

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the practice of medicine; amending s.  
7 458.307, F.S.; revising membership requirements of the  
8 Board of Medicine; providing for the appointment of an  
9 additional member; providing applicability to current  
10 members; providing the beginning date for the term of the  
11 additional member; amending s. 458.311, F.S.; providing an  
12 option for applicants for physician licensure to complete  
13 an externship; authorizing the Department of Health to  
14 develop procedures relating to completion of the  
15 externship; requiring board approval of externships;  
16 authorizing the board to adopt rules to implement  
17 externship requirements, including fees to cover costs;  
18 revising the requirement of the department to impose  
19 conditions, limitations, or restrictions on a license;  
20 amending ss. 458.313, 458.316, 458.3165, 458.317, and  
21 458.347, F.S.; correcting cross references; amending ss.  
22 458.331 and 459.015, F.S.; providing a requirement for a  
23 probable cause panel considering disciplinary action

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24 |       against a physician assistant; providing an effective  
25 |       date.

26 |

27 | Be It Enacted by the Legislature of the State of Florida:

28 |

29 |       Section 1. Subsections (1) and (2) of section 458.307,  
30 | Florida Statutes, are amended to read:

31 |       458.307 Board of Medicine.--

32 |       (1) There is created within the department the Board of  
33 | Medicine, composed of 16 ~~15~~ members appointed by the Governor  
34 | and confirmed by the Senate.

35 |       (2) Twelve members of the board must be licensed  
36 | physicians in good standing in this state who are residents of  
37 | the state and who have been engaged in the active practice or  
38 | teaching of medicine in this state with a full and unrestricted  
39 | medical license for at least 5 ~~4~~ years immediately preceding  
40 | their appointment. One of the physicians must be on the full-  
41 | time faculty of a medical school in this state, and one of the  
42 | physicians must be in private practice and on the full-time  
43 | staff of a statutory teaching hospital in this state as defined  
44 | in s. 408.07. At least one of the physicians must be a graduate  
45 | of a foreign medical school. The remaining four ~~three~~ members  
46 | must be residents of the state who have lived in the state for  
47 | at least 5 years immediately preceding their appointments, have  
48 | never been licensed as a health care practitioner under chapter  
49 | 456 or the applicable practice act, and do not have a  
50 | substantial personal, business, professional, or pecuniary  
51 | connection with a licensed health care practitioner or with a

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52 | medical education or health care facility, except as patients or  
 53 | potential patients are not, and never have been, licensed health  
 54 | care practitioners. One member must be a health care risk  
 55 | manager licensed under s. 395.10974. At least one member of the  
 56 | board must be 60 years of age or older.

57 | Section 2. The requirements of section 458.307, Florida  
 58 | Statutes, as amended by this act, shall apply to appointments  
 59 | made on or after the effective date of this act and shall not be  
 60 | construed to end the term of any member of the Board of Medicine  
 61 | holding that appointment on the effective date of this act. The  
 62 | term of the additional member required to be appointed under  
 63 | section 458.307, Florida Statutes, as amended by this act, shall  
 64 | begin November 1, 2005.

65 | Section 3. Subsections (2) through (8) of section 458.311,  
 66 | Florida Statutes, are renumbered as subsections (3) through (9),  
 67 | respectively, present subsections (5) and (7) are amended, and a  
 68 | new subsection (2) is added to said section, to read:

69 | 458.311 Licensure by examination; requirements; fees.--

70 | (2) Notwithstanding sub-subparagraphs (1)(f)1.c.,  
 71 | (1)(f)2.c., and (1)(f)3.c. and paragraph (3)(d), except for  
 72 | passing part II of the National Board of Medical Examiners  
 73 | examination or the Educational Commission for Foreign Medical  
 74 | Graduates examination equivalent as referred in paragraph  
 75 | (3)(d), the department may develop procedures for an applicant  
 76 | for licensure as a physician pursuant to this chapter to meet  
 77 | postgraduate training requirements by completion of a 2-year  
 78 | externship at a nonstatutory teaching hospital licensed in this  
 79 | state. The training provided in the externship shall be

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80 substantially similar, as defined by board rule, to the training  
81 provided in an approved residency as provided in sub-  
82 subparagraph (1)(f)1.c., sub-subparagraph (1)(f)2.c., or sub-  
83 subparagraph (1)(f)3.c. In order for the externship to meet the  
84 requirements of this subsection, it must be approved by the  
85 board prior to the applicant entering into the externship. The  
86 applicant shall not be licensed pursuant to this subsection  
87 unless the board finds that the applicant has successfully  
88 completed the externship. The board may adopt rules to implement  
89 this subsection, including the implementation of fees to cover  
90 costs.

91 ~~(6)(5)~~ The board may not certify to the department for  
92 licensure any applicant who is under investigation in another  
93 jurisdiction for an offense which would constitute a violation  
94 of this chapter until such investigation is completed. Upon  
95 completion of the investigation, the provisions of s. 458.331  
96 shall apply. Furthermore, the department may not issue an  
97 unrestricted license to any individual who has committed any act  
98 or offense in any jurisdiction which would constitute the basis  
99 for disciplining a physician pursuant to s. 458.331. When the  
100 board finds that an individual has committed an act or offense  
101 in any jurisdiction which would constitute the basis for  
102 disciplining a physician pursuant to s. 458.331, then the board  
103 may enter an order imposing one or more of the terms set forth  
104 in subsection ~~(9)(8)~~.

105 ~~(8)(7)~~ Upon certification by the board, the department  
106 shall impose conditions, limitations, or restrictions on a  
107 license if the applicant is on probation in another jurisdiction

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108 | for an act which would constitute a violation of this chapter or  
 109 | if the externship requirement provided in subsection (2) was  
 110 | complied with at a nonstatutory teaching hospital.

111 | Section 4. Paragraph (a) of subsection (1) of section  
 112 | 458.313, Florida Statutes, is amended to read:

113 | 458.313 Licensure by endorsement; requirements; fees.--

114 | (1) The department shall issue a license by endorsement to  
 115 | any applicant who, upon applying to the department on forms  
 116 | furnished by the department and remitting a fee set by the board  
 117 | not to exceed \$500, the board certifies:

118 | (a) Has met the qualifications for licensure in s.  
 119 | 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (4)~~(3)~~;

120 | Section 5. Subsection (1) of section 458.316, Florida  
 121 | Statutes, is amended to read:

122 | 458.316 Public health certificate.--

123 | (1) Any person desiring to obtain a public health  
 124 | certificate shall submit an application fee not to exceed \$300  
 125 | and shall demonstrate to the board that he or she is a graduate  
 126 | of an accredited medical school and holds a master of public  
 127 | health degree or is board eligible or certified in public health  
 128 | or preventive medicine, or is licensed to practice medicine  
 129 | without restriction in another jurisdiction in the United States  
 130 | and holds a master of public health degree or is board eligible  
 131 | or certified in public health or preventive medicine, and shall  
 132 | meet the requirements in s. 458.311(1)(a)-(g) and (6)~~(5)~~.

133 | Section 6. Section 458.3165, Florida Statutes, is amended  
 134 | to read:

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135           458.3165 Public psychiatry certificate.--The board shall  
 136 issue a public psychiatry certificate to an individual who  
 137 remits an application fee not to exceed \$300, as set by the  
 138 board, who is a board-certified psychiatrist, who is licensed to  
 139 practice medicine without restriction in another state, and who  
 140 meets the requirements in s. 458.311(1)(a)-(g) and (6)~~(5)~~. A  
 141 recipient of a public psychiatry certificate may use the  
 142 certificate to work at any public mental health facility or  
 143 program funded in part or entirely by state funds.

144           (1) Such certificate shall:

145           (a) Authorize the holder to practice only in a public  
 146 mental health facility or program funded in part or entirely by  
 147 state funds.

148           (b) Be issued and renewable biennially if the secretary of  
 149 the Department of Health and the chair of the department of  
 150 psychiatry at one of the public medical schools or the chair of  
 151 the department of psychiatry at the accredited medical school at  
 152 the University of Miami recommend in writing that the  
 153 certificate be issued or renewed.

154           (c) Automatically expire if the holder's relationship with  
 155 a public mental health facility or program expires.

156           (d) Not be issued to a person who has been adjudged  
 157 unqualified or guilty of any of the prohibited acts in this  
 158 chapter.

159           (2) The board may take disciplinary action against a  
 160 certificateholder for noncompliance with any part of this  
 161 section or for any reason for which a regular licensee may be  
 162 subject to discipline.

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163 Section 7. Paragraph (a) of subsection (1) of section  
164 458.317, Florida Statutes, is amended to read:

165 458.317 Limited licenses.--

166 (1)(a) Any person desiring to obtain a limited license  
167 shall:

168 1. Submit to the board, with an application and fee not to  
169 exceed \$300, an affidavit stating that he or she has been  
170 licensed to practice medicine in any jurisdiction in the United  
171 States for at least 10 years and intends to practice only  
172 pursuant to the restrictions of a limited license granted  
173 pursuant to this section. However, a physician who is not fully  
174 retired in all jurisdictions may use a limited license only for  
175 noncompensated practice. If the person applying for a limited  
176 license submits a notarized statement from the employing agency  
177 or institution stating that he or she will not receive  
178 compensation for any service involving the practice of medicine,  
179 the application fee and all licensure fees shall be waived.  
180 However, any person who receives a waiver of fees for a limited  
181 license shall pay such fees if the person receives compensation  
182 for the practice of medicine.

183 2. Meet the requirements in s. 458.311(1)(b)-(g) and  
184 (6)~~(5)~~. If the applicant graduated from medical school prior to  
185 1946, the board or its appropriate committee may accept military  
186 medical training or medical experience as a substitute for the  
187 approved 1-year residency requirement in s. 458.311(1)(f).

188  
189 Nothing herein limits in any way any policy by the board,  
190 otherwise authorized by law, to grant licenses to physicians

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191 | duly licensed in other states under conditions less restrictive  
 192 | than the requirements of this section. Notwithstanding the other  
 193 | provisions of this section, the board may refuse to authorize a  
 194 | physician otherwise qualified to practice in the employ of any  
 195 | agency or institution otherwise qualified if the agency or  
 196 | institution has caused or permitted violations of the provisions  
 197 | of this chapter which it knew or should have known were  
 198 | occurring.

199 |       Section 8. Subsection (2) of section 458.331, Florida  
 200 | Statutes, is amended to read:

201 |       458.331 Grounds for disciplinary action; action by the  
 202 | board and department.--

203 |       (2) The board may enter an order denying licensure or  
 204 | imposing any of the penalties in s. 456.072(2) against any  
 205 | applicant for licensure or licensee who is found guilty of  
 206 | violating any provision of subsection (1) of this section or who  
 207 | is found guilty of violating any provision of s. 456.072(1). A  
 208 | probable cause panel considering disciplinary action against a  
 209 | physician assistant pursuant to s. 456.073 shall include a  
 210 | licensed physician assistant designated by the Council on  
 211 | Physician Assistants. In determining what action is appropriate,  
 212 | the board must first consider what sanctions are necessary to  
 213 | protect the public or to compensate the patient. Only after  
 214 | those sanctions have been imposed may the disciplining authority  
 215 | consider and include in the order requirements designed to  
 216 | rehabilitate the physician. All costs associated with compliance  
 217 | with orders issued under this subsection are the obligation of  
 218 | the physician.



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219 Section 9. Paragraph (b) of subsection (7) of section  
220 458.347, Florida Statutes, is amended to read:

221 458.347 Physician assistants.--

222 (7) PHYSICIAN ASSISTANT LICENSURE.--

223 (b)1. Notwithstanding subparagraph (a)2. and sub-  
224 subparagraph (a)3.a., the department shall examine each  
225 applicant who the Board of Medicine certifies:

226 a. Has completed the application form and remitted a  
227 nonrefundable application fee not to exceed \$500 and an  
228 examination fee not to exceed \$300, plus the actual cost to the  
229 department to provide the examination. The examination fee is  
230 refundable if the applicant is found to be ineligible to take  
231 the examination. The department shall not require the applicant  
232 to pass a separate practical component of the examination. For  
233 examinations given after July 1, 1998, competencies measured  
234 through practical examinations shall be incorporated into the  
235 written examination through a multiple-choice format. The  
236 department shall translate the examination into the native  
237 language of any applicant who requests and agrees to pay all  
238 costs of such translation, provided that the translation request  
239 is filed with the board office no later than 9 months before the  
240 scheduled examination and the applicant remits translation fees  
241 as specified by the department no later than 6 months before the  
242 scheduled examination, and provided that the applicant  
243 demonstrates to the department the ability to communicate orally  
244 in basic English. If the applicant is unable to pay translation  
245 costs, the applicant may take the next available examination in  
246 English if the applicant submits a request in writing by the

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247 application deadline and if the applicant is otherwise eligible  
 248 under this section. To demonstrate the ability to communicate  
 249 orally in basic English, a passing score or grade is required,  
 250 as determined by the department or organization that developed  
 251 it, on the test for spoken English (TSE) by the Educational  
 252 Testing Service (ETS), the test of English as a foreign language  
 253 (TOEFL) by ETS, a high school or college level English course,  
 254 or the English examination for citizenship, Bureau of  
 255 Citizenship and Immigration Services. A notarized copy of an  
 256 Educational Commission for Foreign Medical Graduates (ECFMG)  
 257 certificate may also be used to demonstrate the ability to  
 258 communicate in basic English; and

259       b.(I) Is an unlicensed physician who graduated from a  
 260 foreign medical school listed with the World Health Organization  
 261 who has not previously taken and failed the examination of the  
 262 National Commission on Certification of Physician Assistants and  
 263 who has been certified by the Board of Medicine as having met  
 264 the requirements for licensure as a medical doctor by  
 265 examination as set forth in s. 458.311(1), (4)~~(3)~~, (5)~~(4)~~, and  
 266 (6)~~(5)~~, with the exception that the applicant is not required to  
 267 have completed an approved residency of at least 1 year and the  
 268 applicant is not required to have passed the licensing  
 269 examination specified under s. 458.311 or hold a valid, active  
 270 certificate issued by the Educational Commission for Foreign  
 271 Medical Graduates; was eligible and made initial application for  
 272 certification as a physician assistant in this state between  
 273 July 1, 1990, and June 30, 1991; and was a resident of this  
 274 state on July 1, 1990, or was licensed or certified in any state

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275 | in the United States as a physician assistant on July 1, 1990;  
276 | or

277 |       (II) Completed all coursework requirements of the Master  
278 | of Medical Science Physician Assistant Program offered through  
279 | the Florida College of Physician's Assistants prior to its  
280 | closure in August of 1996. Prior to taking the examination, such  
281 | applicant must successfully complete any clinical rotations that  
282 | were not completed under such program prior to its termination  
283 | and any additional clinical rotations with an appropriate  
284 | physician assistant preceptor, not to exceed 6 months, that are  
285 | determined necessary by the council. The boards shall determine,  
286 | based on recommendations from the council, the facilities under  
287 | which such incomplete or additional clinical rotations may be  
288 | completed and shall also determine what constitutes successful  
289 | completion thereof, provided such requirements are comparable to  
290 | those established by accredited physician assistant programs.  
291 | This sub-sub-subparagraph is repealed July 1, 2001.

292 |       2. The department may grant temporary licensure to an  
293 | applicant who meets the requirements of subparagraph 1. Between  
294 | meetings of the council, the department may grant temporary  
295 | licensure to practice based on the completion of all temporary  
296 | licensure requirements. All such administratively issued  
297 | licenses shall be reviewed and acted on at the next regular  
298 | meeting of the council. A temporary license expires 30 days  
299 | after receipt and notice of scores to the licenseholder from the  
300 | first available examination specified in subparagraph 1.  
301 | following licensure by the department. An applicant who fails  
302 | the proficiency examination is no longer temporarily licensed,

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303 but may apply for a one-time extension of temporary licensure  
 304 after reapplying for the next available examination. Extended  
 305 licensure shall expire upon failure of the licenseholder to sit  
 306 for the next available examination or upon receipt and notice of  
 307 scores to the licenseholder from such examination.

308 3. Notwithstanding any other provision of law, the  
 309 examination specified pursuant to subparagraph 1. shall be  
 310 administered by the department only five times. Applicants  
 311 certified by the board for examination shall receive at least 6  
 312 months' notice of eligibility prior to the administration of the  
 313 initial examination. Subsequent examinations shall be  
 314 administered at 1-year intervals following the reporting of the  
 315 scores of the first and subsequent examinations. For the  
 316 purposes of this paragraph, the department may develop, contract  
 317 for the development of, purchase, or approve an examination that  
 318 adequately measures an applicant's ability to practice with  
 319 reasonable skill and safety. The minimum passing score on the  
 320 examination shall be established by the department, with the  
 321 advice of the board. Those applicants failing to pass that  
 322 examination or any subsequent examination shall receive notice  
 323 of the administration of the next examination with the notice of  
 324 scores following such examination. Any applicant who passes the  
 325 examination and meets the requirements of this section shall be  
 326 licensed as a physician assistant with all rights defined  
 327 thereby.

328 Section 10. Subsection (2) of section 459.015, Florida  
 329 Statutes, is amended to read:

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330 459.015 Grounds for disciplinary action; action by the  
331 board and department.--

332 (2) The board may enter an order denying licensure or  
333 imposing any of the penalties in s. 456.072(2) against any  
334 applicant for licensure or licensee who is found guilty of  
335 violating any provision of subsection (1) of this section or who  
336 is found guilty of violating any provision of s. 456.072(1). A  
337 probable cause panel considering disciplinary action against a  
338 physician assistant pursuant to s. 456.073 shall include a  
339 licensed physician assistant designated by the Council on  
340 Physician Assistants. In determining what action is appropriate,  
341 the board must first consider what sanctions are necessary to  
342 protect the public or to compensate the patient. Only after  
343 those sanctions have been imposed may the disciplining authority  
344 consider and include in the order requirements designed to  
345 rehabilitate the physician. All costs associated with compliance  
346 with orders issued under this subsection are the obligation of  
347 the physician.

348 Section 11. This act shall take effect upon becoming a  
349 law.