

A bill to be entitled

An act relating to osteopathic physicians; amending s. 459.0055, F.S.; revising requirements for licensure or certification as an osteopathic physician in this state; amending s. 459.021, F.S.; requiring a renewal fee for registering as a resident osteopathic physician; revising the degree of a specified penalty; requiring consideration of intent in order to classify certain actions within the practice of osteopathic medicine as misdemeanors; amending ss. 395.7015 and 459.0092, F.S.; correcting cross-references; repealing s. 459.006, F.S., relating to licensure by examination; repealing s. 459.007, F.S., relating to licensure by endorsement; providing an effective date.

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

Section 1. Section 459.0055, Florida Statutes, is amended to read:

459.0055 General licensure requirements.--

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional

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29 | postsecondary education;

30 |       (e) Have not previously committed any act that ~~which~~ would  
31 | constitute a violation of this chapter, unless the board  
32 | determines that such act does not adversely affect the  
33 | applicant's present ability and fitness to practice osteopathic  
34 | medicine;

35 |       (f) Not be under investigation in any jurisdiction for an  
36 | act that ~~which~~ would constitute a violation of this chapter. If,  
37 | upon completion of such investigation, it is determined that the  
38 | applicant has committed an act that ~~which~~ would constitute a  
39 | violation of this chapter, the applicant is ~~shall be~~ ineligible  
40 | for licensure unless the board determines that such act does not  
41 | adversely affect the applicant's present ability and fitness to  
42 | practice osteopathic medicine;

43 |       (g) Have not had an application for a license to practice  
44 | osteopathic medicine denied or a license to practice osteopathic  
45 | medicine revoked, suspended, or otherwise acted against by the  
46 | licensing authority of any jurisdiction unless the board  
47 | determines that the grounds on which such action was taken do  
48 | not adversely affect the applicant's present ability and fitness  
49 | to practice osteopathic medicine. A licensing authority's  
50 | acceptance of a physician's relinquishment of license,  
51 | stipulation, consent order, or other settlement, offered in  
52 | response to or in anticipation of the filing of administrative  
53 | charges against the osteopathic physician, shall be considered  
54 | action against the osteopathic physician's license;

55 |       (h) Not have received less than a satisfactory evaluation  
56 | from an internship, residency, or fellowship training program,

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57 unless the board determines that such act does not adversely  
58 affect the applicant's present ability and fitness to practice  
59 osteopathic medicine. Such evaluation shall be provided by the  
60 director of medical education from the medical training  
61 facility.

62 (i)~~(h)~~ Have met the criteria set forth in ~~s. 459.006, s.~~  
63 ~~459.007,~~ s. 459.0075, s. 459.0077, or s. 459.021, whichever is  
64 applicable;

65 (j)~~(i)~~ Submit to the department a set of fingerprints on a  
66 form and under procedures specified by the department, along  
67 with a payment in an amount equal to the costs incurred by the  
68 Department of Health for the criminal background check of the  
69 applicant;—

70 (k) Demonstrate that he or she is a graduate of a medical  
71 college recognized and approved by the American Osteopathic  
72 Association;

73 (l) Demonstrate that he or she has successfully completed  
74 a resident internship of not less than 12 months in a hospital  
75 approved for this purpose by the Board of Trustees of the  
76 American Osteopathic Association or any other internship program  
77 approved by the board upon a showing of good cause by the  
78 applicant. This requirement may be waived for an applicant who  
79 matriculated in a college of osteopathic medicine during or  
80 before 1948; and

81 (m) Demonstrate that he or she has obtained a passing  
82 score, as established by rule of the board, on all parts of the  
83 examination conducted by the National Board of Osteopathic  
84 Medical Examiners or other examination approved by the board no

85 more than 5 years before making application.

86 (2) For an applicant holding a valid active license in  
 87 another state, he or she shall submit evidence of the active  
 88 licensed practice of medicine in another jurisdiction in which  
 89 initial licensure must have occurred no more than 5 years after  
 90 the applicant obtained a passing score on the examination  
 91 conducted by the National Board of Medical Examiners or other  
 92 substantially similar examination approved by the board;  
 93 however, such practice of osteopathic medicine may have been  
 94 interrupted for a period totaling no more than 2 years or for a  
 95 longer period if the board determines that the interruption of  
 96 the osteopathic physician's practice of osteopathic medicine for  
 97 such longer period has not adversely affected the osteopathic  
 98 physician's present ability and fitness to practice osteopathic  
 99 medicine.

100 (3) The department and the board shall ensure through an  
 101 investigative process that an applicant for licensure meets the  
 102 criteria in this section.

103 (4)~~(2)~~ The board may require a personal appearance of any  
 104 applicant for licensure or certification under the provisions of  
 105 this chapter. Any applicant of whom a personal appearance is  
 106 required must be given adequate notice of the appearance as to  
 107 time and place of the appearance, as well as a statement of the  
 108 purpose for the appearance and the reasons requiring such  
 109 appearance.

110 (5)~~(3)~~ If an applicant has committed an act that ~~which~~  
 111 would constitute a violation of this chapter or has had an  
 112 application for a license to practice osteopathic medicine

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113 | revoked, suspended, or otherwise acted against by the licensing  
114 | authority of any jurisdiction, notwithstanding the board's  
115 | determination that the applicant's present ability and fitness  
116 | to practice osteopathic medicine have not been adversely  
117 | affected, the board may certify the application to the  
118 | department with restrictions.

119 |       (6)~~(4)~~ ~~The department and the board shall assure that~~  
120 | ~~applicants for licensure meet applicable criteria in this~~  
121 | ~~chapter through an investigative process.~~ When the investigative  
122 | process is not completed within the time set out in s. 120.60(1)  
123 | and the department or board has reason to believe that the  
124 | applicant does not meet the criteria, the secretary or the  
125 | secretary's designee may issue a 90-day licensure delay which  
126 | shall be in writing and sufficient to notify the applicant of  
127 | the reason for the delay. The provisions of this subsection  
128 | shall control over any conflicting provisions of s. 120.60(1).

129 |       Section 2. Subsections (1), (2), and (5) of section  
130 | 459.021, Florida Statutes, are amended to read:

131 |       459.021 Registration of resident physicians, interns, and  
132 | fellows; list of hospital employees; penalty.--

133 |       (1) Any person who holds a degree of Doctor of Osteopathic  
134 | Medicine from a college of osteopathic medicine recognized and  
135 | approved by the American Osteopathic Association who desires to  
136 | practice as a resident physician, assistant resident physician,  
137 | house physician, intern, or fellow in fellowship training which  
138 | leads to subspecialty board certification in this state, or any  
139 | person desiring to practice as a resident physician, assistant  
140 | resident physician, house physician, intern, or fellow in

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141 fellowship training in a teaching hospital in this state as  
 142 defined in s. 408.07(45) or s. 395.805(2), who does not hold an  
 143 active license issued under this chapter shall apply to the  
 144 department to be registered, on an application provided by the  
 145 department, before ~~within 30 days of~~ commencing such a training  
 146 program and shall remit a fee not to exceed \$300 as set by the  
 147 board.

148 (2) Any person required to be registered under this  
 149 section shall renew such registration annually and shall remit a  
 150 renewal fee not to exceed \$300 as set by the board. Such  
 151 registration shall be terminated upon the registrant's receipt  
 152 of an active license issued under this chapter. A ~~No~~ person may  
 153 not shall be registered under this section for an aggregate of  
 154 more than 5 years, unless additional years are approved by the  
 155 board.

156 (5) It is a misdemeanor of the first ~~second~~ degree,  
 157 punishable as provided in s. 775.082 or s. 775.083, for any  
 158 hospital or teaching hospital, and also for the superintendent,  
 159 administrator, and other person or persons having administrative  
 160 authority in such hospital to willfully:

161 (a) ~~To~~ Employ the services in such hospital of any person  
 162 listed in subsection (3), unless such person is registered with  
 163 the department under the law or the holder of a license to  
 164 practice osteopathic medicine under this chapter.

165 (b) ~~To~~ Fail to furnish to the department the list and  
 166 information required by subsection (3).

167 Section 3. Paragraph (b) of subsection (2) of section  
 168 395.7015, Florida Statutes, is amended to read:

169 395.7015 Annual assessment on health care entities.--

170 (2) There is imposed an annual assessment against certain  
 171 health care entities as described in this section:

172 (b) For the purpose of this section, "health care  
 173 entities" include the following:

174 1. Ambulatory surgical centers and mobile surgical  
 175 facilities licensed under s. 395.003. This subsection shall only  
 176 apply to mobile surgical facilities operating under contracts  
 177 entered into on or after July 1, 1998.

178 2. Clinical laboratories licensed under s. 483.091,  
 179 excluding any hospital laboratory defined under s. 483.041(6),  
 180 any clinical laboratory operated by the state or a political  
 181 subdivision of the state, any clinical laboratory which  
 182 qualifies as an exempt organization under s. 501(c)(3) of the  
 183 Internal Revenue Code of 1986, as amended, and which receives 70  
 184 percent or more of its gross revenues from services to charity  
 185 patients or Medicaid patients, and any blood, plasma, or tissue  
 186 bank procuring, storing, or distributing blood, plasma, or  
 187 tissue either for future manufacture or research or distributed  
 188 on a nonprofit basis, and further excluding any clinical  
 189 laboratory which is wholly owned and operated by 6 or fewer  
 190 physicians who are licensed pursuant to chapter 458 or chapter  
 191 459 and who practice in the same group practice, and at which no  
 192 clinical laboratory work is performed for patients referred by  
 193 any health care provider who is not a member of the same group.

194 3. Diagnostic-imaging centers that are freestanding  
 195 outpatient facilities that provide specialized services for the  
 196 identification or determination of a disease through examination

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197 and also provide sophisticated radiological services, and in  
 198 which services are rendered by a physician licensed by the Board  
 199 of Medicine under s. 458.311, s. 458.313, or s. 458.317, or by  
 200 an osteopathic physician licensed by the Board of Osteopathic  
 201 Medicine under s. 459.0055 ~~459.006~~, ~~s. 459.007~~, or s. 459.0075.  
 202 For purposes of this paragraph, "sophisticated radiological  
 203 services" means the following: magnetic resonance imaging;  
 204 nuclear medicine; angiography; arteriography; computed  
 205 tomography; positron emission tomography; digital vascular  
 206 imaging; bronchography; lymphangiography; splenography;  
 207 ultrasound, excluding ultrasound providers that are part of a  
 208 private physician's office practice or when ultrasound is  
 209 provided by two or more physicians licensed under chapter 458 or  
 210 chapter 459 who are members of the same professional association  
 211 and who practice in the same medical specialties; and such other  
 212 sophisticated radiological services, excluding mammography, as  
 213 adopted in rule by the board.

214 Section 4. Subsections (1) and (2) of section 459.0092,  
 215 Florida Statutes, are amended to read:

216 459.0092 Fees.--The board shall set fees according to the  
 217 following schedule:

218 (1) The fee for application or certification pursuant to  
 219 ss. 459.0055(2) ~~459.007~~, 459.0075, and 459.0077 shall not exceed  
 220 \$500.

221 (2) The fee for application and examination pursuant to s.  
 222 459.0055(1)(m) ~~459.006~~ shall not exceed \$175 plus the actual per  
 223 applicant cost to the department for purchase of the examination



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224 | from the National Board of Osteopathic Medical Examiners or a  
225 | similar national organization.

226 |       Section 5. Sections 459.006 and 459.007, Florida Statutes,  
227 | are repealed.

228 |       Section 6. This act shall take effect July 1, 2007.