

By Senator Diaz-Balart

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A bill to be entitled
An act relating to foreign-licensed physicians;
amending s. 458.3115, F.S.; revising provisions
governing the licensure of such physicians;
providing an effective date.
Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 458.3115, Florida Statutes, is
amended to read:
458.3115 Restricted license; certain foreign-licensed
physicians; examination; restrictions on practice; full
licensure.--
(1)(a) Notwithstanding any other provision of law, the
department shall provide procedures under which certain
physicians who are or were foreign-licensed and have practiced
medicine no less than 2 years may take the USMLE or an
examination developed by the department, in consultation with
the board, to qualify for a restricted license to practice
medicine in this state. The department-developed examination
shall test the same areas of medical knowledge as the
Federation of State Medical Boards of the United States, Inc.
(FLEX) previously administered by the Florida Board of
Medicine to grant medical licensure in Florida. The
department-developed examination must be made available no
later than December 31, 1998, to a physician who qualifies for
licensure. A person who is eligible to take and elects to take
the department-developed examination, who has previously
passed part 1 or part 2 of the previously administered FLEX
shall not be required to retake or pass the equivalent parts

1 of the department-developed examination, and may sit for the
2 department-developed examination five times within 5 years.

3 (b) A person who is eligible to take and elects to
4 take the USMLE who has previously passed part 1 or part 2 of
5 the previously administered FLEX shall not be required to
6 retake or pass the equivalent parts of the USMLE up to the
7 year 2002.

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

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

24 2. Applies to the department and submits an
25 application fee that is nonrefundable and equivalent to the
26 fee required for full licensure;

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

29 4. Submits an examination fee that is nonrefundable
30 and equivalent to the fee required for full licensure plus the
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1 actual per-applicant cost to the department to provide either
2 examination described in this section;

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

7 6. Is not under discipline, investigation, or
8 prosecution in this or any other jurisdiction for an act that
9 would constitute a violation of this chapter or part II of
10 chapter 455 and that substantially threatened or threatens the
11 public health, safety, or welfare.

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

22 ~~(e) The department and the board shall be responsible~~
23 ~~for working with one or more organizations to offer a medical~~
24 ~~refresher course designed to prepare applicants to take either~~
25 ~~licensure examination described in this section. The~~
26 ~~organizations may develop the medical refresher course,~~
27 ~~purchase such a course, or contract for such a course from a~~
28 ~~private organization that specializes in developing such~~
29 ~~courses.~~

30 ~~(f) The course shall require no less than two 16-week~~
31 ~~semesters of 16 contact hours per week for a total of 256~~

1 ~~contact hours per student for each semester. The cost is to be~~
2 ~~paid by the students taking the course.~~

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

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

24 1. Periodic and random department audits of the
25 licensee's patient records and review of those records by the
26 board or the department.

27 2. Periodic appearances of the licensee before the
28 board or the department.

29 3. Submission of written reports to the board or the
30 department.

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1 ~~(c)(b)~~ A restricted licensee who passes either of the
2 two examinations under this section shall practice under the
3 supervision of a full licensee approved by the board with the
4 first year of the licensure period being under direct
5 supervision as defined by board rule and the second year being
6 under indirect supervision as defined by board rule.

7 (d) A restricted licensee under this section who is
8 exempt from licensure examination shall practice under the
9 supervision of a full licensee approved by the board for 2
10 years of direct supervision as defined by board rule followed
11 by a 3rd year under indirect supervision as defined by board
12 rule.

13 (e) The supervising physician of a licensee under this
14 section must hold an active valid unencumbered Florida license
15 and meet the requirement of either s. 458.311(1)(f)1.c. or s.
16 458.311(1)(f)3.c. regarding accredited postgraduate training.

17 ~~(f)(c)~~ The board may adopt rules necessary to
18 implement this subsection.

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

- 28 1. Is not under discipline, investigation, or
29 prosecution for a violation which poses a substantial threat
30 to the public health, safety, or welfare; and
- 31 2. Pays all renewal fees required of a full licensee.

