

A bill to be entitled

An act relating to physician licensure requirements; amending s. 458.311, F.S.; providing a definition; providing an option for certain applicants for physician licensure to complete an internship; authorizing the Department of Health to develop procedures relating to completion of the internship; requiring board approval of internships; authorizing the board to adopt rules to implement internship requirements, including fees to cover costs; revising the requirement of the department to impose conditions, limitations, or restrictions on a license; amending ss. 458.313, 458.316, 458.3165, 458.317, and 458.347, F.S.; correcting cross-references; providing an effective date.

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

Section 1. Subsections (2) through (8) of section 458.311, Florida Statutes, are renumbered as subsections (3) through (9), respectively, present subsections (5) and (7) are amended, and a new subsection (2) is added to that section, to read:

458.311 Licensure by examination; requirements; fees.--

(2) (a) As used in this section, the term "community-based internship" means a program approved by the board in which a graduate from a foreign medical school obtains required postgraduate clinical experience at a hospital licensed in this state.

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28 (b) Notwithstanding sub-subparagraphs (1)(f)1.c., 2.c., and
29 3.c. and paragraph (4)(d), except for passing part II of the
30 National Board of Medical Examiners examination or the
31 Educational Commission for Foreign Medical Graduates examination
32 equivalent as referred to in paragraph (4)(d), the department
33 may develop procedures for an applicant for licensure to meet
34 postgraduate training requirements by completion of a 2-year
35 community-based internship at a hospital licensed in this state.
36 The training provided in the community-based internship shall be
37 substantially similar, as defined by board rule, to the training
38 provided in an approved residency as provided in sub-
39 paragraph (1)(f)1.c., sub-subparagraph (1)(f)2.c., or sub-
40 paragraph (1)(f)3.c. In order for the community-based
41 internship to meet the requirements of this subsection, the
42 community-based internship must be approved by the board prior
43 to the applicant's entering into the community-based internship.
44 The applicant shall not be licensed under this subsection unless
45 the board finds that the applicant has successfully completed
46 the community-based internship. The board may adopt rules to
47 implement this subsection, including rules setting fees, which
48 may not exceed the actual costs of administering this
49 subsection.

50 ~~(6)(5)~~ The board may not certify to the department for
51 licensure any applicant who is under investigation in another
52 jurisdiction for an offense which would constitute a violation
53 of this chapter until such investigation is completed. Upon
54 completion of the investigation, the provisions of s. 458.331
55 shall apply. Furthermore, the department may not issue an

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56 unrestricted license to any individual who has committed any act
 57 or offense in any jurisdiction which would constitute the basis
 58 for disciplining a physician pursuant to s. 458.331. When the
 59 board finds that an individual has committed an act or offense
 60 in any jurisdiction which would constitute the basis for
 61 disciplining a physician pursuant to s. 458.331, then the board
 62 may enter an order imposing one or more of the terms set forth
 63 in subsection (9) ~~(8)~~.

64 (8)~~(7)~~ Upon certification by the board, the department
 65 shall impose conditions, limitations, or restrictions on a
 66 license if the applicant is on probation in another jurisdiction
 67 for an act which would constitute a violation of this chapter or
 68 if the community-based internship requirement provided in
 69 subsection (2) was complied with at a hospital that is not
 70 licensed in this state.

71 Section 2. Paragraph (a) of subsection (1) of section
 72 458.313, Florida Statutes, is amended to read:

73 458.313 Licensure by endorsement; requirements; fees.--

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

78 (a) Has met the qualifications for licensure in s.
 79 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (4)
 80 ~~(3)~~;

81 Section 3. Subsection (1) of section 458.316, Florida
 82 Statutes, is amended to read:

83 458.316 Public health certificate.--

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84 (1) Any person desiring to obtain a public health
85 certificate shall submit an application fee not to exceed \$300
86 and shall demonstrate to the board that he or she is a graduate
87 of an accredited medical school and holds a master of public
88 health degree or is board eligible or certified in public health
89 or preventive medicine, or is licensed to practice medicine
90 without restriction in another jurisdiction in the United States
91 and holds a master of public health degree or is board eligible
92 or certified in public health or preventive medicine, and shall
93 meet the requirements in s. 458.311(1)(a)-(g) and (6) ~~(5)~~.

94 Section 4. Section 458.3165, Florida Statutes, is amended
95 to read:

96 458.3165 Public psychiatry certificate.--The board shall
97 issue a public psychiatry certificate to an individual who
98 remits an application fee not to exceed \$300, as set by the
99 board, who is a board-certified psychiatrist, who is licensed to
100 practice medicine without restriction in another state, and who
101 meets the requirements in s. 458.311(1)(a)-(g) and (6) ~~(5)~~. A
102 recipient of a public psychiatry certificate may use the
103 certificate to work at any public mental health facility or
104 program funded in part or entirely by state funds.

105 (1) Such certificate shall:

106 (a) Authorize the holder to practice only in a public
107 mental health facility or program funded in part or entirely by
108 state funds.

109 (b) Be issued and renewable biennially if the secretary of
110 the Department of Health and the chair of the department of
111 psychiatry at one of the public medical schools or the chair of

112 the department of psychiatry at the accredited medical school at
 113 the University of Miami recommend in writing that the
 114 certificate be issued or renewed.

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

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

120 (2) The board may take disciplinary action against a
 121 certificateholder for noncompliance with any part of this
 122 section or for any reason for which a regular licensee may be
 123 subject to discipline.

124 Section 5. Paragraph (a) of subsection (1) of section
 125 458.317, Florida Statutes, is amended to read:

126 458.317 Limited licenses.--

127 (1)(a) Any person desiring to obtain a limited license
 128 shall:

129 1. Submit to the board, with an application and fee not to
 130 exceed \$300, an affidavit stating that he or she has been
 131 licensed to practice medicine in any jurisdiction in the United
 132 States for at least 10 years and intends to practice only
 133 pursuant to the restrictions of a limited license granted
 134 pursuant to this section. However, a physician who is not fully
 135 retired in all jurisdictions may use a limited license only for
 136 noncompensated practice. If the person applying for a limited
 137 license submits a notarized statement from the employing agency
 138 or institution stating that he or she will not receive
 139 compensation for any service involving the practice of medicine,

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140 the application fee and all licensure fees shall be waived.
 141 However, any person who receives a waiver of fees for a limited
 142 license shall pay such fees if the person receives compensation
 143 for the practice of medicine.

144 2. Meet the requirements in s. 458.311(1)(b)-(g) and (6)
 145 ~~(5)~~. If the applicant graduated from medical school prior to
 146 1946, the board or its appropriate committee may accept military
 147 medical training or medical experience as a substitute for the
 148 approved 1-year residency requirement in s. 458.311(1)(f).

149
 150 Nothing herein limits in any way any policy by the board,
 151 otherwise authorized by law, to grant licenses to physicians
 152 duly licensed in other states under conditions less restrictive
 153 than the requirements of this section. Notwithstanding the other
 154 provisions of this section, the board may refuse to authorize a
 155 physician otherwise qualified to practice in the employ of any
 156 agency or institution otherwise qualified if the agency or
 157 institution has caused or permitted violations of the provisions
 158 of this chapter which it knew or should have known were
 159 occurring.

160 Section 6. Paragraph (b) of subsection (7) of section
 161 458.347, Florida Statutes, is amended to read:

162 458.347 Physician assistants.--

163 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

167 a. Has completed the application form and remitted a
168 nonrefundable application fee not to exceed \$500 and an
169 examination fee not to exceed \$300, plus the actual cost to the
170 department to provide the examination. The examination fee is
171 refundable if the applicant is found to be ineligible to take
172 the examination. The department shall not require the applicant
173 to pass a separate practical component of the examination. For
174 examinations given after July 1, 1998, competencies measured
175 through practical examinations shall be incorporated into the
176 written examination through a multiple-choice format. The
177 department shall translate the examination into the native
178 language of any applicant who requests and agrees to pay all
179 costs of such translation, provided that the translation request
180 is filed with the board office no later than 9 months before the
181 scheduled examination and the applicant remits translation fees
182 as specified by the department no later than 6 months before the
183 scheduled examination, and provided that the applicant
184 demonstrates to the department the ability to communicate orally
185 in basic English. If the applicant is unable to pay translation
186 costs, the applicant may take the next available examination in
187 English if the applicant submits a request in writing by the
188 application deadline and if the applicant is otherwise eligible
189 under this section. To demonstrate the ability to communicate
190 orally in basic English, a passing score or grade is required,
191 as determined by the department or organization that developed
192 it, on the test for spoken English (TSE) by the Educational
193 Testing Service (ETS), the test of English as a foreign language
194 (TOEFL) by ETS, a high school or college level English course,

195 or the English examination for citizenship, Bureau of
 196 Citizenship and Immigration Services. A notarized copy of an
 197 Educational Commission for Foreign Medical Graduates (ECFMG)
 198 certificate may also be used to demonstrate the ability to
 199 communicate in basic English; and

200 b.(I) Is an unlicensed physician who graduated from a
 201 foreign medical school listed with the World Health Organization
 202 who has not previously taken and failed the examination of the
 203 National Commission on Certification of Physician Assistants and
 204 who has been certified by the Board of Medicine as having met
 205 the requirements for licensure as a medical doctor by
 206 examination as set forth in s. 458.311(1), (4) ~~(3)~~, (5) ~~(4)~~, and
 207 (6) ~~(5)~~, with the exception that the applicant is not required
 208 to have completed an approved residency of at least 1 year and
 209 the applicant is not required to have passed the licensing
 210 examination specified under s. 458.311 or hold a valid, active
 211 certificate issued by the Educational Commission for Foreign
 212 Medical Graduates; was eligible and made initial application for
 213 certification as a physician assistant in this state between
 214 July 1, 1990, and June 30, 1991; and was a resident of this
 215 state on July 1, 1990, or was licensed or certified in any state
 216 in the United States as a physician assistant on July 1, 1990;
 217 or

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

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223 were not completed under such program prior to its termination
224 and any additional clinical rotations with an appropriate
225 physician assistant preceptor, not to exceed 6 months, that are
226 determined necessary by the council. The boards shall determine,
227 based on recommendations from the council, the facilities under
228 which such incomplete or additional clinical rotations may be
229 completed and shall also determine what constitutes successful
230 completion thereof, provided such requirements are comparable to
231 those established by accredited physician assistant programs.
232 This sub-sub-subparagraph is repealed July 1, 2001.

233 2. The department may grant temporary licensure to an
234 applicant who meets the requirements of subparagraph 1. Between
235 meetings of the council, the department may grant temporary
236 licensure to practice based on the completion of all temporary
237 licensure requirements. All such administratively issued
238 licenses shall be reviewed and acted on at the next regular
239 meeting of the council. A temporary license expires 30 days
240 after receipt and notice of scores to the licenseholder from the
241 first available examination specified in subparagraph 1.
242 following licensure by the department. An applicant who fails
243 the proficiency examination is no longer temporarily licensed,
244 but may apply for a one-time extension of temporary licensure
245 after reapplying for the next available examination. Extended
246 licensure shall expire upon failure of the licenseholder to sit
247 for the next available examination or upon receipt and notice of
248 scores to the licenseholder from such examination.

249 3. Notwithstanding any other provision of law, the
250 examination specified pursuant to subparagraph 1. shall be

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251 administered by the department only five times. Applicants
252 certified by the board for examination shall receive at least 6
253 months' notice of eligibility prior to the administration of the
254 initial examination. Subsequent examinations shall be
255 administered at 1-year intervals following the reporting of the
256 scores of the first and subsequent examinations. For the
257 purposes of this paragraph, the department may develop, contract
258 for the development of, purchase, or approve an examination that
259 adequately measures an applicant's ability to practice with
260 reasonable skill and safety. The minimum passing score on the
261 examination shall be established by the department, with the
262 advice of the board. Those applicants failing to pass that
263 examination or any subsequent examination shall receive notice
264 of the administration of the next examination with the notice of
265 scores following such examination. Any applicant who passes the
266 examination and meets the requirements of this section shall be
267 licensed as a physician assistant with all rights defined
268 thereby.

269 Section 7. This act shall take effect July 1, 2006.