

HB 0895

2004

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

8  
 9   Be It Enacted by the Legislature of the State of Florida:

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 11           Section 1.   Section 458.3312, Florida Statutes, is amended  
 12   to read:

13           458.3312   Specialties.--A physician licensed under this  
 14   chapter may not hold himself or herself out as a board-certified  
 15   specialist unless the physician has received formal recognition  
 16   as a specialist from a specialty board of the American Board of  
 17   Medical Specialties, a board of certification of the American  
 18   Association of Physician Specialists, Inc., or another ~~ether~~  
 19   recognizing agency approved by the board. However, a physician  
 20   may indicate the services offered and may state that his or her  
 21   practice is limited to one or more types of services when this  
 22   accurately reflects the scope of practice of the physician.

23           Section 2.   Section 459.0152, Florida Statutes, is amended  
 24   to read:

25           459.0152   Specialties.--An osteopathic physician licensed  
 26   under this chapter may not hold himself or herself out as a  
 27   board-certified specialist unless the osteopathic physician has  
 28   successfully completed the requirements for certification by the  
 29   American Osteopathic Association or the Accreditation Council on

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Graduate Medical Education and is certified as a specialist by a  
 31 board of certification of the American Association of Physician  
 32 Specialists, Inc., or by another certifying agency approved by  
 33 the board. However, an osteopathic physician may indicate the  
 34 services offered and may state that his or her practice is  
 35 limited to one or more types of services when this accurately  
 36 reflects the scope of practice of the osteopathic physician.

37 Section 3. Paragraph (a) of subsection (1) of section  
 38 456.039, Florida Statutes, is amended to read:

39 456.039 Designated health care professionals; information  
 40 required for licensure.--

41 (1) Each person who applies for initial licensure as a  
 42 physician under chapter 458, chapter 459, chapter 460, or  
 43 chapter 461, except a person applying for registration pursuant  
 44 to ss. 458.345 and 459.021, must, at the time of application,  
 45 and each physician who applies for license renewal under chapter  
 46 458, chapter 459, chapter 460, or chapter 461, except a person  
 47 registered pursuant to ss. 458.345 and 459.021, must, in  
 48 conjunction with the renewal of such license and under  
 49 procedures adopted by the Department of Health, and in addition  
 50 to any other information that may be required from the  
 51 applicant, furnish the following information to the Department  
 52 of Health:

53 (a)1. The name of each medical school that the applicant  
 54 has attended, with the dates of attendance and the date of  
 55 graduation, and a description of all graduate medical education  
 56 completed by the applicant, excluding any coursework taken to  
 57 satisfy medical licensure continuing education requirements.

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

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

62           4. Any certification that the applicant has received from  
63 a specialty board that is recognized by the board to which the  
64 applicant is applying.

65           5. The year that the applicant began practicing medicine.

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

70           7. A description of any criminal offense of which the  
71 applicant has been found guilty, regardless of whether  
72 adjudication of guilt was withheld, or to which the applicant  
73 has pled guilty or nolo contendere. A criminal offense committed  
74 in another jurisdiction which would have been a felony or  
75 misdemeanor if committed in this state must be reported. If the  
76 applicant indicates that a criminal offense is under appeal and  
77 submits a copy of the notice for appeal of that criminal  
78 offense, the department must state that the criminal offense is  
79 under appeal if the criminal offense is reported in the  
80 applicant's profile. If the applicant indicates to the  
81 department that a criminal offense is under appeal, the  
82 applicant must, upon disposition of the appeal, submit to the  
83 department a copy of the final written order of disposition.

84           8. A description of any final disciplinary action taken  
85 within the previous 10 years against the applicant by the agency  
86 regulating the profession that the applicant is or has been

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87 licensed to practice, whether in this state or in any other  
 88 jurisdiction, by a specialty board that is recognized by the  
 89 American Board of Medical Specialties, the American Association  
 90 of Physician Specialists, Inc., the American Osteopathic  
 91 Association, or a similar national organization, or by a  
 92 licensed hospital, health maintenance organization, prepaid  
 93 health clinic, ambulatory surgical center, or nursing home.  
 94 Disciplinary action includes resignation from or nonrenewal of  
 95 medical staff membership or the restriction of privileges at a  
 96 licensed hospital, health maintenance organization, prepaid  
 97 health clinic, ambulatory surgical center, or nursing home taken  
 98 in lieu of or in settlement of a pending disciplinary case  
 99 related to competence or character. If the applicant indicates  
 100 that the disciplinary action is under appeal and submits a copy  
 101 of the document initiating an appeal of the disciplinary action,  
 102 the department must state that the disciplinary action is under  
 103 appeal if the disciplinary action is reported in the applicant's  
 104 profile.

105 9. Relevant professional qualifications as defined by the  
 106 applicable board.

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

109 459.011 Privileges, obligations, and status of osteopathic  
 110 physicians.--

111 (4)

112 (c) Whenever the health facility staffing requirements for  
 113 staff or department privileges mandate that the licensee who has  
 114 been granted privileges be certified by an approved specialty  
 115 board of the American Board of Medical Specialties, the health

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116 facility staffing requirements or department privileges shall be  
117 construed to also include a licensee who has achieved  
118 certification by an equivalent board of the American Osteopathic  
119 Association or the American Association of Physician  
120 Specialists, Inc.

121 (d) Whenever an entity that contracts with licensees to  
122 provide managed care or risk-based care requires that the  
123 licensee who is responsible for the contract be certified by the  
124 American Board of Medical Specialties, the contract reference to  
125 the American Board of Medical Specialties shall be construed to  
126 also include the American Osteopathic Association or the  
127 American Association of Physician Specialists, Inc., when the  
128 contracting licensee is an osteopathic physician.

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