T I T L E A M E N D M E N T ========= 19 20 And the title is amended as follows: 21 On page 67, line 9, after the semicolon 22 23 insert: 24 creating s. 458.3135, F.S.; providing for 25 temporary certification for visiting physicians 26 to practice in approved cancer centers; 27 providing certification requirements; providing fees; providing for approval of cancer centers 28 and annual review of such approval; providing 29 30 practice limitations and conditions; limiting the number of certificates that may be issued; 31

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30 31 providing rulemaking authority; amending s. 458.3145, F.S.; adding medical schools to list of programs at which medical faculty certificateholders may practice; amending s. 458.315, F.S.; waiving application and licensure fees for physicians obtaining a temporary certificate to practice in areas of critical need when such practice is limited to volunteer, uncompensated care for low-income persons; amending ss. 458.345 and 459.021, F.S.; providing for registration of persons desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a statutory teaching hospital; providing requirements; providing fees; providing penalties; providing rulemaking authority; amending s. 458.348, F.S.; requiring protocols to contain specified requirements; amending s. 458.347, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; amending s. 459.022, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license;