

Bill No. CS for SB 1028

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senator Diaz-Balart moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	On page 20, between lines 12 and 13,		
15			
16	insert:		
17	Section 9. Section 458.3115, Florida Statutes, is		
18	amended to read:		
19	458.3115 Restricted license; certain foreign-licensed		
20	physicians; examination; restrictions on practice; full		
21	licensure.--		
22	(1)(a) Notwithstanding any other provision of law, the		
23	department shall provide procedures under which certain		
24	physicians who are or were foreign-licensed and have practiced		
25	medicine no less than 2 years may take the USMLE or an		
26	examination developed by the department, in consultation with		
27	the board, to qualify for a restricted license to practice		
28	medicine in this state. The department-developed examination		
29	shall test the same areas of medical knowledge as the		
30	Federation of State Medical Boards of the United States, Inc.		
31	(FLEX) previously administered by the Florida Board of		

Bill No. CS for SB 1028

Amendment No. \_\_\_\_

1 Medicine to grant medical licensure in Florida. The  
2 department-developed examination must be made available no  
3 later than December 31, 1998, to a physician who qualifies for  
4 licensure. A person who is eligible to take and elects to take  
5 the department-developed examination, who has previously  
6 passed part 1 or part 2 of the previously administered FLEX  
7 shall not be required to retake or pass the equivalent parts  
8 of the department-developed examination, and may sit for the  
9 department-developed examination five times within 5 years.

10 (b) A person who is eligible to take and elects to  
11 take the USMLE who has previously passed part 1 or part 2 of  
12 the previously administered FLEX shall not be required to  
13 retake or pass the equivalent parts of the USMLE up to the  
14 year 2002.

15 (c) A person shall be eligible to take such  
16 examination for restricted licensure if the person:

17 1. Has taken, upon approval by the board, and  
18 completed, in November 1990 or November 1992, one of the  
19 special preparatory medical update courses authorized by the  
20 board and the University of Miami Medical School and  
21 subsequently passed the final course examination; upon  
22 approval by the board to take the course completed in 1990 or  
23 in 1992, has a certificate of successful completion of that  
24 course from the University of Miami or the Stanley H. Kaplan  
25 course; or can document to the department that he or she was  
26 one of the persons who took and successfully completed the  
27 Stanley H. Kaplan course that was approved by the board and  
28 supervised by the University of Miami. At a minimum, the  
29 documentation must include class attendance records and the  
30 test score on the final course examination;

31 2. Applies to the department and submits an

Bill No. CS for SB 1028

Amendment No. \_\_\_\_

1 application fee that is nonrefundable and equivalent to the  
2 fee required for full licensure;

3 3. Documents no less than 2 years of the active  
4 practice of medicine in any jurisdiction;

5 4. Submits an examination fee that is nonrefundable  
6 and equivalent to the fee required for full licensure plus the  
7 actual per-applicant cost to the department to provide either  
8 examination described in this section;

9 5. Has not committed any act or offense in this or any  
10 other jurisdiction that would constitute a substantial basis  
11 for disciplining a physician under this chapter or part II of  
12 chapter 455; and

13 6. Is not under discipline, investigation, or  
14 prosecution in this or any other jurisdiction for an act that  
15 would constitute a violation of this chapter or part II of  
16 chapter 455 and that substantially threatened or threatens the  
17 public health, safety, or welfare.

18 (d) Every person eligible for restricted licensure  
19 under this section may sit for the USMLE or the  
20 department-developed examination five times within 5 calendar  
21 years. Applicants desiring to use portions of the FLEX and the  
22 USMLE may do so up to the year 2000. However, notwithstanding  
23 subparagraph (c)3., applicants applying under this section who  
24 fail the examination up to a total of five times will only be  
25 required to pay the examination fee required for full  
26 licensure for the second and subsequent times they take the  
27 examination.

28 ~~(e) The department and the board shall be responsible~~  
29 ~~for working with one or more organizations to offer a medical~~  
30 ~~refresher course designed to prepare applicants to take either~~  
31 ~~licensure examination described in this section. The~~

Bill No. CS for SB 1028

Amendment No. \_\_\_\_

1 ~~organizations may develop the medical refresher course,~~  
2 ~~purchase such a course, or contract for such a course from a~~  
3 ~~private organization that specializes in developing such~~  
4 ~~courses.~~

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

9 (2)(a) Before the department may issue a restricted  
10 license to an applicant under this section, the applicant must  
11 have passed either of the two examinations described in this  
12 section. However, notwithstanding any other provision of law,  
13 any person who was approved by the Board of Medicine,  
14 completed the November 1990 or November 1992 special  
15 preparatory medical update course authorized by the Board of  
16 Medicine and the University of Miami Medical School, and  
17 subsequently passed the final course examination and the Mock  
18 FLEX examination, or who was approved by the Board of Medicine  
19 and has a certificate of successful completion from the  
20 University of Miami, is exempt from any licensure examination  
21 required by s. 458.311 or this section, including the  
22 licensure examinations of the National Board of Medical  
23 Examiners (NBME), the Federation of State Medical Boards of  
24 the United States, Inc., (FLEX), the United States Medical  
25 Licensing Examination (USMLE), or the Computerized Special  
26 Purpose Examination (C-SPEX).

27 (b) The board may impose reasonable restrictions on  
28 the applicant's license to practice. These restrictions may  
29 include, but are not limited to:

30 1. Periodic and random department audits of the  
31 licensee's patient records and review of those records by the

Bill No. CS for SB 1028

Amendment No. \_\_\_\_

1 board or the department.

2 2. Periodic appearances of the licensee before the  
3 board or the department.

4 3. Submission of written reports to the board or the  
5 department.

6 (c)(b) A restricted licensee who passes either of the  
7 two examinations under this section shall practice under the  
8 supervision of a full licensee approved by the board with the  
9 first year of the licensure period being under direct  
10 supervision as defined by board rule and the second year being  
11 under indirect supervision as defined by board rule.

12 (d) A restricted licensee under this section who is  
13 exempt from licensure examination shall practice under the  
14 supervision of a full licensee approved by the board for 2  
15 years of direct supervision as defined by board rule followed  
16 by a 3rd year under indirect supervision as defined by board  
17 rule.

18 (e) The supervising physician of a licensee under this  
19 section must hold an active valid unencumbered Florida license  
20 and meet the requirement of either s. 458.311(1)(f)1.c. or s.  
21 458.311(1)(f)3.c. regarding accredited postgraduate training.

22 (f)(c) The board may adopt rules necessary to  
23 implement this subsection.

24 (3)(a) A restricted license issued by the department  
25 under this section is valid for 2 years unless sooner revoked  
26 or suspended, or renewed for the 3rd year of indirect  
27 supervision as required in paragraph (2)(d), and a restricted  
28 licensee is subject to the requirements of this chapter, part  
29 II of chapter 455, and any other provision of law not in  
30 conflict with this section. Upon expiration of such restricted  
31 license, a restricted licensee shall become a full licensee if

Bill No. CS for SB 1028

Amendment No. \_\_\_\_

1 the restricted licensee:

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

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

6 (b) The department shall renew a restricted license  
7 under this section upon payment of the same fees required for  
8 renewal for a full license if the restricted licensee is under  
9 discipline, investigation, or prosecution for a violation  
10 which posed or poses a substantial threat to the public  
11 health, safety, or welfare and the board has not permanently  
12 revoked the restricted license. A restricted licensee who has  
13 renewed such restricted license shall become eligible for full  
14 licensure when the licensee is no longer under discipline,  
15 investigation, or prosecution.

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

18

19 (Redesignate subsequent sections.)

20

21

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, line 25, after the semicolon,

25

26 insert:

27 amending s. 458.3115, F.S.; revising provisions  
28 governing the licensure of foreign-licensed  
29 physicians;

30

31