

CHAMBER ACTION

1 The Health Care Regulation Committee 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 physicians; creating s. 381.0304, F.S.;
7 requiring the Division of Health Access and Tobacco within
8 the Department of Health to monitor, evaluate, and report
9 on the supply and distribution of allopathic physicians
10 and osteopathic physicians in the state; amending ss.
11 458.311 and 458.313, F.S.; requiring applicants for
12 physician licensure to submit core credentials to
13 specified entities; amending ss. 458.316, 458.3165, and
14 458.317, F.S.; conforming cross-references; providing an
15 appropriation; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 381.0304, Florida Statutes, is created
20 to read:

21 381.0304 Supply and distribution of physicians;
22 reports.--The Division of Health Access and Tobacco of the
23 department shall monitor, evaluate, and report on the supply and

HB 1093

2006
CS

24 distribution of allopathic physicians licensed under chapter 458
 25 and osteopathic physicians licensed under chapter 459 in this
 26 state. The division shall develop a strategy to track and
 27 analyze, on an ongoing basis, the distribution of state-licensed
 28 physicians by specialty and geographic location using data that
 29 are available from public and private sources. The division
 30 shall submit a report to the Governor, the President of the
 31 Senate, and the Speaker of the House of Representatives by March
 32 1, 2008, and annually thereafter.

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

35 458.311 Licensure by examination; requirements; fees.--

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

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

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

43 (c) Is of good moral character.

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

47 (e) For any applicant who has graduated from medical
 48 school after October 1, 1992, has completed the equivalent of 2
 49 academic years of preprofessional, postsecondary education, as
 50 determined by rule of the board, which shall include, at a

HB 1093

2006
CS

51 | minimum, courses in such fields as anatomy, biology, and
52 | chemistry prior to entering medical school.

53 | (f) Meets one of the following medical education and
54 | postgraduate training requirements:

55 | 1.a. Is a graduate of an allopathic medical school or
56 | allopathic college recognized and approved by an accrediting
57 | agency recognized by the United States Office of Education or is
58 | a graduate of an allopathic medical school or allopathic college
59 | within a territorial jurisdiction of the United States
60 | recognized by the accrediting agency of the governmental body of
61 | that jurisdiction;

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

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

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

73 | b. If the language of instruction of the foreign medical
74 | school is other than English, has demonstrated competency in
75 | English through presentation of the Educational Commission for
76 | Foreign Medical Graduates English proficiency certificate or by
77 | a satisfactory grade on the Test of Spoken English of the

HB 1093

2006
CS

78 Educational Testing Service or a similar test approved by rule
79 of the board; and

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

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

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

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

94 (g) Has either submitted core credentials to the
95 Federation Credentials Verification Services of the Federation
96 of State Medical Boards and submitted the Physician Information
97 Profile originating from the Federation Credentials Verification
98 Service to the department or has submitted core credentials
99 directly to the department.

100 (h)~~(g)~~ Has submitted to the department a set of
101 fingerprints on a form and under procedures specified by the
102 department, along with a payment in an amount equal to the costs
103 incurred by the Department of Health for the criminal background
104 check of the applicant.

HB 1093

2006
CS

105 (i)~~(h)~~ Has obtained a passing score, as established by
 106 rule of the board, on the licensure examination of the United
 107 States Medical Licensing Examination (USMLE); or a combination
 108 of the United States Medical Licensing Examination (USMLE), the
 109 examination of the Federation of State Medical Boards of the
 110 United States, Inc. (FLEX), or the examination of the National
 111 Board of Medical Examiners up to the year 2000; or for the
 112 purpose of examination of any applicant who was licensed on the
 113 basis of a state board examination and who is currently licensed
 114 in at least one other jurisdiction of the United States or
 115 Canada, and who has practiced pursuant to such licensure for a
 116 period of at least 10 years, use of the Special Purpose
 117 Examination of the Federation of State Medical Boards of the
 118 United States (SPEX) upon receipt of a passing score as
 119 established by rule of the board. However, for the purpose of
 120 examination of any applicant who was licensed on the basis of a
 121 state board examination prior to 1974, who is currently licensed
 122 in at least three other jurisdictions of the United States or
 123 Canada, and who has practiced pursuant to such licensure for a
 124 period of at least 20 years, this paragraph does not apply.

125 Section 3. Paragraph (a) of subsection (1) of section
 126 458.313, Florida Statutes, is amended to read:

127 458.313 Licensure by endorsement; requirements; fees.--

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

HB 1093

2006
CS

132 (a) Has met the qualifications for licensure in s.
133 458.311(1)(b)-(h) ~~s. 458.311(1)(b)-(g)~~ or in s. 458.311(1)(b)-
134 (e) and (h) ~~(g)~~ and (3);

135 Section 4. Subsection (1) of section 458.316, Florida
136 Statutes, is amended to read:

137 458.316 Public health certificate.--

138 (1) Any person desiring to obtain a public health
139 certificate shall submit an application fee not to exceed \$300
140 and shall demonstrate to the board that he or she is a graduate
141 of an accredited medical school and holds a master of public
142 health degree or is board eligible or certified in public health
143 or preventive medicine, or is licensed to practice medicine
144 without restriction in another jurisdiction in the United States
145 and holds a master of public health degree or is board eligible
146 or certified in public health or preventive medicine, and shall
147 meet the requirements in s. 458.311(1)(a)-(f) and (h) ~~s.~~
148 ~~458.311(1)(a)-(g)~~ and (5).

149 Section 5. Section 458.3165, Florida Statutes, is amended
150 to read:

151 458.3165 Public psychiatry certificate.--The board shall
152 issue a public psychiatry certificate to an individual who
153 remits an application fee not to exceed \$300, as set by the
154 board, who is a board-certified psychiatrist, who is licensed to
155 practice medicine without restriction in another state, and who
156 meets the requirements in s. 458.311(1)(a)-(f) and (h) ~~s.~~
157 ~~458.311(1)(a)-(g)~~ and (5). A recipient of a public psychiatry
158 certificate may use the certificate to work at any public mental

HB 1093

2006
CS

159 health facility or program funded in part or entirely by state
160 funds.

161 (1) Such certificate shall:

162 (a) Authorize the holder to practice only in a public
163 mental health facility or program funded in part or entirely by
164 state funds.

165 (b) Be issued and renewable biennially if the secretary of
166 the Department of Health and the chair of the department of
167 psychiatry at one of the public medical schools or the chair of
168 the department of psychiatry at the accredited medical school at
169 the University of Miami recommend in writing that the
170 certificate be issued or renewed.

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

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

176 (2) The board may take disciplinary action against a
177 certificateholder for noncompliance with any part of this
178 section or for any reason for which a regular licensee may be
179 subject to discipline.

180 Section 6. Paragraph (a) of subsection (1) of section
181 458.317, Florida Statutes, is amended to read:

182 458.317 Limited licenses.--

183 (1)(a) Any person desiring to obtain a limited license
184 shall:

185 1. Submit to the board, with an application and fee not to
186 exceed \$300, an affidavit stating that he or she has been

HB 1093

2006
CS

187 licensed to practice medicine in any jurisdiction in the United
188 States for at least 10 years and intends to practice only
189 pursuant to the restrictions of a limited license granted
190 pursuant to this section. However, a physician who is not fully
191 retired in all jurisdictions may use a limited license only for
192 noncompensated practice. If the person applying for a limited
193 license submits a notarized statement from the employing agency
194 or institution stating that he or she will not receive
195 compensation for any service involving the practice of medicine,
196 the application fee and all licensure fees shall be waived.
197 However, any person who receives a waiver of fees for a limited
198 license shall pay such fees if the person receives compensation
199 for the practice of medicine.

200 2. Meet the requirements in s. 458.311(1)(b)-(f) and (h)
201 ~~s. 458.311(1)(b)-(g)~~ and (5). If the applicant graduated from
202 medical school prior to 1946, the board or its appropriate
203 committee may accept military medical training or medical
204 experience as a substitute for the approved 1-year residency
205 requirement in s. 458.311(1)(f).

206
207 Nothing herein limits in any way any policy by the board,
208 otherwise authorized by law, to grant licenses to physicians
209 duly licensed in other states under conditions less restrictive
210 than the requirements of this section. Notwithstanding the other
211 provisions of this section, the board may refuse to authorize a
212 physician otherwise qualified to practice in the employ of any
213 agency or institution otherwise qualified if the agency or
214 institution has caused or permitted violations of the provisions

HB 1093

2006
CS

215 | of this chapter which it knew or should have known were
216 | occurring.

217 | Section 7. The sum of \$ _____ is appropriated from the
218 | General Revenue Fund to the Department of Health for
219 | implementing this act during the 2006-2007 fiscal year. This act
220 | shall be implemented contingent on an appropriation in the
221 | General Appropriations Act.

222 | Section 8. This act shall take effect October 1, 2006.