

587-945-06

1 A bill to be entitled  
2 An act relating to physicians; creating s.  
3 381.0304, F.S.; requiring the Division of  
4 Health Access and Tobacco within the Department  
5 of Health to monitor, evaluate, and report on  
6 the supply and distribution of physicians and  
7 osteopathic physicians in Florida; amending ss.  
8 458.311, 458.313, F.S.; requiring applicants  
9 for physician licensure to submit core  
10 credentials to the Federation of State Medical  
11 Boards for verification; reenacting s.  
12 458.347(7)(b), F.S., relating to physician  
13 assistants, in order to incorporate the  
14 amendment to s. 458.311, F.S., in a reference  
15 thereto; amending ss. 458.316, 458.3165,  
16 458.317, F.S.; conforming cross-references;  
17 providing an appropriation; providing an  
18 effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Section 381.0304, Florida Statutes, is  
23 created to read:  
24 381.0304 Supply and distribution of physicians;  
25 reports.--The Division of Health Access and Tobacco of the  
26 department shall monitor, evaluate, and report on the supply  
27 and distribution of physicians and osteopathic physicians in  
28 this state. The division shall develop a strategy to track and  
29 analyze, on an ongoing basis, the distribution of  
30 Florida-licensed physicians by specialty and geographic  
31 location using data that are available from public and private

1 sources. The division shall submit a report to the Governor,  
2 the President of the Senate, and the Speaker of the House of  
3 Representatives by January 1, 2008, and annually thereafter.

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

6 458.311 Licensure by examination; requirements;  
7 fees.--

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

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

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

16 (c) Is of good moral character.

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

20 (e) For any applicant who has graduated from medical  
21 school after October 1, 1992, has completed the equivalent of  
22 2 academic years of preprofessional, postsecondary education,  
23 as determined by rule of the board, which shall include, at a  
24 minimum, courses in such fields as anatomy, biology, and  
25 chemistry prior to entering medical school.

26 (f) Meets one of the following medical education and  
27 postgraduate training requirements:

28 1.a. Is a graduate of an allopathic medical school or  
29 allopathic college recognized and approved by an accrediting  
30 agency recognized by the United States Office of Education or  
31 is a graduate of an allopathic medical school or allopathic

1 college within a territorial jurisdiction of the United States  
2 recognized by the accrediting agency of the governmental body  
3 of that jurisdiction;

4 b. If the language of instruction of the medical  
5 school is other than English, has demonstrated competency in  
6 English through presentation of a satisfactory grade on the  
7 Test of Spoken English of the Educational Testing Service or a  
8 similar test approved by rule of the board; and

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

11 2.a. Is a graduate of an allopathic foreign medical  
12 school registered with the World Health Organization and  
13 certified pursuant to s. 458.314 as having met the standards  
14 required to accredit medical schools in the United States or  
15 reasonably comparable standards;

16 b. If the language of instruction of the foreign  
17 medical school is other than English, has demonstrated  
18 competency in English through presentation of the Educational  
19 Commission for Foreign Medical Graduates English proficiency  
20 certificate or by a satisfactory grade on the Test of Spoken  
21 English of the Educational Testing Service or a similar test  
22 approved by rule of the board; and

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

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

27 b. Has had his or her medical credentials evaluated by  
28 the Educational Commission for Foreign Medical Graduates,  
29 holds an active, valid certificate issued by that commission,  
30 and has passed the examination utilized by that commission;  
31 and

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

8 (g) Has submitted core credentials to the Federation  
9 Credentials Verification Services of the Federation of State  
10 Medical Boards for verification.

11 (h)~~(g)~~ Has submitted to the department a set of  
12 fingerprints on a form and under procedures specified by the  
13 department, along with a payment in an amount equal to the  
14 costs incurred by the Department of Health for the criminal  
15 background check of the applicant.

16 (i)~~(h)~~ Has obtained a passing score, as established by  
17 rule of the board, on the licensure examination of the United  
18 States Medical Licensing Examination (USMLE); or a combination  
19 of the United States Medical Licensing Examination (USMLE),  
20 the examination of the Federation of State Medical Boards of  
21 the United States, Inc. (FLEX), or the examination of the  
22 National Board of Medical Examiners up to the year 2000; or  
23 for the purpose of examination of any applicant who was  
24 licensed on the basis of a state board examination and who is  
25 currently licensed in at least one other jurisdiction of the  
26 United States or Canada, and who has practiced pursuant to  
27 such licensure for a period of at least 10 years, use of the  
28 Special Purpose Examination of the Federation of State Medical  
29 Boards of the United States (SPEX) upon receipt of a passing  
30 score as established by rule of the board. However, for the  
31 purpose of examination of any applicant who was licensed on

1 | the basis of a state board examination prior to 1974, who is  
2 | currently licensed in at least three other jurisdictions of  
3 | the United States or Canada, and who has practiced pursuant to  
4 | such licensure for a period of at least 20 years, this  
5 | paragraph does not apply.

6 |           Section 3. Subsection (1) of section 458.313, Florida  
7 | Statutes, is amended to read:

8 |           458.313 Licensure by endorsement; requirements;  
9 | fees.--

10 |           (1) The department shall issue a license by  
11 | endorsement to any applicant who, upon applying to the  
12 | department on forms furnished by the department and remitting  
13 | a fee set by the board not to exceed \$500, the board  
14 | certifies:

15 |           (a) Has met the qualifications for licensure in s.  
16 | 458.311(1)(b)-(h) ~~s. 458.311(1)(b)-(g)~~ or in s.  
17 | 458.311(1)(b)-(e) and (h) ~~(g)~~ and (3);

18 |           (b) Prior to January 1, 2000, has obtained a passing  
19 | score, as established by rule of the board, on the licensure  
20 | examination of the Federation of State Medical Boards of the  
21 | United States, Inc. (FLEX), on the United States Medical  
22 | Licensing Examination (USMLE), or on the examination of the  
23 | National Board of Medical Examiners, or on a combination  
24 | thereof, and on or after January 1, 2000, has obtained a  
25 | passing score on the United States Medical Licensing  
26 | Examination (USMLE); and

27 |           (c) Has submitted evidence of the active licensed  
28 | practice of medicine in another jurisdiction, for at least 2  
29 | of the immediately preceding 4 years, or evidence of  
30 | successful completion of either a board-approved postgraduate  
31 | training program within 2 years preceding filing of an

1 application or a board-approved clinical competency  
2 examination within the year preceding the filing of an  
3 application for licensure. For purposes of this paragraph,  
4 "active licensed practice of medicine" means that practice of  
5 medicine by physicians, including those employed by any  
6 governmental entity in community or public health, as defined  
7 by this chapter, medical directors under s. 641.495(11) who  
8 are practicing medicine, and those on the active teaching  
9 faculty of an accredited medical school.

10 Section 4. For the purpose of incorporating the  
11 amendment to section 458.311, Florida Statutes, in a reference  
12 thereto, paragraph (b) of subsection (7) of section 458.347,  
13 Florida Statutes, is reenacted to read:

14 458.347 Physician assistants.--

15 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

19 a. Has completed the application form and remitted a  
20 nonrefundable application fee not to exceed \$500 and an  
21 examination fee not to exceed \$300, plus the actual cost to  
22 the department to provide the examination. The examination fee  
23 is refundable if the applicant is found to be ineligible to  
24 take the examination. The department shall not require the  
25 applicant to pass a separate practical component of the  
26 examination. For examinations given after July 1, 1998,  
27 competencies measured through practical examinations shall be  
28 incorporated into the written examination through a  
29 multiple-choice format. The department shall translate the  
30 examination into the native language of any applicant who  
31 requests and agrees to pay all costs of such translation,

1 provided that the translation request is filed with the board  
2 office no later than 9 months before the scheduled examination  
3 and the applicant remits translation fees as specified by the  
4 department no later than 6 months before the scheduled  
5 examination, and provided that the applicant demonstrates to  
6 the department the ability to communicate orally in basic  
7 English. If the applicant is unable to pay translation costs,  
8 the applicant may take the next available examination in  
9 English if the applicant submits a request in writing by the  
10 application deadline and if the applicant is otherwise  
11 eligible under this section. To demonstrate the ability to  
12 communicate orally in basic English, a passing score or grade  
13 is required, as determined by the department or organization  
14 that developed it, on the test for spoken English (TSE) by the  
15 Educational Testing Service (ETS), the test of English as a  
16 foreign language (TOEFL) by ETS, a high school or college  
17 level English course, or the English examination for  
18 citizenship, Bureau of Citizenship and Immigration Services. A  
19 notarized copy of an Educational Commission for Foreign  
20 Medical Graduates (ECFMG) certificate may also be used to  
21 demonstrate the ability to communicate in basic English; and  
22       b.(I) Is an unlicensed physician who graduated from a  
23 foreign medical school listed with the World Health  
24 Organization who has not previously taken and failed the  
25 examination of the National Commission on Certification of  
26 Physician Assistants and who has been certified by the Board  
27 of Medicine as having met the requirements for licensure as a  
28 medical doctor by examination as set forth in s. 458.311(1),  
29 (3), (4), and (5), with the exception that the applicant is  
30 not required to have completed an approved residency of at  
31 least 1 year and the applicant is not required to have passed

1 | the licensing examination specified under s. 458.311 or hold a  
2 | valid, active certificate issued by the Educational Commission  
3 | for Foreign Medical Graduates; was eligible and made initial  
4 | application for certification as a physician assistant in this  
5 | state between July 1, 1990, and June 30, 1991; and was a  
6 | resident of this state on July 1, 1990, or was licensed or  
7 | certified in any state in the United States as a physician  
8 | assistant on July 1, 1990; or

9 |       (II) Completed all coursework requirements of the  
10 | Master of Medical Science Physician Assistant Program offered  
11 | through the Florida College of Physician's Assistants prior to  
12 | its closure in August of 1996. Prior to taking the  
13 | examination, such applicant must successfully complete any  
14 | clinical rotations that were not completed under such program  
15 | prior to its termination and any additional clinical rotations  
16 | with an appropriate physician assistant preceptor, not to  
17 | exceed 6 months, that are determined necessary by the council.  
18 | The boards shall determine, based on recommendations from the  
19 | council, the facilities under which such incomplete or  
20 | additional clinical rotations may be completed and shall also  
21 | determine what constitutes successful completion thereof,  
22 | provided such requirements are comparable to those established  
23 | by accredited physician assistant programs. This  
24 | sub-sub-subparagraph is repealed July 1, 2001.

25 |       2. The department may grant temporary licensure to an  
26 | applicant who meets the requirements of subparagraph 1.  
27 | Between meetings of the council, the department may grant  
28 | temporary licensure to practice based on the completion of all  
29 | temporary licensure requirements. All such administratively  
30 | issued licenses shall be reviewed and acted on at the next  
31 | regular meeting of the council. A temporary license expires 30



1 days after receipt and notice of scores to the licenseholder  
2 from the first available examination specified in subparagraph  
3 1. following licensure by the department. An applicant who  
4 fails the proficiency examination is no longer temporarily  
5 licensed, but may apply for a one-time extension of temporary  
6 licensure after reapplying for the next available examination.  
7 Extended licensure shall expire upon failure of the  
8 licenseholder to sit for the next available examination or  
9 upon receipt and notice of scores to the licenseholder from  
10 such examination.

11 3. Notwithstanding any other provision of law, the  
12 examination specified pursuant to subparagraph 1. shall be  
13 administered by the department only five times. Applicants  
14 certified by the board for examination shall receive at least  
15 6 months' notice of eligibility prior to the administration of  
16 the initial examination. Subsequent examinations shall be  
17 administered at 1-year intervals following the reporting of  
18 the scores of the first and subsequent examinations. For the  
19 purposes of this paragraph, the department may develop,  
20 contract for the development of, purchase, or approve an  
21 examination that adequately measures an applicant's ability to  
22 practice with reasonable skill and safety. The minimum passing  
23 score on the examination shall be established by the  
24 department, with the advice of the board. Those applicants  
25 failing to pass that examination or any subsequent examination  
26 shall receive notice of the administration of the next  
27 examination with the notice of scores following such  
28 examination. Any applicant who passes the examination and  
29 meets the requirements of this section shall be licensed as a  
30 physician assistant with all rights defined thereby.

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

3 458.316 Public health certificate.--

4 (1) Any person desiring to obtain a public health  
5 certificate shall submit an application fee not to exceed \$300  
6 and shall demonstrate to the board that he or she is a  
7 graduate of an accredited medical school and holds a master of  
8 public health degree or is board eligible or certified in  
9 public health or preventive medicine, or is licensed to  
10 practice medicine without restriction in another jurisdiction  
11 in the United States and holds a master of public health  
12 degree or is board eligible or certified in public health or  
13 preventive medicine, and shall meet the requirements in s.  
14 458.311(1)(a)-(f) and (h) ~~s. 458.311(1)(a)-(g)~~ and (5).

15 Section 6. Section 458.3165, Florida Statutes, is  
16 amended to read:

17 458.3165 Public psychiatry certificate.--The board  
18 shall issue a public psychiatry certificate to an individual  
19 who remits an application fee not to exceed \$300, as set by  
20 the board, who is a board-certified psychiatrist, who is  
21 licensed to practice medicine without restriction in another  
22 state, and who meets the requirements in s. 458.311(1)(a)-(f)  
23 and (h) ~~s. 458.311(1)(a)-(g)~~ and (5). A recipient of a public  
24 psychiatry certificate may use the certificate to work at any  
25 public mental health facility or program funded in part or  
26 entirely by state funds.

27 (1) Such certificate shall:

28 (a) Authorize the holder to practice only in a public  
29 mental health facility or program funded in part or entirely  
30 by state funds.

31

1 (b) Be issued and renewable biennially if the  
2 secretary of the Department of Health and the chair of the  
3 department of psychiatry at one of the public medical schools  
4 or the chair of the department of psychiatry at the accredited  
5 medical school at the University of Miami recommend in writing  
6 that the certificate be issued or renewed.

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

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

12 (2) The board may take disciplinary action against a  
13 certificateholder for noncompliance with any part of this  
14 section or for any reason for which a regular licensee may be  
15 subject to discipline.

16 Section 7. Paragraph (a) of subsection (1) of section  
17 458.317, Florida Statutes, is amended to read:

18 458.317 Limited licenses.--

19 (1)(a) Any person desiring to obtain a limited license  
20 shall:

21 1. Submit to the board, with an application and fee  
22 not to exceed \$300, an affidavit stating that he or she has  
23 been licensed to practice medicine in any jurisdiction in the  
24 United States for at least 10 years and intends to practice  
25 only pursuant to the restrictions of a limited license granted  
26 pursuant to this section. However, a physician who is not  
27 fully retired in all jurisdictions may use a limited license  
28 only for noncompensated practice. If the person applying for a  
29 limited license submits a notarized statement from the  
30 employing agency or institution stating that he or she will  
31 not receive compensation for any service involving the

1 | practice of medicine, the application fee and all licensure  
2 | fees shall be waived. However, any person who receives a  
3 | waiver of fees for a limited license shall pay such fees if  
4 | the person receives compensation for the practice of medicine.

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

11 |  
12 | Nothing herein limits in any way any policy by the board,  
13 | otherwise authorized by law, to grant licenses to physicians  
14 | duly licensed in other states under conditions less  
15 | restrictive than the requirements of this section.  
16 | Notwithstanding the other provisions of this section, the  
17 | board may refuse to authorize a physician otherwise qualified  
18 | to practice in the employ of any agency or institution  
19 | otherwise qualified if the agency or institution has caused or  
20 | permitted violations of the provisions of this chapter which  
21 | it knew or should have known were occurring.

22 |         Section 8. The sum of \$ \_\_\_\_\_ is appropriated from  
23 | the General Revenue Fund to the Department of Health for  
24 | implementing this act during the 2006-2007 fiscal year. This  
25 | act shall be implemented contingent on an appropriation in the  
26 | General Appropriations Act.

27 |         Section 9. This act shall take effect October 1, 2006.  
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SENATE SUMMARY

Directs the Division of Health Access and Tobacco of the Department of Health to monitor, evaluate, and report on the supply and distribution of physicians and osteopathic physicians in the state. Requires applicants for licensure as a physician to submit core credentials to the Federation Credentials Verification Services of the Federation of State Medical Boards.

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