

By Senator Fasano

11-376-07

1    A bill to be entitled  
2            An act relating to osteopathic physicians;  
3            amending s. 459.0055, F.S.; revising the  
4            requirements for licensure or certification as  
5            an osteopathic physician in this state;  
6            amending s. 459.021, F.S.; requiring a renewal  
7            fee for registering as a resident osteopathic  
8            physician; requiring consideration of intent in  
9            order to classify certain actions within the  
10           practice of osteopathic medicine as  
11           misdemeanors; providing an effective date.  
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13 Be It Enacted by the Legislature of the State of Florida:  
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15            Section 1. Section 459.0055, Florida Statutes, is  
16            amended to read:  
17            459.0055 General licensure requirements.--  
18            (1) Except as otherwise provided herein, any person  
19            desiring to be licensed or certified as an osteopathic  
20            physician pursuant to this chapter shall:  
21            (a) Complete an application form and submit the  
22            appropriate fee to the department;  
23            (b) Be at least 21 years of age;  
24            (c) Be of good moral character;  
25            (d) Have completed at least 3 years of preprofessional  
26            postsecondary education;  
27            (e) Have not previously committed any act ~~that~~ which  
28            would constitute a violation of this chapter, unless the board  
29            determines that such act does not adversely affect the  
30            applicant's present ability and fitness to practice  
31            osteopathic medicine;

1 (f) Not be under investigation in any jurisdiction for  
2 an act ~~that which~~ would constitute a violation of this  
3 chapter. If, upon completion of such investigation, it is  
4 determined that the applicant has committed an act ~~that which~~  
5 would constitute a violation of this chapter, the applicant is  
6 ~~shall be~~ ineligible for licensure unless the board determines  
7 that such act does not adversely affect the applicant's  
8 present ability and fitness to practice osteopathic medicine;

9 (g) Have not had an application for a license to  
10 practice osteopathic medicine denied or a license to practice  
11 osteopathic medicine revoked, suspended, or otherwise acted  
12 against by the licensing authority of any jurisdiction unless  
13 the board determines that the grounds on which such action was  
14 taken do not adversely affect the applicant's present ability  
15 and fitness to practice osteopathic medicine. A licensing  
16 authority's acceptance of a physician's relinquishment of  
17 license, stipulation, consent order, or other settlement,  
18 offered in response to or in anticipation of the filing of  
19 administrative charges against the osteopathic physician,  
20 shall be considered action against the osteopathic physician's  
21 license;

22 (h) Not have received less than a satisfactory  
23 evaluation from an internship, residency, or fellowship  
24 training program, unless the board determines that such act  
25 does not adversely affect the applicant's present ability and  
26 fitness to practice osteopathic medicine. Such evaluation  
27 shall be provided by the director of medical education from  
28 the medical training facility.

29 1. There is no monetary liability on the part of, and  
30 a cause of action for damages does not arise against any  
31 director of medical education or the board for any act or

1 proceeding undertaken or performed within the scope of the  
2 functions of the director of medical education if the director  
3 of medical education acts without intentional fraud.

4 2. This paragraph does not affect the official  
5 immunity of an officer or employee of a public corporation.

6 3. Except as provided in subparagraph 2., this  
7 paragraph does not confer immunity from liability on any  
8 professional society or hospital or upon any health  
9 professional while performing services other than as a  
10 director of medical education for any act or proceeding  
11 undertaken or performed outside the scope of the functions of  
12 such position.

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

16 (j)(i) Submit to the department a set of fingerprints  
17 on a form and under procedures specified by the department,  
18 along with a payment in an amount equal to the costs incurred  
19 by the Department of Health for the criminal background check  
20 of the applicant;—

21 (k) Demonstrate that he or she is a graduate of a  
22 medical college recognized and approved by the American  
23 Osteopathic Association;

24 (l) Demonstrate that she or he has successfully  
25 completed a resident internship of not less than 12 months in  
26 a hospital approved for this purpose by the Board of Trustees  
27 of the American Osteopathic Association or any other  
28 internship program approved by the board upon a showing of  
29 good cause by the applicant. This requirement may be waived  
30 for an applicant who matriculated in a college of osteopathic  
31 medicine during or before 1948; and

1           (m) Demonstrate that she or he has obtained a passing  
2 score, as established by rule of the board, on all parts of  
3 the examination conducted by the National Board of Osteopathic  
4 Medical Examiners or other examination approved by the board  
5 no more than 5 years before making application.

6           (2) For an applicant holding a valid active license in  
7 another state, he or she shall submit evidence of the active  
8 licensed practice of medicine in another jurisdiction in which  
9 initial licensure must have occurred no more than 5 years  
10 after the applicant obtained a passing score on the  
11 examination conducted by the National Board of Medical  
12 Examiners or other substantially similar examination approved  
13 by the board; however, such practice of osteopathic medicine  
14 may have been interrupted for a period totaling no more than 2  
15 years or for a longer period if the board determines that the  
16 interruption of the osteopathic physician's practice of  
17 osteopathic medicine for such longer period has not adversely  
18 affected the osteopathic physician's present ability and  
19 fitness to practice osteopathic medicine.

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

23           ~~(4)~~(2) The board may require a personal appearance of  
24 any applicant for licensure or certification under the  
25 provisions of this chapter. Any applicant of whom a personal  
26 appearance is required must be given adequate notice of the  
27 appearance as to time and place of the appearance, as well as  
28 a statement of the purpose for the appearance and the reasons  
29 requiring such appearance.

30           ~~(5)~~(3) If an applicant has committed an act ~~that~~ which  
31 would constitute a violation of this chapter or has had an

1 application for a license to practice osteopathic medicine  
2 revoked, suspended, or otherwise acted against by the  
3 licensing authority of any jurisdiction, notwithstanding the  
4 board's determination that the applicant's present ability and  
5 fitness to practice osteopathic medicine have not been  
6 adversely affected, the board may certify the application to  
7 the department with restrictions.

8 ~~(6)(4) The department and the board shall assure that~~  
9 ~~applicants for licensure meet applicable criteria in this~~  
10 ~~chapter through an investigative process.~~ When the  
11 investigative process is not completed within the time set out  
12 in s. 120.60(1) and the department or board has reason to  
13 believe that the applicant does not meet the criteria, the  
14 secretary or the secretary's designee may issue a 90-day  
15 licensure delay which shall be in writing and sufficient to  
16 notify the applicant of the reason for the delay. The  
17 provisions of this subsection shall control over any  
18 conflicting provisions of s. 120.60(1).

19 Section 2. Subsections (1), (2), and (5) of section  
20 459.021, Florida Statutes, are amended to read:

21 459.021 Registration of resident physicians, interns,  
22 and fellows; list of hospital employees; penalty.--

23 (1) Any person who holds a degree of Doctor of  
24 Osteopathic Medicine from a college of osteopathic medicine  
25 recognized and approved by the American Osteopathic  
26 Association who desires to practice as a resident physician,  
27 assistant resident physician, house physician, intern, or  
28 fellow in fellowship training which leads to subspecialty  
29 board certification in this state, or any person desiring to  
30 practice as a resident physician, assistant resident  
31 physician, house physician, intern, or fellow in fellowship

1 training in a teaching hospital in this state as defined in s.  
2 408.07(45) or s. 395.805(2), who does not hold an active  
3 license issued under this chapter shall apply to the  
4 department to be registered, on an application provided by the  
5 department, no later than ~~within~~ 30 days before ~~of~~ commencing  
6 such a training program and shall remit a fee not to exceed  
7 \$300 as set by the board.

8 (2) Any person required to be registered under this  
9 section shall renew such registration annually and shall remit  
10 a renewal fee not to exceed \$300 as set by the board. Such  
11 registration shall be terminated upon the registrant's receipt  
12 of an active license issued under this chapter. ~~A~~ ~~No~~ person  
13 may not ~~shall~~ be registered under this section for an  
14 aggregate of more than 5 years, unless additional years are  
15 approved by the board.

16 (5) It is a misdemeanor of the second degree,  
17 punishable as provided in s. 775.082 or s. 775.083, for any  
18 hospital or teaching hospital, and also for the  
19 superintendent, administrator, and other person or persons  
20 having administrative authority in such hospital to willfully:

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

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

27 Section 3. This act shall take effect July 1, 2007.  
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SENATE SUMMARY

Revises the requirements for licensure or certification as an osteopathic physician in this state. Requires a renewal fee for registering as a resident osteopathic physician. Requires consideration of intent in order to classify certain actions within the practice of osteopathic medicine as misdemeanors.