

A bill to be entitled

An act relating to physicians; creating s. 381.0304, F.S.; requiring the Division of Health Access and Tobacco within the Department of Health to monitor, evaluate, and report on the supply and distribution of physicians and osteopathic physicians in the state; amending ss. 458.311 and 458.313, F.S.; requiring applicants for physician licensure to submit core credentials to the Federation of State Medical Boards for verification; reenacting s. 458.347(7)(b), F.S., relating to physician assistants, in order to incorporate the amendment to s. 458.311, F.S., in a reference thereto; amending ss. 458.316, 458.3165, and 458.317, F.S.; conforming cross-references; providing an appropriation; providing an effective date.

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

Section 1. Section 381.0304, Florida Statutes, is created to read:

381.0304 Supply and distribution of physicians; reports.--The Division of Health Access and Tobacco of the department shall monitor, evaluate, and report on the supply and distribution of physicians and osteopathic physicians in this state. The division shall develop a strategy to track and analyze, on an ongoing basis, the distribution of state-licensed physicians by specialty and geographic location using data that are available from public and private sources. The division shall submit a report to the Governor, the President of the

29 Senate, and the Speaker of the House of Representatives by  
 30 January 1, 2008, and annually thereafter.

31 Section 2. Subsection (1) of section 458.311, Florida  
 32 Statutes, is amended to read:

33 458.311 Licensure by examination; requirements; fees.--

34 (1) Any person desiring to be licensed as a physician, who  
 35 does not hold a valid license in any state, shall apply to the  
 36 department on forms furnished by the department. The department  
 37 shall license each applicant who the board certifies:

38 (a) Has completed the application form and remitted a  
 39 nonrefundable application fee not to exceed \$500.

40 (b) Is at least 21 years of age.

41 (c) Is of good moral character.

42 (d) Has not committed any act or offense in this or any  
 43 other jurisdiction which would constitute the basis for  
 44 disciplining a physician pursuant to s. 458.331.

45 (e) For any applicant who has graduated from medical  
 46 school after October 1, 1992, has completed the equivalent of 2  
 47 academic years of preprofessional, postsecondary education, as  
 48 determined by rule of the board, which shall include, at a  
 49 minimum, courses in such fields as anatomy, biology, and  
 50 chemistry prior to entering medical school.

51 (f) Meets one of the following medical education and  
 52 postgraduate training requirements:

53 1.a. Is a graduate of an allopathic medical school or  
 54 allopathic college recognized and approved by an accrediting  
 55 agency recognized by the United States Office of Education or is  
 56 a graduate of an allopathic medical school or allopathic college

HB 1093

2006

57 within a territorial jurisdiction of the United States  
58 recognized by the accrediting agency of the governmental body of  
59 that jurisdiction;

60 b. If the language of instruction of the medical school is  
61 other than English, has demonstrated competency in English  
62 through presentation of a satisfactory grade on the Test of  
63 Spoken English of the Educational Testing Service or a similar  
64 test approved by rule of the board; and

65 c. Has completed an approved residency of at least 1 year.

66 2.a. Is a graduate of an allopathic foreign medical school  
67 registered with the World Health Organization and certified  
68 pursuant to s. 458.314 as having met the standards required to  
69 accredit medical schools in the United States or reasonably  
70 comparable standards;

71 b. If the language of instruction of the foreign medical  
72 school is other than English, has demonstrated competency in  
73 English through presentation of the Educational Commission for  
74 Foreign Medical Graduates English proficiency certificate or by  
75 a satisfactory grade on the Test of Spoken English of the  
76 Educational Testing Service or a similar test approved by rule  
77 of the board; and

78 c. Has completed an approved residency of at least 1 year.

79 3.a. Is a graduate of an allopathic foreign medical school  
80 which has not been certified pursuant to s. 458.314;

81 b. Has had his or her medical credentials evaluated by the  
82 Educational Commission for Foreign Medical Graduates, holds an  
83 active, valid certificate issued by that commission, and has  
84 passed the examination utilized by that commission; and

HB 1093

2006

85 c. Has completed an approved residency of at least 1 year;  
86 however, after October 1, 1992, the applicant shall have  
87 completed an approved residency or fellowship of at least 2  
88 years in one specialty area. However, to be acceptable, the  
89 fellowship experience and training must be counted toward  
90 regular or subspecialty certification by a board recognized and  
91 certified by the American Board of Medical Specialties.

92 (g) Has submitted core credentials to the Federation  
93 Credentials Verification Services of the Federation of State  
94 Medical Boards for verification.

95 (h)~~(g)~~ Has submitted to the department a set of  
96 fingerprints on a form and under procedures specified by the  
97 department, along with a payment in an amount equal to the costs  
98 incurred by the Department of Health for the criminal background  
99 check of the applicant.

100 (i)~~(h)~~ Has obtained a passing score, as established by  
101 rule of the board, on the licensure examination of the United  
102 States Medical Licensing Examination (USMLE); or a combination  
103 of the United States Medical Licensing Examination (USMLE), the  
104 examination of the Federation of State Medical Boards of the  
105 United States, Inc. (FLEX), or the examination of the National  
106 Board of Medical Examiners up to the year 2000; or for the  
107 purpose of examination of any applicant who was licensed on the  
108 basis of a state board examination and who is currently licensed  
109 in at least one other jurisdiction of the United States or  
110 Canada, and who has practiced pursuant to such licensure for a  
111 period of at least 10 years, use of the Special Purpose  
112 Examination of the Federation of State Medical Boards of the

HB 1093

2006

113 United States (SPEX) upon receipt of a passing score as  
 114 established by rule of the board. However, for the purpose of  
 115 examination of any applicant who was licensed on the basis of a  
 116 state board examination prior to 1974, who is currently licensed  
 117 in at least three other jurisdictions of the United States or  
 118 Canada, and who has practiced pursuant to such licensure for a  
 119 period of at least 20 years, this paragraph does not apply.

120 Section 3. Paragraph (a) of subsection (1) of section  
 121 458.313, Florida Statutes, is amended to read:

122 458.313 Licensure by endorsement; requirements; fees.--

123 (1) The department shall issue a license by endorsement to  
 124 any applicant who, upon applying to the department on forms  
 125 furnished by the department and remitting a fee set by the board  
 126 not to exceed \$500, the board certifies:

127 (a) Has met the qualifications for licensure in s.  
 128 458.311(1)(b)-(h) ~~s. 458.311(1)(b)-(g)~~ or in s. 458.311(1)(b)-  
 129 (e) and (h) ~~(g)~~ and (3);

130 Section 4. For the purpose of incorporating the amendment  
 131 made by this act to section 458.311, Florida Statutes, in a  
 132 reference thereto, and not for the purpose of superseding the  
 133 provisions of section 456.017(1)(c), Florida Statutes, paragraph  
 134 (b) of subsection (7) of section 458.347, Florida Statutes, is  
 135 reenacted to read:

136 458.347 Physician assistants.--

137 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

141 a. Has completed the application form and remitted a  
142 nonrefundable application fee not to exceed \$500 and an  
143 examination fee not to exceed \$300, plus the actual cost to the  
144 department to provide the examination. The examination fee is  
145 refundable if the applicant is found to be ineligible to take  
146 the examination. The department shall not require the applicant  
147 to pass a separate practical component of the examination. For  
148 examinations given after July 1, 1998, competencies measured  
149 through practical examinations shall be incorporated into the  
150 written examination through a multiple-choice format. The  
151 department shall translate the examination into the native  
152 language of any applicant who requests and agrees to pay all  
153 costs of such translation, provided that the translation request  
154 is filed with the board office no later than 9 months before the  
155 scheduled examination and the applicant remits translation fees  
156 as specified by the department no later than 6 months before the  
157 scheduled examination, and provided that the applicant  
158 demonstrates to the department the ability to communicate orally  
159 in basic English. If the applicant is unable to pay translation  
160 costs, the applicant may take the next available examination in  
161 English if the applicant submits a request in writing by the  
162 application deadline and if the applicant is otherwise eligible  
163 under this section. To demonstrate the ability to communicate  
164 orally in basic English, a passing score or grade is required,  
165 as determined by the department or organization that developed  
166 it, on the test for spoken English (TSE) by the Educational  
167 Testing Service (ETS), the test of English as a foreign language  
168 (TOEFL) by ETS, a high school or college level English course,

HB 1093

2006

169 or the English examination for citizenship, Bureau of  
170 Citizenship and Immigration Services. A notarized copy of an  
171 Educational Commission for Foreign Medical Graduates (ECFMG)  
172 certificate may also be used to demonstrate the ability to  
173 communicate in basic English; and

174       b.(I) Is an unlicensed physician who graduated from a  
175 foreign medical school listed with the World Health Organization  
176 who has not previously taken and failed the examination of the  
177 National Commission on Certification of Physician Assistants and  
178 who has been certified by the Board of Medicine as having met  
179 the requirements for licensure as a medical doctor by  
180 examination as set forth in s. 458.311(1), (3), (4), and (5),  
181 with the exception that the applicant is not required to have  
182 completed an approved residency of at least 1 year and the  
183 applicant is not required to have passed the licensing  
184 examination specified under s. 458.311 or hold a valid, active  
185 certificate issued by the Educational Commission for Foreign  
186 Medical Graduates; was eligible and made initial application for  
187 certification as a physician assistant in this state between  
188 July 1, 1990, and June 30, 1991; and was a resident of this  
189 state on July 1, 1990, or was licensed or certified in any state  
190 in the United States as a physician assistant on July 1, 1990;  
191 or

192       (II) Completed all coursework requirements of the Master  
193 of Medical Science Physician Assistant Program offered through  
194 the Florida College of Physician's Assistants prior to its  
195 closure in August of 1996. Prior to taking the examination, such  
196 applicant must successfully complete any clinical rotations that

HB 1093

2006

197 | were not completed under such program prior to its termination  
198 | and any additional clinical rotations with an appropriate  
199 | physician assistant preceptor, not to exceed 6 months, that are  
200 | determined necessary by the council. The boards shall determine,  
201 | based on recommendations from the council, the facilities under  
202 | which such incomplete or additional clinical rotations may be  
203 | completed and shall also determine what constitutes successful  
204 | completion thereof, provided such requirements are comparable to  
205 | those established by accredited physician assistant programs.  
206 | This sub-sub-subparagraph is repealed July 1, 2001.

207 |         2. The department may grant temporary licensure to an  
208 | applicant who meets the requirements of subparagraph 1. Between  
209 | meetings of the council, the department may grant temporary  
210 | licensure to practice based on the completion of all temporary  
211 | licensure requirements. All such administratively issued  
212 | licenses shall be reviewed and acted on at the next regular  
213 | meeting of the council. A temporary license expires 30 days  
214 | after receipt and notice of scores to the licenseholder from the  
215 | first available examination specified in subparagraph 1.  
216 | following licensure by the department. An applicant who fails  
217 | the proficiency examination is no longer temporarily licensed,  
218 | but may apply for a one-time extension of temporary licensure  
219 | after reapplying for the next available examination. Extended  
220 | licensure shall expire upon failure of the licenseholder to sit  
221 | for the next available examination or upon receipt and notice of  
222 | scores to the licenseholder from such examination.

223 |         3. Notwithstanding any other provision of law, the  
224 | examination specified pursuant to subparagraph 1. shall be



HB 1093

2006

225 administered by the department only five times. Applicants  
226 certified by the board for examination shall receive at least 6  
227 months' notice of eligibility prior to the administration of the  
228 initial examination. Subsequent examinations shall be  
229 administered at 1-year intervals following the reporting of the  
230 scores of the first and subsequent examinations. For the  
231 purposes of this paragraph, the department may develop, contract  
232 for the development of, purchase, or approve an examination that  
233 adequately measures an applicant's ability to practice with  
234 reasonable skill and safety. The minimum passing score on the  
235 examination shall be established by the department, with the  
236 advice of the board. Those applicants failing to pass that  
237 examination or any subsequent examination shall receive notice  
238 of the administration of the next examination with the notice of  
239 scores following such examination. Any applicant who passes the  
240 examination and meets the requirements of this section shall be  
241 licensed as a physician assistant with all rights defined  
242 thereby.

243 Section 5. Subsection (1) of section 458.316, Florida  
244 Statutes, is amended to read:

245 458.316 Public health certificate.--

246 (1) Any person desiring to obtain a public health  
247 certificate shall submit an application fee not to exceed \$300  
248 and shall demonstrate to the board that he or she is a graduate  
249 of an accredited medical school and holds a master of public  
250 health degree or is board eligible or certified in public health  
251 or preventive medicine, or is licensed to practice medicine  
252 without restriction in another jurisdiction in the United States

HB 1093

2006

253 and holds a master of public health degree or is board eligible  
 254 or certified in public health or preventive medicine, and shall  
 255 meet the requirements in s. 458.311(1)(a)-(f) and (h) ~~s.~~  
 256 ~~458.311(1)(a)-(g)~~ and (5).

257 Section 6. Section 458.3165, Florida Statutes, is amended  
 258 to read:

259 458.3165 Public psychiatry certificate.--The board shall  
 260 issue a public psychiatry certificate to an individual who  
 261 remits an application fee not to exceed \$300, as set by the  
 262 board, who is a board-certified psychiatrist, who is licensed to  
 263 practice medicine without restriction in another state, and who  
 264 meets the requirements in s. 458.311(1)(a)-(f) and (h) ~~s.~~  
 265 ~~458.311(1)(a)-(g)~~ and (5). A recipient of a public psychiatry  
 266 certificate may use the certificate to work at any public mental  
 267 health facility or program funded in part or entirely by state  
 268 funds.

269 (1) Such certificate shall:

270 (a) Authorize the holder to practice only in a public  
 271 mental health facility or program funded in part or entirely by  
 272 state funds.

273 (b) Be issued and renewable biennially if the secretary of  
 274 the Department of Health and the chair of the department of  
 275 psychiatry at one of the public medical schools or the chair of  
 276 the department of psychiatry at the accredited medical school at  
 277 the University of Miami recommend in writing that the  
 278 certificate be issued or renewed.

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

HB 1093

2006

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

284 (2) The board may take disciplinary action against a  
285 certificateholder for noncompliance with any part of this  
286 section or for any reason for which a regular licensee may be  
287 subject to discipline.

288 Section 7. Paragraph (a) of subsection (1) of section  
289 458.317, Florida Statutes, is amended to read:

290 458.317 Limited licenses.--

291 (1)

292 (a) Any person desiring to obtain a limited license shall:

293 1. Submit to the board, with an application and fee not to  
294 exceed \$300, an affidavit stating that he or she has been  
295 licensed to practice medicine in any jurisdiction in the United  
296 States for at least 10 years and intends to practice only  
297 pursuant to the restrictions of a limited license granted  
298 pursuant to this section. However, a physician who is not fully  
299 retired in all jurisdictions may use a limited license only for  
300 noncompensated practice. If the person applying for a limited  
301 license submits a notarized statement from the employing agency  
302 or institution stating that he or she will not receive  
303 compensation for any service involving the practice of medicine,  
304 the application fee and all licensure fees shall be waived.  
305 However, any person who receives a waiver of fees for a limited  
306 license shall pay such fees if the person receives compensation  
307 for the practice of medicine.

308 2. Meet the requirements in s. 458.311(1)(b)-(f) and (h)

HB 1093

2006

309 ~~s. 458.311(1)(b) (g)~~ and (5). If the applicant graduated from  
 310 medical school prior to 1946, the board or its appropriate  
 311 committee may accept military medical training or medical  
 312 experience as a substitute for the approved 1-year residency  
 313 requirement in s. 458.311(1)(f).

314  
 315 Nothing herein limits in any way any policy by the board,  
 316 otherwise authorized by law, to grant licenses to physicians  
 317 duly licensed in other states under conditions less restrictive  
 318 than the requirements of this section. Notwithstanding the other  
 319 provisions of this section, the board may refuse to authorize a  
 320 physician otherwise qualified to practice in the employ of any  
 321 agency or institution otherwise qualified if the agency or  
 322 institution has caused or permitted violations of the provisions  
 323 of this chapter which it knew or should have known were  
 324 occurring.

325 Section 8. The sum of \$ \_\_\_\_\_ is appropriated from the  
 326 General Revenue Fund to the Department of Health for  
 327 implementing this act during the 2006-2007 fiscal year. This act  
 328 shall be implemented contingent on an appropriation in the  
 329 General Appropriations Act.

330 Section 9. This act shall take effect October 1, 2006.