

1 458.3135 Temporary certificate for visiting physicians
2 to practice in approved cancer centers.--

3 (1) Any physician who has been accepted for a course
4 of training by a cancer center approved by the board and who
5 meets all of the qualifications set forth in this section may
6 be issued a temporary certificate to practice in a
7 board-approved cancer center under the International Cancer
8 Center Visiting Physician Program. A certificate may be issued
9 to a physician who will be training under the direct
10 supervision of a physician employed by or under contract with
11 an approved cancer center for a period of no more than 1 year.
12 The purpose of the International Cancer Center Visiting
13 Physician Program is to provide to internationally respected
14 and highly qualified physicians advanced education and
15 training on cancer treatment techniques developed at an
16 approved cancer center. The board may issue this temporary
17 certificate in accordance with the restrictions set forth in
18 this section.

19 (2) A temporary certificate for practice in an
20 approved cancer center may be issued without examination to an
21 individual who:

22 (a) Is a graduate of an accredited medical school or
23 its equivalent, or is a graduate of a foreign medical school
24 listed with the World Health Organization;

25 (b) Holds a valid and unencumbered license to practice
26 medicine in another country;

27 (c) Has completed the application form adopted by the
28 board and remitted a nonrefundable application fee not to
29 exceed \$300;

30
31

1 (d) Has not committed any act in this or any other
2 jurisdiction which would constitute the basis for disciplining
3 a physician under s. 455.624 or s. 458.331;

4 (e) Meets the financial responsibility requirements of
5 s. 458.320; and

6 (f) Has been accepted for a course of training by a
7 cancer center approved by the board.

8 (3) The board shall by rule establish qualifications
9 for approval of cancer centers under this section, which at a
10 minimum shall require the cancer center to be licensed under
11 chapter 395 and have met the standards required to be a
12 National Cancer Institute-designated cancer center. The board
13 shall review the cancer centers approved under this section
14 not less than annually to ascertain that the minimum
15 requirements of this chapter and the rules adopted thereunder
16 are being complied with. If it is determined that such minimum
17 requirements are not being met by an approved cancer center,
18 the board shall rescind its approval of that cancer center and
19 no temporary certificate for that cancer center shall be valid
20 until such time as the board reinstates its approval of that
21 cancer center.

22 (4) A recipient of a temporary certificate for
23 practice in an approved cancer center may use the certificate
24 to practice for the duration of the course of training at the
25 approved cancer center so long as the duration of the course
26 does not exceed 1 year. If at any time the cancer center is no
27 longer approved by the board, the temporary certificate shall
28 expire and the recipient shall no longer be authorized to
29 practice in this state.

30 (5) A recipient of a temporary certificate for
31 practice in an approved cancer center is limited to practicing

1 in facilities owned or operated by that approved cancer center
2 and is limited to only practicing under the direct supervision
3 of a physician who holds a valid, active, and unencumbered
4 license to practice medicine in this state issued under this
5 chapter or chapter 459.

6 (6) The board shall not issue a temporary certificate
7 for practice in an approved cancer center to any physician who
8 is under investigation in another jurisdiction for an act that
9 would constitute a violation of this chapter or chapter 455
10 until such time as the investigation is complete and the
11 physician is found innocent of all charges.

12 (7) A physician applying under this section is exempt
13 from the requirements of ss. 455.565-455.5656. All other
14 provisions of chapters 455 and 458 apply.

15 (8) In any year, the maximum number of temporary
16 certificates that may be issued by the board under this
17 section may not exceed 10 at each approved cancer center.

18 (9) The board may adopt rules pursuant to ss.
19 120.536(1) and 120.54 as necessary to implement this section.

20 (10) Nothing in this section may be construed to
21 authorize a physician who is not licensed to practice medicine
22 in this state to qualify for or otherwise engage in the
23 practice of medicine in this state, except as provided in this
24 section.

25 Section 2. Subsection (5) is added to section 458.315,
26 Florida Statutes, to read:

27 458.315 Temporary certificate for practice in areas of
28 critical need.--Any physician who is licensed to practice in
29 any other state, whose license is currently valid, and who
30 pays an application fee of \$300 may be issued a temporary
31 certificate to practice in communities of Florida where there

1 is a critical need for physicians. A certificate may be
2 issued to a physician who will be employed by a county health
3 department, correctional facility, community health center
4 funded by s. 329, s. 330, or s. 340 of the United States
5 Public Health Services Act, or other entity that provides
6 health care to indigents and that is approved by the State
7 Health Officer. The Board of Medicine may issue this
8 temporary certificate with the following restrictions:

9 (5) The application fee and all licensure fees,
10 including neurological injury compensation assessments, shall
11 be waived for those persons obtaining a temporary certificate
12 to practice in areas of critical need for the purpose of
13 providing volunteer, uncompensated care for low-income
14 Floridians. The applicant must submit an affidavit from the
15 employing agency or institution stating that the physician
16 will not receive any compensation for any service involving
17 the practice of medicine.

18 Section 3. Section 458.345, Florida Statutes, is
19 amended to read:

20 458.345 Registration of resident physicians, interns,
21 and fellows; list of hospital employees; prescribing of
22 medicinal drugs; penalty.--

23 (1) Any person desiring to practice as a resident
24 physician, assistant resident physician, house physician,
25 intern, or fellow in fellowship training which leads to
26 subspecialty board certification in this state, or any person
27 desiring to practice as a resident physician, assistant
28 resident physician, house physician, intern, or fellow in
29 fellowship training in a teaching hospital in this state as
30 defined in s. 408.07(44) or s. 395.805(2), who does not hold a
31 valid, active license issued under this chapter shall apply to

1 the department to be registered and shall remit a fee not to
2 exceed \$300 as set by the board. The department shall
3 register any applicant the board certifies has met the
4 following requirements:

5 (a) Is at least 21 years of age.

6 (b) Has not committed any act or offense within or
7 without the state which would constitute the basis for refusal
8 to certify an application for licensure pursuant to s.
9 458.331.

10 (c) Is a graduate of a medical school or college as
11 specified in s. 458.311(1)(f).

12 (2) The board shall not certify to the department for
13 registration any applicant who is under investigation in any
14 state or jurisdiction for an act which would constitute the
15 basis for imposing a disciplinary penalty specified in s.
16 458.331(2)(b) until such time as the investigation is
17 completed, at which time the provisions of s. 458.331 shall
18 apply.

19 (3) Every hospital or teaching hospital employing or
20 utilizing the services of a resident physician, assistant
21 resident physician, house physician, intern, or fellow in
22 fellowship training registered under this section ~~which leads~~
23 ~~to subspecialty board certification~~ shall designate a person
24 who shall, on dates designated by the board, in consultation
25 with the department, furnish the department with a list of
26 such ~~the~~ hospital's employees and such other information as
27 the board may direct. The chief executive officer of each
28 such hospital shall provide the executive director of the
29 board with the name, title, and address of the person
30 responsible for furnishing such reports.

31

1 (4) Registration under this section shall
2 automatically expire after 2 years without further action by
3 the board or the department unless an application for renewal
4 is approved by the board. No person registered under this
5 section may be employed or utilized as a house physician or
6 act as a resident physician, an assistant resident physician,
7 an intern, or a fellow in fellowship training ~~which leads to a~~
8 ~~subspecialty board certification~~ in a hospital or teaching
9 hospital of this state for more than 2 years without a valid,
10 active license or renewal of registration under this section.
11 Requirements for renewal of registration shall be established
12 by rule of the board. An application fee not to exceed \$300
13 as set by the board shall accompany the application for
14 renewal, except that resident physicians, assistant resident
15 physicians, interns, and fellows in fellowship training
16 registered under this section ~~which leads to subspecialty~~
17 ~~board certification~~ shall be exempt from payment of any
18 renewal fees.

19 (5) Notwithstanding any provision of this section or
20 s. 120.52 to the contrary, any person who is registered under
21 this section is subject to the provisions of s. 458.331.

22 (6) A person registered as a resident physician under
23 this section may in the normal course of his or her employment
24 prescribe medicinal drugs described in schedules set out in
25 chapter 893 when:

26 (a) The person prescribes such medicinal drugs through
27 use of a Drug Enforcement Administration number issued to the
28 hospital or teaching hospital by which the person is employed
29 or at which the person's services are used;

30 (b) The person is identified by a discrete suffix to
31 the identification number issued to such ~~the~~ hospital; and

1 (c) The use of the institutional identification number
2 and individual suffixes conforms to the requirements of the
3 federal Drug Enforcement Administration.

4 (7) Any person willfully violating this section
5 commits a misdemeanor of the first degree, punishable as
6 provided in s. 775.082 or s. 775.083.

7 (8) The board shall promulgate rules pursuant to ss.
8 120.536(1) and 120.54 as necessary to implement this section.

9 Section 4. Section 459.021, Florida Statutes, is
10 amended to read:

11 459.021 Registration of resident physicians, interns,
12 and fellows; list of hospital employees; penalty.--

13 (1) Any person who holds a degree of Doctor of
14 Osteopathic Medicine from a college of osteopathic medicine
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
18 fellow in fellowship training which leads to subspecialty
19 board certification in this state, or any person desiring to
20 practice as a resident physician, assistant resident
21 physician, house physician, intern, or fellow in fellowship
22 training in a teaching hospital in this state as defined in s.
23 408.07(44) or s. 395.805(2), who does not hold an active
24 license issued under this chapter shall apply to the
25 department to be registered, on an application provided by the
26 department, within 30 days of commencing such a training
27 program and shall remit a fee not to exceed \$300 as set by the
28 board.

29 (2) Any person required to be registered under this
30 section shall renew such registration annually. Such
31 registration shall be terminated upon the registrant's receipt

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

5 (3) Every hospital or teaching hospital having
6 employed or contracted with or utilized the services of a
7 person who holds a degree of Doctor of Osteopathic Medicine
8 from a college of osteopathic medicine recognized and approved
9 by the American Osteopathic Association as a resident
10 physician, assistant resident physician, house physician,
11 intern, or fellow in fellowship training registered under this
12 section ~~which leads to subspecialty board certification~~ shall
13 designate a person who shall furnish, on dates designated by
14 the board, in consultation with the department, to the
15 department a list of all such persons who have served in such
16 ~~the~~ hospital during the preceding 6-month period. The chief
17 executive officer of each such hospital shall provide the
18 executive director of the board with the name, title, and
19 address of the person responsible for filing such reports.

20 (4) The registration may be revoked or the department
21 may refuse to issue any registration for any cause which would
22 be a ground for its revocation or refusal to issue a license
23 to practice osteopathic medicine, as well as on the following
24 grounds:

25 (a) Omission of the name of an intern, resident
26 physician, assistant resident physician, house physician, or
27 fellow in fellowship training from the list of employees
28 required by subsection (3) to be furnished to the department
29 by the hospital or teaching hospital served by the employee.

30 (b) Practicing osteopathic medicine outside of a bona
31 fide hospital training program.

1 (5) It is a misdemeanor of the second degree,
2 punishable as provided in s. 775.082 or s. 775.083 for any
3 hospital or teaching hospital, and also for the
4 superintendent, administrator, and other person or persons
5 having administrative authority in such ~~a~~ hospital:

6 (a) To employ the services in such ~~the~~ hospital of any
7 person listed in subsection (3), unless such person is
8 registered with the department under the law or the holder of
9 a license to practice osteopathic medicine under this chapter.

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

12 (6) Any person desiring registration pursuant to this
13 section shall meet all the requirements of s. 459.0055.

14 (7) The board shall promulgate rules pursuant to ss.
15 120.536(1) and 120.54 as necessary to implement this section.

16 (8) Notwithstanding any provision of this section or
17 s. 120.52 to the contrary, any person who is registered under
18 this section is subject to the provisions of s. 459.015.

19 (9) A person registered as a resident physician under
20 this section may in the normal course of his or her employment
21 prescribe medicinal drugs described in schedules set out in
22 chapter 893 when:

23 (a) The person prescribes such medicinal drugs through
24 use of a Drug Enforcement Administration number issued to the
25 hospital or teaching hospital by which the person is employed
26 or at which the person's services are used;

27 (b) The person is identified by a discrete suffix to
28 the identification number issued to such ~~the~~ hospital; and

29 (c) The use of the institutional identification number
30 and individual suffixes conforms to the requirements of the
31 federal Drug Enforcement Administration.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Section 5. This act shall take effect July 1, 2000.

HOUSE SUMMARY

Provides for temporary certification for visiting physicians to practice in approved cancer centers. Provides for approval of such cancer centers and annual review of such approval. Provides practice limitations and conditions. Limits the number of certificates that may be issued. Provides for administration of such certification program by the Board of Medicine. Waives 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. Provides 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. See bill for details.