

1 A bill to be entitled
2 An act relating to physician licensure;
3 amending ss. 458.347, 459.022, F.S.; providing
4 for restricted or conditional licensure of
5 physician assistants; creating s. 458.3135,
6 F.S.; providing for the issuance of temporary
7 certificates to foreign medical graduates
8 studying at National Cancer
9 Institute-designated cancer centers; requiring
10 a fee; amending s. 458.315, F.S.; waiving
11 application and licensure fees for physicians
12 obtaining a temporary certificate to practice
13 in areas of critical need when such practice is
14 limited to volunteer, uncompensated care for
15 low-income persons; amending ss. 458.345,
16 459.021, F.S.; providing for registration of
17 certain unlicensed physicians to practice at
18 teaching hospitals; providing rulemaking
19 authority; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 458.3135, Florida Statutes, is
24 created to read:

25 (1) The International Cancer Physician Visitor Program
26 is established at the National Cancer Institute-designated
27 cancer centers in the state for the purpose of providing
28 advanced education and training to internationally respected
29 and highly qualified international medical graduates on cancer
30 treatment techniques developed at the cancer center. Each
31 education and training course of study offered under this

1 section must be approved and certified to the board by a
2 National Cancer Institute-designated cancer center.

3 (2) Physicians who wish to participate in the
4 International Cancer Physician Visitor Program must obtain a
5 temporary medical education certificate from the department.
6 The department may annually issue 10 temporary medical
7 education certificates to allow qualified international
8 medical graduates to practice in conjunction with a course of
9 study at each of the National Cancer Institute-designated
10 cancer centers in this state. The department shall issue a
11 temporary medical education certificate to an applicant that
12 the board certifies meets the following requirements:

13 (a) Has been accepted by a National Cancer
14 Institute-designated cancer center to attend a course of study
15 certified to the board pursuant to subsection (1);

16 (b) Pay an application fee of up to \$300;

17 (c) Possesses a valid and unencumbered license to
18 practice medicine in another country;

19 (d) Is not under investigation for any act in this or
20 any other jurisdiction which would constitute the basis for
21 disciplining a physician under s. 458.331;

22 (e) Has graduated from an accredited medical school or
23 its equivalent as provided in s. 458.311(1)(f) 1.a., or
24 graduated from a foreign medical school listed with the World
25 Health Organization; and

26 (f) Meets the financial responsibility requirements of
27 s. 458.320.

28
29 An applicant may not be required to satisfy the practitioner
30 profile, background screening, and other requirements of ss.
31 455.565-455.5656. The temporary medical education certificate

1 permits a physician to practice medicine for the duration of a
2 course of study certified to the board pursuant to subsection
3 (1), but not exceeding 1 year. Such practice is limited to the
4 facility owned or operated by the National Cancer
5 Institute-designated cancer center and shall only be under the
6 direct supervision of a Florida licensed physician who is a
7 member of the National Cancer Institute-designated cancer
8 center. A holder of a temporary medical education certificate
9 is subject to discipline under chapters 455 and 458. Nothing
10 in this section is intended to enable a physician to qualify
11 for or otherwise engage in the practice of medicine in the
12 state, except as provided herein.

13 Section 2. Paragraph (d) is added to subsection (9) of
14 section 458.347, Florida Statutes, to read:

15 458.347 Physician assistants.--

16 (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on
17 Physician Assistants is created within the department.

18 (d) If the council finds that an applicant for
19 licensure has failed to meet each of the requirements for
20 licensure set forth in this section to the satisfaction of the
21 council, the council may enter an order to:

- 22 1. Refuse to certify the applicant for licensure;
- 23 2. Approve the applicant for licensure with
24 restrictions on the scope of practice or licensure; or
- 25 3. Approve the applicant for conditional licensure.

26 Such conditions may include placement of the licensee on
27 probation for a period of time and conditions specified by the
28 council, including, but not limited to, requiring the licensee
29 to undergo treatment, to attend continuing education courses,
30 to work under the direct supervision of a physician licensed
31 in this state, or to take corrective action.

1 Section 3. Paragraph (d) is added to subsection (9) of
2 section 459.022, Florida Statutes, to read:

3 459.022 Physician assistants.--

4 (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on
5 Physician Assistants is created within the department.

6 (d) If the council finds that an applicant for
7 licensure has failed to meet each of the requirements for
8 licensure set forth in this section to the satisfaction of the
9 council, the council may enter an order to:

10 1. Refuse to certify the applicant for licensure;

11 2. Approve the applicant for licensure with
12 restrictions on the scope of practice or licensure; or

13 3. Approve the applicant for conditional licensure.

14 Such conditions may include placement of the licensee on
15 probation for a period of time and conditions specified by the
16 council, including, but not limited to, requiring the licensee
17 to undergo treatment, to attend continuing education courses,
18 to work under the direct supervision of a physician licensed
19 in this state, or to take corrective action.

20 Section 4. Subsection (5) is added to section 458.315,
21 Florida Statutes, to read:

22 458.315 Temporary certificate for practice in areas of
23 critical need.--Any physician who is licensed to practice in
24 any other state, whose license is currently valid, and who
25 pays an application fee of \$300 may be issued a temporary
26 certificate to practice in communities of Florida where there
27 is a critical need for physicians. A certificate may be
28 issued to a physician who will be employed by a county health
29 department, correctional facility, community health center
30 funded by s. 329, s. 330, or s. 340 of the United States
31 Public Health Services Act, or other entity that provides

1 health care to indigents and that is approved by the State
2 Health Officer. The Board of Medicine may issue this
3 temporary certificate with the following restrictions:

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

13 Section 5. Section 458.345, Florida Statutes, is
14 amended to read:

15 458.345 Registration of resident physicians, interns,
16 and fellows; list of hospital employees; prescribing of
17 medicinal drugs; penalty.--

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

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

1 (b) Has not committed any act or offense within or
2 without the state which would constitute the basis for refusal
3 to certify an application for licensure pursuant to s.
4 458.331.

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

7 (2) The board shall not certify to the department for
8 registration any applicant who is under investigation in any
9 state or jurisdiction for an act which would constitute the
10 basis for imposing a disciplinary penalty specified in s.
11 458.331(2)(b) until such time as the investigation is
12 completed, at which time the provisions of s. 458.331 shall
13 apply.

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

26 (4) Registration under this section shall
27 automatically expire after 2 years without further action by
28 the board or the department unless an application for renewal
29 is approved by the board. No person registered under this
30 section may be employed or utilized as a house physician or
31 act as a resident physician, an assistant resident physician,

1 an intern, or a fellow in fellowship training ~~which leads to a~~
2 ~~subspecialty board certification~~ in a hospital or teaching
3 hospital of this state for more than 2 years without a valid,
4 active license or renewal of registration under this section.
5 Requirements for renewal of registration shall be established
6 by rule of the board. An application fee not to exceed \$300
7 as set by the board shall accompany the application for
8 renewal, except that resident physicians, assistant resident
9 physicians, interns, and fellows in fellowship training
10 registered under this section are ~~which leads to subspecialty~~
11 ~~board certification shall be~~ exempt from payment of any
12 renewal fees.

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

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

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

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

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

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

1 (8) The board shall adopt rules to implement this
2 section.

3 Section 6. Section 459.021, Florida Statutes, is
4 amended to read:

5 459.021 Registration of resident physicians, interns,
6 and fellows; list of hospital employees; penalty.--

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

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

30 (3) Every hospital or teaching hospital having
31 employed or contracted with or utilized the services of a

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

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

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

24 (b) Practicing osteopathic medicine outside of a bona
25 fide hospital training program.

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

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

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

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

9 (7) The board shall promulgate rules pursuant to ss.
10 120.536(1) and 120.54 as necessary to implement this section.

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

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

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

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

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

27 Section 7. This act shall take effect upon becoming a
28 law.

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