

Bill No. CS for SB 994

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Diaz-Balart moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 1, line 11,		
15			
16	insert:		
17	Section 1. Section 458.3115, Florida Statutes, is		
18	amended to read:		
19	458.3115 Restricted license; certain foreign-licensed		
20	physicians; examination; restrictions on practice; full		
21	licensure.--		
22	(1)(a) Notwithstanding any other provision of law, the		
23	department shall provide procedures under which certain		
24	physicians who are or were foreign-licensed and have practiced		
25	medicine no less than 2 years may take the USMLE or an		
26	examination developed by the department, in consultation with		
27	the board, to qualify for a restricted license to practice		
28	medicine in this state. The department-developed examination		
29	shall test the same areas of medical knowledge as the		
30	Federation of State Medical Boards of the United States, Inc.		
31	(FLEX) previously administered by the Florida Board of		

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1 Medicine to grant medical licensure in Florida. The
2 department-developed examination must be made available no
3 later than December 31, 1998, to a physician who qualifies for
4 licensure. A person who is eligible to take and elects to take
5 the department-developed examination, who has previously
6 passed part 1 or part 2 of the previously administered FLEX
7 shall not be required to retake or pass the equivalent parts
8 of the department-developed examination, and may sit for the
9 department-developed examination five times within 5 years.

10 (b) A person who is eligible to take and elects to
11 take the USMLE who has previously passed part 1 or part 2 of
12 the previously administered FLEX shall not be required to
13 retake or pass the equivalent parts of the USMLE up to the
14 year 2002.

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

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

31 2. Applies to the department and submits an

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1 application fee that is nonrefundable and equivalent to the
2 fee required for full licensure;

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

5 4. Submits an examination fee that is nonrefundable
6 and equivalent to the fee required for full licensure plus the
7 actual per-applicant cost to the department to provide either
8 examination described in this section;

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

13 6. Is not under discipline, investigation, or
14 prosecution in this or any other jurisdiction for an act that
15 would constitute a violation of this chapter or part II of
16 chapter 455 and that substantially threatened or threatens the
17 public health, safety, or welfare.

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

28 ~~(e) The department and the board shall be responsible~~
29 ~~for working with one or more organizations to offer a medical~~
30 ~~refresher course designed to prepare applicants to take either~~
31 ~~licensure examination described in this section. The~~

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1 ~~organizations may develop the medical refresher course,~~
2 ~~purchase such a course, or contract for such a course from a~~
3 ~~private organization that specializes in developing such~~
4 ~~courses.~~

5 ~~(f) The course shall require no less than two 16-week~~
6 ~~semesters of 16 contact hours per week for a total of 256~~
7 ~~contact hours per student for each semester. The cost is to be~~
8 ~~paid by the students taking the course.~~

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

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

30 1. Periodic and random department audits of the
31 licensee's patient records and review of those records by the

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1 board or the department.

2 2. Periodic appearances of the licensee before the
3 board or the department.

4 3. Submission of written reports to the board or the
5 department.

6 (c)(b) A restricted licensee who passes either of the
7 two examinations under this section shall practice under the
8 supervision of a full licensee approved by the board with the
9 first year of the licensure period being under direct
10 supervision as defined by board rule and the second year being
11 under indirect supervision as defined by board rule.

12 (d) A restricted licensee under this section who is
13 exempt from licensure examination shall practice under the
14 supervision of a full licensee approved by the board for 2
15 years of direct supervision as defined by board rule followed
16 by a 3rd year under indirect supervision as defined by board
17 rule.

18 (e) The supervising physician of a licensee under this
19 section must hold an active valid unencumbered Florida license
20 and meet the requirement of either s. 458.311(1)(f)1.c. or s.
21 458.311(1)(f)3.c. regarding accredited postgraduate training.

22 (f)(c) The board may adopt rules necessary to
23 implement this subsection.

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

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1 the restricted licensee:

2 1. Is not under discipline, investigation, or
3 prosecution for a violation which poses a substantial threat
4 to the public health, safety, or welfare; and

5 2. Pays all renewal fees required of a full licensee.

6 (b) The department shall renew a restricted license
7 under this section upon payment of the same fees required for
8 renewal for a full license if the restricted licensee is under
9 discipline, investigation, or prosecution for a violation
10 which posed or poses a substantial threat to the public
11 health, safety, or welfare and the board has not permanently
12 revoked the restricted license. A restricted licensee who has
13 renewed such restricted license shall become eligible for full
14 licensure when the licensee is no longer under discipline,
15 investigation, or prosecution.

16 (4) The board shall adopt rules necessary to carry out
17 the provisions of this section.

18

19 (Redesignate subsequent sections.)

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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 1, lines 2 and 3, delete those lines

25

26 and insert:

27 An act relating to physician licensure;
28 amending s. 458.3115, F.S.; revising provisions
29 governing the licensure of such physicians;
30 creating s.

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