

By Senator Diaz de la Portilla

36-1596-04

See HB 895

1 A bill to be entitled
2 An act relating to medical specialties;
3 amending ss. 458.3312 and 459.0152, F.S.;
4 authorizing physicians and osteopathic
5 physicians to be certified as specialists by a
6 board of certification of the American
7 Association of Physician Specialists, Inc.;
8 amending ss. 456.039 and 459.011, F.S., to
9 conform; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 458.3312, Florida Statutes, is
14 amended to read:

15 458.3312 Specialties.--A physician licensed under this
16 chapter may not hold himself or herself out as a
17 board-certified specialist unless the physician has received
18 formal recognition as a specialist from a specialty board of
19 the American Board of Medical Specialties, a board of
20 certification of the American Association of Physician
21 Specialists, Inc., or another ~~other~~ recognizing agency
22 approved by the board. However, a physician may indicate the
23 services offered and may state that his or her practice is
24 limited to one or more types of services when this accurately
25 reflects the scope of practice of the physician.

26 Section 2. Section 459.0152, Florida Statutes, is
27 amended to read:

28 459.0152 Specialties.--An osteopathic physician
29 licensed under this chapter may not hold himself or herself
30 out as a board-certified specialist unless the osteopathic
31 physician has successfully completed the requirements for

1 certification by the American Osteopathic Association or the
2 Accreditation Council on Graduate Medical Education and is
3 certified as a specialist by a board of certification of the
4 American Association of Physician Specialists, Inc., or by
5 another certifying agency approved by the board. However, an
6 osteopathic physician may indicate the services offered and
7 may state that his or her practice is limited to one or more
8 types of services when this accurately reflects the scope of
9 practice of the osteopathic physician.

10 Section 3. Paragraph (a) of subsection (1) of section
11 456.039, Florida Statutes, is amended to read:

12 456.039 Designated health care professionals;
13 information required for licensure.--

14 (1) Each person who applies for initial licensure as a
15 physician under chapter 458, chapter 459, chapter 460, or
16 chapter 461, except a person applying for registration
17 pursuant to ss. 458.345 and 459.021, must, at the time of
18 application, and each physician who applies for license
19 renewal under chapter 458, chapter 459, chapter 460, or
20 chapter 461, except a person registered pursuant to ss.
21 458.345 and 459.021, must, in conjunction with the renewal of
22 such license and under procedures adopted by the Department of
23 Health, and in addition to any other information that may be
24 required from the applicant, furnish the following information
25 to the Department of Health:

26 (a)1. The name of each medical school that the
27 applicant has attended, with the dates of attendance and the
28 date of graduation, and a description of all graduate medical
29 education completed by the applicant, excluding any coursework
30 taken to satisfy medical licensure continuing education
31 requirements.

1 2. The name of each hospital at which the applicant
2 has privileges.

3 3. The address at which the applicant will primarily
4 conduct his or her practice.

5 4. Any certification that the applicant has received
6 from a specialty board that is recognized by the board to
7 which the applicant is applying.

8 5. The year that the applicant began practicing
9 medicine.

10 6. Any appointment to the faculty of a medical school
11 which the applicant currently holds and an indication as to
12 whether the applicant has had the responsibility for graduate
13 medical education within the most recent 10 years.

14 7. A description of any criminal offense of which the
15 applicant has been found guilty, regardless of whether
16 adjudication of guilt was withheld, or to which the applicant
17 has pled guilty or nolo contendere. A criminal offense
18 committed in another jurisdiction which would have been a
19 felony or misdemeanor if committed in this state must be
20 reported. If the applicant indicates that a criminal offense
21 is under appeal and submits a copy of the notice for appeal of
22 that criminal offense, the department must state that the
23 criminal offense is under appeal if the criminal offense is
24 reported in the applicant's profile. If the applicant
25 indicates to the department that a criminal offense is under
26 appeal, the applicant must, upon disposition of the appeal,
27 submit to the department a copy of the final written order of
28 disposition.

29 8. A description of any final disciplinary action
30 taken within the previous 10 years against the applicant by
31 the agency regulating the profession that the applicant is or

1 has been licensed to practice, whether in this state or in any
2 other jurisdiction, by a specialty board that is recognized by
3 the American Board of Medical Specialties, the American
4 Association of Physician Specialists, Inc., the American
5 Osteopathic Association, or a similar national organization,
6 or by a licensed hospital, health maintenance organization,
7 prepaid health clinic, ambulatory surgical center, or nursing
8 home. Disciplinary action includes resignation from or
9 nonrenewal of medical staff membership or the restriction of
10 privileges at a licensed hospital, health maintenance
11 organization, prepaid health clinic, ambulatory surgical
12 center, or nursing home taken in lieu of or in settlement of a
13 pending disciplinary case related to competence or character.
14 If the applicant indicates that the disciplinary action is
15 under appeal and submits a copy of the document initiating an
16 appeal of the disciplinary action, the department must state
17 that the disciplinary action is under appeal if the
18 disciplinary action is reported in the applicant's profile.

19 9. Relevant professional qualifications as defined by
20 the applicable board.

21 Section 4. Paragraphs (c) and (d) of subsection (4) of
22 section 459.011, Florida Statutes, are amended to read:

23 459.011 Privileges, obligations, and status of
24 osteopathic physicians.--

25 (4)

26 (c) Whenever the health facility staffing requirements
27 for staff or department privileges mandate that the licensee
28 who has been granted privileges be certified by an approved
29 specialty board of the American Board of Medical Specialties,
30 the health facility staffing requirements or department
31 privileges shall be construed to also include a licensee who

1 has achieved certification by an equivalent board of the
2 American Osteopathic Association or the American Association
3 of Physician Specialists, Inc.

4 (d) Whenever an entity that contracts with licensees
5 to provide managed care or risk-based care requires that the
6 licensee who is responsible for the contract be certified by
7 the American Board of Medical Specialties, the contract
8 reference to the American Board of Medical Specialties shall
9 be construed to also include the American Osteopathic
10 Association or the American Association of Physician
11 Specialists, Inc., when the contracting licensee is an
12 osteopathic physician.

13 Section 5. This act shall take effect upon becoming a
14 law.

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