

CHAMBER ACTION

1 The Health Care Appropriations Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to physicians; creating s. 381.0304, F.S.;
8 requiring the Division of Health Access and Tobacco of the
9 Department of Health to monitor, evaluate, and report on
10 the supply and distribution of allopathic physicians and
11 osteopathic physicians in the state; amending ss. 458.311
12 and 458.313, F.S.; requiring applicants for physician
13 licensure to submit core credentials to specified
14 entities; amending ss. 458.316, 458.3165, and 458.317,
15 F.S.; conforming cross-references; requiring the division
16 to report on the supply and distribution of dentists in
17 specified Agency for Health Care Administration Medicaid
18 service areas; providing an appropriation; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

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

25 381.0304 Supply and distribution of physicians;
26 reports.--The Division of Health Access and Tobacco of the
27 department shall monitor, evaluate, and report on the supply and
28 distribution of allopathic physicians licensed under chapter 458
29 and osteopathic physicians licensed under chapter 459 in this
30 state. The division shall develop a strategy to track and
31 analyze, on an ongoing basis, the distribution of state-licensed
32 physicians by specialty and geographic location using data that
33 are available from public and private sources. The division
34 shall submit a report to the Governor, the President of the
35 Senate, and the Speaker of the House of Representatives by March
36 1, 2008, and annually thereafter.

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

39 458.311 Licensure by examination; requirements; fees.--

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

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

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

47 (c) Is of good moral character.

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

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

57 (f) Meets one of the following medical education and
58 postgraduate training requirements:

59 1.a. Is a graduate of an allopathic medical school or
60 allopathic college recognized and approved by an accrediting
61 agency recognized by the United States Office of Education or is
62 a graduate of an allopathic medical school or allopathic college
63 within a territorial jurisdiction of the United States
64 recognized by the accrediting agency of the governmental body of
65 that jurisdiction;

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

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

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

77 b. If the language of instruction of the foreign medical
78 school is other than English, has demonstrated competency in

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79 English through presentation of the Educational Commission for
80 Foreign Medical Graduates English proficiency certificate or by
81 a satisfactory grade on the Test of Spoken English of the
82 Educational Testing Service or a similar test approved by rule
83 of the board; and

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

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

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

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

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

104 (h)~~(g)~~ Has submitted to the department a set of
105 fingerprints on a form and under procedures specified by the
106 department, along with a payment in an amount equal to the costs

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107 incurred by the Department of Health for the criminal background
108 check of the applicant.

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

129 Section 3. Paragraph (a) of subsection (1) of section
130 458.313, Florida Statutes, is amended to read:

131 458.313 Licensure by endorsement; requirements; fees.--

132 (1) The department shall issue a license by endorsement to
133 any applicant who, upon applying to the department on forms

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134 furnished by the department and remitting a fee set by the board
135 not to exceed \$500, the board certifies:

136 (a) Has met the qualifications for licensure in s.
137 458.311(1)(b)-(h) ~~s. 458.311(1)(b)-(g)~~ or in s. 458.311(1)(b)-
138 (e) and (h) ~~(g)~~ and (3);

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

141 458.316 Public health certificate.--

142 (1) Any person desiring to obtain a public health
143 certificate shall submit an application fee not to exceed \$300
144 and shall demonstrate to the board that he or she is a graduate
145 of an accredited medical school and holds a master of public
146 health degree or is board eligible or certified in public health
147 or preventive medicine, or is licensed to practice medicine
148 without restriction in another jurisdiction in the United States
149 and holds a master of public health degree or is board eligible
150 or certified in public health or preventive medicine, and shall
151 meet the requirements in s. 458.311(1)(a)-(f) and (h) ~~s.~~
152 ~~458.311(1)(a)-(g)~~ and (5).

153 Section 5. Section 458.3165, Florida Statutes, is amended
154 to read:

155 458.3165 Public psychiatry certificate.--The board shall
156 issue a public psychiatry certificate to an individual who
157 remits an application fee not to exceed \$300, as set by the
158 board, who is a board-certified psychiatrist, who is licensed to
159 practice medicine without restriction in another state, and who
160 meets the requirements in s. 458.311(1)(a)-(f) and (h) ~~s.~~
161 ~~458.311(1)(a)-(g)~~ and (5). A recipient of a public psychiatry

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162 certificate may use the certificate to work at any public mental
163 health facility or program funded in part or entirely by state
164 funds.

165 (1) Such certificate shall:

166 (a) Authorize the holder to practice only in a public
167 mental health facility or program funded in part or entirely by
168 state funds.

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

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

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

180 (2) The board may take disciplinary action against a
181 certificateholder for noncompliance with any part of this
182 section or for any reason for which a regular licensee may be
183 subject to discipline.

184 Section 6. Paragraph (a) of subsection (1) of section
185 458.317, Florida Statutes, is amended to read:

186 458.317 Limited licenses.--

187 (1)(a) Any person desiring to obtain a limited license
188 shall:

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189 1. Submit to the board, with an application and fee not to
190 exceed \$300, an affidavit stating that he or she has been
191 licensed to practice medicine in any jurisdiction in the United
192 States for at least 10 years and intends to practice only
193 pursuant to the restrictions of a limited license granted
194 pursuant to this section. However, a physician who is not fully
195 retired in all jurisdictions may use a limited license only for
196 noncompensated practice. If the person applying for a limited
197 license submits a notarized statement from the employing agency
198 or institution stating that he or she will not receive
199 compensation for any service involving the practice of medicine,
200 the application fee and all licensure fees shall be waived.
201 However, any person who receives a waiver of fees for a limited
202 license shall pay such fees if the person receives compensation
203 for the practice of medicine.

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

210
211 Nothing herein limits in any way any policy by the board,
212 otherwise authorized by law, to grant licenses to physicians
213 duly licensed in other states under conditions less restrictive
214 than the requirements of this section. Notwithstanding the other
215 provisions of this section, the board may refuse to authorize a
216 physician otherwise qualified to practice in the employ of any

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217 | agency or institution otherwise qualified if the agency or
218 | institution has caused or permitted violations of the provisions
219 | of this chapter which it knew or should have known were
220 | occurring.

221 | Section 7. The Division of Health Access and Tobacco of
222 | the Department of Health shall analyze the supply and
223 | distribution of state-licensed dentists in the Agency for Health
224 | Care Administration's Areas One and Two using data that are
225 | available from public and private sources. The division shall
226 | determine whether such dentists are retired or working full
227 | time. The division shall submit a preliminary report to the
228 | Governor, the President of the Senate, and the Speaker of the
229 | House of Representatives by March 1, 2007, that identifies the
230 | supply and distribution of state-licensed dentists in the Agency
231 | for Health Care Administration's Areas One and Two, indicates
232 | whether state-licensed dentists in such areas are retired or
233 | working full time, and recommends strategies to improve a
234 | broader distribution of dentists in such areas if a shortage or
235 | maldistribution is determined to exist. The division shall
236 | submit a final report to the Governor, the President of the
237 | Senate, and the Speaker of the House of Representatives by March
238 | 1, 2008.

239 | Section 8. The sum of \$161,148, of which \$110,771 is
240 | recurring, is appropriated from the Medical Quality Assurance
241 | Trust Fund to the Department of Health, and one full-time
242 | equivalent position at 36,245 in salary rate is authorized, to
243 | implement this act for fiscal year 2006-2007.

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