

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

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

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13 **Amendment (with title amendment)**

14 On page 80, between lines 16 & 17, of the bill

15

16 insert:

17 Section 43. Section 458.3135, Florida Statutes, is
18 created to read:

19 458.3135 Temporary certificate for visiting physicians
20 to practice in approved cancer centers.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (8) In any year, the maximum number of temporary

1 certificates that may be issued by the board under this
2 section may not exceed 10 at each approved cancer center.

3 (9) The board may adopt rules pursuant to ss.
4 120.536(1) and 120.54 as necessary to implement this section.

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

10 Section 44. Paragraph (i) of subsection (1), and
11 subsection (4) of section 458.3145, Florida Statutes, are
12 amended to read:

13 458.3145 Medical faculty certificate.--

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

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

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

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

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

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

28 (f) Is of good moral character;

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

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

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

- 9 1. The University of Florida,
10 2. The University of Miami,
11 3. The University of South Florida, ~~or~~
12 4. The Florida State University, or
13 ~~5~~4. The Mayo Medical School at the Mayo Clinic in
14 Jacksonville, Florida.

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

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

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

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

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

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

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

13 Section 45. Subsection (5) is added to section
14 458.315, Florida Statutes, to read:

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

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

1 providing volunteer, uncompensated care for low-income
2 Floridians. The applicant must submit an affidavit from the
3 employing agency or institution stating that the physician
4 will not receive any compensation for any service involving
5 the practice of medicine.

6 Section 46. Section 458.345, Florida Statutes, is
7 amended to read:

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

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

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

25 (b) Has not committed any act or offense within or
26 without the state which would constitute the basis for refusal
27 to certify an application for licensure pursuant to s.
28 458.331.

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

31 (2) The board shall not certify to the department for

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

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

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

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

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

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

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

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

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

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

25 (8) The board shall promulgate rules pursuant to ss.
26 120.536(1) and 120.54 as necessary to implement this section.

27 Section 47. Subsection (3) of section 458.348, Florida
28 Statutes, is created to read:

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

31 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All

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

8 Section 48. Section 459.021, Florida Statutes, is
9 amended to read:

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

12 (1) Any person who holds a degree of Doctor of
13 Osteopathic Medicine from a college of osteopathic medicine
14 recognized and approved by the American Osteopathic
15 Association who desires to practice as a resident physician,
16 assistant resident physician, house physician, intern, or
17 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 physician, house physician, intern, or fellow in fellowship
21 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 license issued under this chapter shall apply to the
24 department to be registered, on an application provided by the
25 department, within 30 days of commencing such a training
26 program and shall remit a fee not to exceed \$300 as set by the
27 board.

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

1 shall be registered under this section for an aggregate of
2 more than 5 years, unless additional years are approved by the
3 board.

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

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

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

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

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

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1 punishable as provided in s. 775.082 or s. 775.083 for any
2 hospital or teaching hospital, and also for the
3 superintendent, administrator, and other person or persons
4 having administrative authority in such a hospital:

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

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

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

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

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

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

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

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

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

31 Section 49. Subsection (nn) is added to section

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1 458.331(1), Florida Statutes, to read:

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

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

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

9 Section 50. Subsection (pp) is added to section
10 459.015(1), Florida Statutes, to read:

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

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

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

18
19 (Renumber subsequent sections)

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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 6, line 4, after the semicolon

25
26 insert:

27 creating s. 458.3135, F.S.; providing for
28 temporary certification for visiting physicians
29 to practice in approved cancer centers;
30 providing certification requirements; providing
31 fees; providing for approval of cancer centers

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1 and annual review of such approval; providing
2 practice limitations and conditions; limiting
3 the number of certificates that may be issued;
4 providing rulemaking authority; amending s.
5 458.3145, F.S.; adding medical schools to list
6 of programs at which medical faculty
7 certificateholders may practice; amending s.
8 458.315, F.S.; waiving application and
9 licensure fees for physicians obtaining a
10 temporary certificate to practice in areas of
11 critical need when such practice is limited to
12 volunteer, uncompensated care for low-income
13 persons; amending ss. 458.345 and 459.021,
14 F.S.; providing for registration of persons
15 desiring to practice as a resident physician,
16 assistant resident physician, house physician,
17 intern, or fellow in fellowship training in a
18 statutory teaching hospital; providing
19 requirements; providing fees; providing
20 penalties; providing rulemaking authority;
21 amending s. 458.348, F.S.; requiring protocols
22 to contain specified requirements; creating s.
23 458.331(1)(nn), F.S.; providing ground for
24 discipline; creating s. 459.015(1)(pp), F.S.,
25 providing ground for discipline;

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