

Bill No. CS for SB 994

Amendment No.

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Clary moved the following amendment: | | |
| 12 | | | |
| 13 | Senate Amendment (with title amendment) | | |
| 14 | On page 3, between lines 2 and 3, | | |
| 15 | | | |
| 16 | insert: | | |
| 17 | Section 2. Subsection (5) is added to section 458.315, | | |
| 18 | Florida Statutes, to read: | | |
| 19 | 458.315 Temporary certificate for practice in areas of | | |
| 20 | critical need.--Any physician who is licensed to practice in | | |
| 21 | any other state, whose license is currently valid, and who | | |
| 22 | pays an application fee of \$300 may be issued a temporary | | |
| 23 | certificate to practice in communities of Florida where there | | |
| 24 | is a critical need for physicians. A certificate may be | | |
| 25 | issued to a physician who will be employed by a county health | | |
| 26 | department, correctional facility, community health center | | |
| 27 | funded by s. 329, s. 330, or s. 340 of the United States | | |
| 28 | Public Health Services Act, or other entity that provides | | |
| 29 | health care to indigents and that is approved by the State | | |
| 30 | Health Officer. The Board of Medicine may issue this | | |
| 31 | temporary certificate with the following restrictions: | | |

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

10 Section 3. Section 458.345, Florida Statutes, is
11 amended to read:

12 458.345 Registration of resident physicians, interns,
13 and fellows; list of hospital employees; prescribing of
14 medicinal drugs; penalty.--

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

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

29 (b) Has not committed any act or offense within or
30 without the state which would constitute the basis for refusal
31 to certify an application for licensure pursuant to s.

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1 458.331.

2 (c) Is a graduate of a medical school or college as
3 specified in s. 458.311(1)(f).4 (2) The board shall not certify to the department for
5 registration any applicant who is under investigation in any
6 state or jurisdiction for an act which would constitute the
7 basis for imposing a disciplinary penalty specified in s.
8 458.331(2)(b) until such time as the investigation is
9 completed, at which time the provisions of s. 458.331 shall
10 apply.11 (3) Every hospital or teaching hospital employing or
12 utilizing the services of a resident physician, assistant
13 resident physician, house physician, intern, or fellow in
14 fellowship training registered under this section ~~which leads~~
15 ~~to subspecialty board certification~~ shall designate a person
16 who shall, on dates designated by the board, in consultation
17 with the department, furnish the department with a list of
18 such ~~the~~ hospital's employees and such other information as
19 the board may direct. The chief executive officer of each
20 such hospital shall provide the executive director of the
21 board with the name, title, and address of the person
22 responsible for furnishing such reports.23 (4) Registration under this section shall
24 automatically expire after 2 years without further action by
25 the board or the department unless an application for renewal
26 is approved by the board. No person registered under this
27 section may be employed or utilized as a house physician or
28 act as a resident physician, an assistant resident physician,
29 an intern, or a fellow in fellowship training ~~which leads to a~~
30 ~~subspecialty board certification~~ in a hospital or teaching
31 hospital of this state for more than 2 years without a valid,

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1 active license or renewal of registration under this section.
2 Requirements for renewal of registration shall be established
3 by rule of the board. An application fee not to exceed \$300
4 as set by the board shall accompany the application for
5 renewal, except that resident physicians, assistant resident
6 physicians, interns, and fellows in fellowship training
7 registered under this section are ~~which leads to subspecialty~~
8 ~~board certification shall be~~ exempt from payment of any
9 renewal fees.

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

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

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

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

23 (c) The use of the institutional identification number
24 and individual suffixes conforms to the requirements of the
25 federal Drug Enforcement Administration.

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

29 (8) The board shall adopt rules to implement this
30 section.

31 Section 4. Section 459.021, Florida Statutes, is

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1 amended to read:

2 459.021 Registration of resident physicians, interns,
3 and fellows; list of hospital employees; penalty.--

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

20 (2) Any person required to be registered under this
21 section shall renew such registration annually. Such
22 registration shall be terminated upon the registrant's receipt
23 of an active license issued under this chapter. No person
24 shall be registered under this section for an aggregate of
25 more than 5 years, unless additional years are approved by the
26 board.

27 (3) Every hospital or teaching hospital having
28 employed or contracted with or utilized the services of a
29 person who holds a degree of Doctor of Osteopathic Medicine
30 from a college of osteopathic medicine recognized and approved
31 by the American Osteopathic Association as a resident

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1 physician, assistant resident physician, house physician,
2 intern, or fellow in fellowship training under this section
3 ~~which leads to subspecialty board certification~~ shall
4 designate a person who shall furnish, on dates designated by
5 the board, in consultation with the department, to the
6 department a list of all such persons who have served in such
7 ~~the~~ hospital during the preceding 6-month period. The chief
8 executive officer of each such hospital shall provide the
9 executive director of the board with the name, title, and
10 address of the person responsible for filing such reports.

11 (4) The registration may be revoked or the department
12 may refuse to issue any registration for any cause which would
13 be a ground for its revocation or refusal to issue a license
14 to practice osteopathic medicine, as well as on the following
15 grounds:

16 (a) Omission of the name of an intern, resident
17 physician, assistant resident physician, house physician, or
18 fellow in fellowship training from the list of employees
19 required by subsection (3) to be furnished to the department
20 by the hospital or teaching hospital served by the employee.

21 (b) Practicing osteopathic medicine outside of a bona
22 fide hospital training program.

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

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

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

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

5 (7) The board shall promulgate rules pursuant to ss.
6 120.536(1) and 120.54 as necessary to implement this section.

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

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

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

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

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

23
24 (Redesignate subsequent sections.)

25
26

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

28 And the title is amended as follows:

29 On page 1, lines 2-8, delete those lines

30

31 and insert:

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1 An act relating to temporary physician
2 licensure; creating s. 458.3135, F.S.;
3 providing for the issuance of temporary
4 certificates to foreign medical graduates
5 studying at National Cancer
6 Institute-designated cancer centers; requiring
7 a fee; amending s. 458.315, F.S.; waiving
8 application and licensure fees for physicians
9 obtaining a temporary certificate to practice
10 in areas of critical need when such practice is
11 limited to volunteer, uncompensated care for
12 low-income persons; amending ss. 458.345,
13 459.021, F.S.; providing for registration of
14 certain unlicensed physicians to practice at
15 teaching hospitals; providing rulemaking
16 authority; providing an effective date.

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