

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Fasano offered the following:

Amendment to Amendment (541895) (with title amendment)

On page 68, between lines 12 & 13, of the amendment

insert:

Section 40. Section 458.3135, Florida Statutes, is created to read: 458.3135 Temporary certificate for visiting physicians to practice in approved cancer centers.--

(1) Any physician who has been accepted for a course of training by a cancer center approved by the board and who meets all of the qualifications set forth in this section may be issued a temporary certificate to practice in a board-approved cancer center under the International Cancer Center Visiting Physician Program. A certificate may be issued to a physician who will be training under the direct supervision of a physician employed by or under contract with an approved cancer center for a period of no more than 1 year. The purpose of the International Cancer Center Visiting Physician Program is to provide to internationally respected and highly qualified physicians advanced education and

Amendment No. ____ (for drafter's use only)

1 training on cancer treatment techniques developed at an
2 approved cancer center. The board may issue this temporary
3 certificate in accordance with the restrictions set forth in
4 this section.

5 (2) A temporary certificate for practice in an
6 approved cancer center may be issued without examination to an
7 individual who:

8 (a) Is a graduate of an accredited medical school or
9 its equivalent, or is a graduate of a foreign medical school
10 listed with the World Health Organization;

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

13 (c) Has completed the application form adopted by the
14 board and remitted a nonrefundable application fee not to
15 exceed \$300;

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

19 (e) Meets the financial responsibility requirements of
20 s. 458.320; and

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

23 (3) The board shall by rule establish qualifications
24 for approval of cancer centers under this section, which at a
25 minimum shall require the cancer center to be licensed under
26 chapter 395 and have met the standards required to be a
27 National Cancer Institute-designated cancer center. The board
28 shall review the cancer centers approved under this section
29 not less than annually to ascertain that the minimum
30 requirements of this chapter and the rules adopted thereunder
31 are being complied with. If it is determined that such minimum

Amendment No. ____ (for drafter's use only)

1 requirements are not being met by an approved cancer center,
2 the board shall rescind its approval of that cancer center and
3 no temporary certificate for that cancer center shall be valid
4 until such time as the board reinstates its approval of that
5 cancer center.

6 (4) A recipient of a temporary certificate for
7 practice in an approved cancer center may use the certificate
8 to practice for the duration of the course of training at the
9 approved cancer center so long as the duration of the course
10 does not exceed 1 year. If at any time the cancer center is no
11 longer approved by the board, the temporary certificate shall
12 expire and the recipient shall no longer be authorized to
13 practice in this state.

14 (5) A recipient of a temporary certificate for
15 practice in an approved cancer center is limited to practicing
16 in facilities owned or operated by that approved cancer center
17 and is limited to only practicing under the direct supervision
18 of a physician who holds a valid, active, and unencumbered
19 license to practice medicine in this state issued under this
20 chapter or chapter 459.

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

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

30 (8) In any year, the maximum number of temporary
31 certificates that may be issued by the board under this

Amendment No. ____ (for drafter's use only)

1 section may not exceed 10 at each approved cancer center.

2 (9) The board may adopt rules pursuant to ss.
3 120.536(1) and 120.54 as necessary to implement this section.

4 (10) Nothing in this section may be construed to
5 authorize a physician who is not licensed to practice medicine
6 in this state to qualify for or otherwise engage in the
7 practice of medicine in this state, except as provided in this
8 section.

9 Section 41. Paragraph (i) of subsection (1), and
10 subsection (4) of section 458.3145, Florida Statutes, are
11 amended to read:

12 458.3145 Medical faculty certificate.--

13 (1) A medical faculty certificate may be issued
14 without examination to an individual who:

15 (a) Is a graduate of an accredited medical school or
16 its equivalent, or is a graduate of a foreign medical school
17 listed with the World Health Organization;

18 (b) Holds a valid, current license to practice
19 medicine in another jurisdiction;

20 (c) Has completed the application form and remitted a
21 nonrefundable application fee not to exceed \$500;

22 (d) Has completed an approved residency or fellowship
23 of at least 1 year or has received training which has been
24 determined by the board to be equivalent to the 1-year
25 residency requirement;

26 (e) Is at least 21 years of age;

27 (f) Is of good moral character;

28 (g) Has not committed any act in this or any other
29 jurisdiction which would constitute the basis for disciplining
30 a physician under s. 458.331;

31 (h) For any applicant who has graduated from medical

Amendment No. ____ (for drafter's use only)

1 school after October 1, 1992, has completed, before entering
2 medical school, the equivalent of 2 academic years of
3 preprofessional, postsecondary education, as determined by
4 rule of the board, which must include, at a minimum, courses
5 in such fields as anatomy, biology, and chemistry; and

6 (i) Has been offered and has accepted a full-time
7 faculty appointment to teach in a program of medicine at:

- 8 1. The University of Florida,
- 9 2. The University of Miami,
- 10 3. The University of South Florida, ~~or~~
- 11 4. The Florida State University, or

12 54. The Mayo Medical School at the Mayo Clinic in
13 Jacksonville, Florida.

14 (2) The certificate authorizes the holder to practice
15 only in conjunction with his or her faculty position at an
16 accredited medical school and its affiliated clinical
17 facilities or teaching hospitals that are registered with the
18 Board of Medicine as sites at which holders of medical faculty
19 certificates will be practicing. Such certificate
20 automatically expires when the holder's relationship with the
21 medical school is terminated or after a period of 24 months,
22 whichever occurs sooner, and is renewable every 2 years by a
23 holder who applies to the board on a form prescribed by the
24 board and provides certification by the dean of the medical
25 school that the holder is a distinguished medical scholar and
26 an outstanding practicing physician.

27 (3) The holder of a medical faculty certificate issued
28 under this section has all rights and responsibilities
29 prescribed by law for the holder of a license issued under s.
30 458.311, except as specifically provided otherwise by law.
31 Such responsibilities include compliance with continuing

Amendment No. ____ (for drafter's use only)

1 medical education requirements as set forth by rule of the
2 board. A hospital or ambulatory surgical center licensed under
3 chapter 395, health maintenance organization certified under
4 chapter 641, insurer as defined in s. 624.03,
5 multiple-employer welfare arrangement as defined in s.
6 624.437, or any other entity in this state, in considering and
7 acting upon an application for staff membership, clinical
8 privileges, or other credentials as a health care provider,
9 may not deny the application of an otherwise qualified
10 physician for such staff membership, clinical privileges, or
11 other credentials solely because the applicant is a holder of
12 a medical faculty certificate under this section.

13 (4) In any year, the maximum number of extended
14 medical faculty certificateholders as provided in subsection
15 (2) may not exceed 15 persons at each institution named in
16 subparagraphs (1)(i)1.-~~4~~3. and at the facility named in s.
17 240.512 and may not exceed 5 persons at the institution named
18 in subparagraph (1)(i)~~5~~4.

19 5. Annual review of all such certificate recipients
20 will be made by the deans of the accredited 4-year medical
21 schools within this state and reported to the Board of
22 Medicine.

23 (5) Notwithstanding subsection (1), any physician,
24 when providing medical care or treatment in connection with
25 the education of students, residents, or faculty at the
26 request of the dean of an accredited medical school within
27 this state or at the request of the medical director of a
28 statutory teaching hospital as defined in s. 408.07, may do so
29 upon registration with the board and demonstration of
30 financial responsibility pursuant to s. 458.320(1) or (2)
31 unless such physician is exempt under s. 458.320(5)(a). The

Amendment No. ____ (for drafter's use only)

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

12 Section 42. Subsection (5) is added to section
13 458.315, Florida Statutes, to read:

14 458.315 Temporary certificate for practice in areas of
15 critical need.--Any physician who is licensed to practice in
16 any other state, whose license is currently valid, and who
17 pays an application fee of \$300 may be issued a temporary
18 certificate to practice in communities of Florida where there
19 is a critical need for physicians. A certificate may be
20 issued to a physician who will be employed by a county health
21 department, correctional facility, community health center
22 funded by s. 329, s. 330, or s. 340 of the United States
23 Public Health Services Act, or other entity that provides
24 health care to indigents and that is approved by the State
25 Health Officer. The Board of Medicine may issue this
26 temporary certificate with the following restrictions:

27 (5) The application fee and all licensure fees,
28 including neurological injury compensation assessments, shall
29 be waived for those persons obtaining a temporary certificate
30 to practice in areas of critical need for the purpose of
31 providing volunteer, uncompensated care for low-income

Amendment No. ____ (for drafter's use only)

1 Floridians. The applicant must submit an affidavit from the
2 employing agency or institution stating that the physician
3 will not receive any compensation for any service involving
4 the practice of medicine.

5 Section 43. Section 458.345, Florida Statutes, is
6 amended to read:

7 458.345 Registration of resident physicians, interns,
8 and fellows; list of hospital employees; prescribing of
9 medicinal drugs; penalty.--

10 (1) Any person desiring to practice as a resident
11 physician, assistant resident physician, house physician,
12 intern, or fellow in fellowship training which leads to
13 subspecialty board certification in this state, or any person
14 desiring to practice as a resident physician, assistant
15 resident physician, house physician, intern, or fellow in
16 fellowship training in a teaching hospital in this state as
17 defined in s. 408.07(44) or s. 395.805(2), who does not hold a
18 valid, active license issued under this chapter shall apply to
19 the department to be registered and shall remit a fee not to
20 exceed \$300 as set by the board. The department shall
21 register any applicant the board certifies has met the
22 following requirements:

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

24 (b) Has not committed any act or offense within or
25 without the state which would constitute the basis for refusal
26 to certify an application for licensure pursuant to s.
27 458.331.

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

30 (2) The board shall not certify to the department for
31 registration any applicant who is under investigation in any

Amendment No. ____ (for drafter's use only)

1 state or jurisdiction for an act which would constitute the
2 basis for imposing a disciplinary penalty specified in s.
3 458.331(2)(b) until such time as the investigation is
4 completed, at which time the provisions of s. 458.331 shall
5 apply.

6 (3) Every hospital or teaching hospital employing or
7 utilizing the services of a resident physician, assistant
8 resident physician, house physician, intern, or fellow in
9 fellowship training registered under this section ~~which leads~~
10 ~~to subspecialty board certification~~ shall designate a person
11 who shall, on dates designated by the board, in consultation
12 with the department, furnish the department with a list of
13 such ~~the~~ hospital's employees and such other information as
14 the board may direct. The chief executive officer of each
15 such hospital shall provide the executive director of the
16 board with the name, title, and address of the person
17 responsible for furnishing such reports.

18 (4) Registration under this section shall
19 automatically expire after 2 years without further action by
20 the board or the department unless an application for renewal
21 is approved by the board. No person registered under this
22 section may be employed or utilized as a house physician or
23 act as a resident physician, an assistant resident physician,
24 an intern, or a fellow in fellowship training ~~which leads to a~~
25 ~~subspecialty board certification~~ in a hospital or teaching
26 hospital of this state for more than 2 years without a valid,
27 active license or renewal of registration under this section.
28 Requirements for renewal of registration shall be established
29 by rule of the board. An application fee not to exceed \$300
30 as set by the board shall accompany the application for
31 renewal, except that resident physicians, assistant resident

Amendment No. ____ (for drafter's use only)

1 physicians, interns, and fellows in fellowship training
2 registered under this section ~~which leads to subspecialty~~
3 ~~board certification~~ shall be exempt from payment of any
4 renewal fees.

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

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

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

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

18 (c) The use of the institutional identification number
19 and individual suffixes conforms to the requirements of the
20 federal Drug Enforcement Administration.

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

24 (8) The board shall promulgate rules pursuant to ss.
25 120.536(1) and 120.54 as necessary to implement this section.

26 Section 44. Subsection (3) of section 458.348, Florida
27 Statutes, is created to read:

28 458.348 Formal supervisory relationships, standing
29 orders, and established protocols; notice; standards.--

30 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All
31 protocols relating to electrolysis or electrology using laser

Amendment No. ____ (for drafter's use only)

1 or light-based hair removal or reduction by persons other than
2 physicians licensed under this chapter or chapter 459 shall
3 require the person performing such service to be appropriately
4 trained and work only under the direct supervision and
5 responsibility of a physician licensed under this chapter or
6 chapter 459.

7 Section 45. Section 459.021, Florida Statutes, is
8 amended to read:

9 459.021 Registration of resident physicians, interns,
10 and fellows; list of hospital employees; penalty.--

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

27 (2) Any person required to be registered under this
28 section shall renew such registration annually. Such
29 registration shall be terminated upon the registrant's receipt
30 of an active license issued under this chapter. No person
31 shall be registered under this section for an aggregate of

Amendment No. ____ (for drafter's use only)

1 more than 5 years, unless additional years are approved by the
2 board.

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

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

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

28 (b) Practicing osteopathic medicine outside of a bona
29 fide hospital training program.

30 (5) It is a misdemeanor of the second degree,
31 punishable as provided in s. 775.082 or s. 775.083 for any

Amendment No. ____ (for drafter's use only)

1 hospital or teaching hospital, and also for the
2 superintendent, administrator, and other person or persons
3 having administrative authority in such ~~a~~ hospital:

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

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

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

12 (7) The board shall promulgate rules pursuant to ss.
13 120.536(1) and 120.54 as necessary to implement this section.

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

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

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

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

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

30 Section 46. Subsection (nn) is added to section
31 458.331(1), Florida Statutes, to read:

Amendment No. ____ (for drafter's use only)

1 458.331 Grounds for disciplinary action; action by the
2 board and department.--

3 (1) The following acts shall constitute grounds for
4 which the disciplinary actions specified in subsection (2) may
5 be taken:

6 (nn) Delegating ocular post-operative responsibilities
7 to a person not licensed under chapters 458 or 459.

8 Section 47. Subsection (pp) is added to section
9 459.015(1), Florida Statutes, to read:

10 459.015 Grounds for disciplinary action by the
11 board.--

12 (1) The following acts shall constitute grounds for
13 which the disciplinary actions specified in subsection (2) may
14 be taken:

15 (pp) Delegating ocular post-operative responsibilities
16 to a person not licensed under chapters 458 or 459.

17 Section 48. Subsection (11) of section 641.51, Florida
18 Statutes, is created to read:

19 641.51 Quality assurance program; second medical
20 opinion requirement.--

21 (11) Each organization shall allow its providers
22 licensed under chapters 458 or 459 to refer a patient directly
23 to a specialist such as an ophthalmologist when the provider
24 determines such referral is medically necessary and the
25 service is a covered benefit.

26
27 (Renumber subsequent sections)

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

31 And the title is amended as follows:

Amendment No. ____ (for drafter's use only)

1 On page 73, line 16, after the semicolon of the
2 amendment
3
4 insert:
5 creating s. 458.3135, F.S.; providing for
6 temporary certification for visiting physicians
7 to practice in approved cancer centers;
8 providing certification requirements; providing
9 fees; providing for approval of cancer centers
10 and annual review of such approval; providing
11 practice limitations and conditions; limiting
12 the number of certificates that may be issued;
13 providing rulemaking authority; amending s.
14 458.3145, F.S.; adding medical schools to list
15 of programs at which medical faculty
16 certificateholders may practice; amending s.
17 458.315, F.S.; waiving application and
18 licensure fees for physicians obtaining a
19 temporary certificate to practice in areas of
20 critical need when such practice is limited to
21 volunteer, uncompensated care for low-income
22 persons; amending ss. 458.345 and 459.021,
23 F.S.; providing for registration of persons
24 desiring to practice as a resident physician,
25 assistant resident physician, house physician,
26 intern, or fellow in fellowship training in a
27 statutory teaching hospital; providing
28 requirements; providing fees; providing
29 penalties; providing rulemaking authority;
30 amending s. 458.348, F.S.; requiring protocols
31 to contain specified requirements; creating s.

Amendment No. ____ (for drafter's use only)

1 458.331(1)(nn), F.S.; providing ground for
2 discipline; creating s. 459.015(1)(pp), F.S.,
3 providing ground for discipline; amending s.
4 641.51, F.S.; allowing direct referral;
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