

1
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; increasing the penalty for
12 failure to provide certain information relating
13 to employment of osteopathic physicians;
14 amending ss. 395.7015 and 459.0092, F.S.;
15 conforming cross-references; repealing s.
16 459.006, F.S., relating to licensure by
17 examination; repealing s. 459.007, F.S.,
18 relating to licensure by endorsement; providing
19 an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 459.0055, Florida Statutes, is
24 amended to read:

25 459.0055 General licensure requirements.--

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

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

31 (b) Be at least 21 years of age;

1 (c) Be of good moral character;

2 (d) Have completed at least 3 years of preprofessional
3 postsecondary education;

4 (e) Have not previously committed any act that ~~which~~
5 would constitute a violation of this chapter, unless the board
6 determines that such act does not adversely affect the
7 applicant's present ability and fitness to practice
8 osteopathic medicine;

9 (f) Not be under investigation in any jurisdiction for
10 an act that ~~which~~ would constitute a violation of this
11 chapter. If, upon completion of such investigation, it is
12 determined that the applicant has committed an act that ~~which~~
13 would constitute a violation of this chapter, the applicant is
14 ~~shall be~~ ineligible for licensure unless the board determines
15 that such act does not adversely affect the applicant's
16 present ability and fitness to practice osteopathic medicine;

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

30 (h) Not have received less than a satisfactory
31 evaluation from an internship, residency, or fellowship

1 training program, unless the board determines that such act
2 does not adversely affect the applicant's present ability and
3 fitness to practice osteopathic medicine. Such evaluation
4 shall be provided by the director of medical education from
5 the medical training facility;

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

9 (j)(i) Submit to the department a set of fingerprints
10 on a form and under procedures specified by the department,
11 along with a payment in an amount equal to the costs incurred
12 by the Department of Health for the criminal background check
13 of the applicant;

14 (k) Demonstrate that he or she is a graduate of a
15 medical college recognized and approved by the American
16 Osteopathic Association;

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

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

30 (2) For an applicant holding a valid active license in
31 another state, he or she shall submit evidence of the active

1 licensed practice of medicine in another jurisdiction in which
2 initial licensure must have occurred no more than 5 years
3 after the applicant obtained a passing score on the
4 examination conducted by the National Board of Medical
5 Examiners or other substantially similar examination approved
6 by the board; however, such practice of osteopathic medicine
7 may have been interrupted for a period totaling no more than 2
8 years or for a longer period if the board determines that the
9 interruption of the osteopathic physician's practice of
10 osteopathic medicine for such longer period has not adversely
11 affected the osteopathic physician's present ability and
12 fitness to practice osteopathic medicine.

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

16 ~~(4)(2)~~ The board may require a personal appearance of
17 any applicant for licensure or certification under the
18 provisions of this chapter. Any applicant of whom a personal
19 appearance is required must be given adequate notice of the
20 appearance as to time and place of the appearance, as well as
21 a statement of the purpose for the appearance and the reasons
22 requiring such appearance.

23 ~~(5)(3)~~ If an applicant has committed an act ~~that~~ which
24 would constitute a violation of this chapter or has had an
25 application for a license to practice osteopathic medicine
26 revoked, suspended, or otherwise acted against by the
27 licensing authority of any jurisdiction, notwithstanding the
28 board's determination that the applicant's present ability and
29 fitness to practice osteopathic medicine have not been
30 adversely affected, the board may certify the application to
31 the department with restrictions.

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

12 Section 2. Subsections (1), (2), and (5) of section
13 459.021, Florida Statutes, are amended to read:

14 459.021 Registration of resident physicians, interns,
15 and fellows; list of hospital employees; penalty.--

16 (1) Any person who holds a degree of Doctor of
17 Osteopathic Medicine from a college of osteopathic medicine
18 recognized and approved by the American Osteopathic
19 Association who desires to practice as a resident physician,
20 assistant resident physician, house physician, intern, or
21 fellow in fellowship training which leads to subspecialty
22 board certification in this state, or any person desiring to
23 practice as a resident physician, assistant resident
24 physician, house physician, intern, or fellow in fellowship
25 training in a teaching hospital in this state as defined in s.
26 408.07(45) or s. 395.805(2), who does not hold an active
27 license issued under this chapter shall apply to the
28 department to be registered, on an application provided by the
29 department, before ~~within 30 days of~~ commencing such a
30 training program and shall remit a fee not to exceed \$300 as
31 set by the board.

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

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

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

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

20 Section 3. Paragraph (b) of subsection (2) of section
21 395.7015, Florida Statutes, is amended to read:

22 395.7015 Annual assessment on health care entities.--

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

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

27 1. Ambulatory surgical centers and mobile surgical
28 facilities licensed under s. 395.003. This subsection shall
29 only apply to mobile surgical facilities operating under
30 contracts entered into on or after July 1, 1998.

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1 2. Clinical laboratories licensed under s. 483.091,
2 excluding any hospital laboratory defined under s. 483.041(6),
3 any clinical laboratory operated by the state or a political
4 subdivision of the state, any clinical laboratory which
5 qualifies as an exempt organization under s. 501(c)(3) of the
6 Internal Revenue Code of 1986, as amended, and which receives
7 70 percent or more of its gross revenues from services to
8 charity patients or Medicaid patients, and any blood, plasma,
9 or tissue bank procuring, storing, or distributing blood,
10 plasma, or tissue either for future manufacture or research or
11 distributed on a nonprofit basis, and further excluding any
12 clinical laboratory which is wholly owned and operated by 6 or
13 fewer physicians who are licensed pursuant to chapter 458 or
14 chapter 459 and who practice in the same group practice, and
15 at which no clinical laboratory work is performed for patients
16 referred by any health care provider who is not a member of
17 the same group.

18 3. Diagnostic-imaging centers that are freestanding
19 outpatient facilities that provide specialized services for
20 the identification or determination of a disease through
21 examination and also provide sophisticated radiological
22 services, and in which services are rendered by a physician
23 licensed by the Board of Medicine under s. 458.311, s.
24 458.313, or s. 458.317, or by an osteopathic physician
25 licensed by the Board of Osteopathic Medicine under s.
26 459.0055 ~~s. 459.006, s. 459.007,~~ or s. 459.0075. For purposes
27 of this paragraph, "sophisticated radiological services" means
28 the following: magnetic resonance imaging; nuclear medicine;
29 angiography; arteriography; computed tomography; positron
30 emission tomography; digital vascular imaging; bronchography;
31 lymphangiography; splenography; ultrasound, excluding

1 ultrasound providers that are part of a private physician's
2 office practice or when ultrasound is provided by two or more
3 physicians licensed under chapter 458 or chapter 459 who are
4 members of the same professional association and who practice
5 in the same medical specialties; and such other sophisticated
6 radiological services, excluding mammography, as adopted in
7 rule by the board.

8 Section 4. Subsections (1) and (2) of section
9 459.0092, Florida Statutes, are amended to read:

10 459.0092 Fees.--The board shall set fees according to
11 the following schedule:

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

15 (2) The fee for application and examination pursuant
16 to s. 459.0055(1)(m) ~~s. 459.006~~ shall not exceed \$175 plus the
17 actual per applicant cost to the department for purchase of
18 the examination from the National Board of Osteopathic Medical
19 Examiners or a similar national organization.

20 Section 5. Sections 459.006 and 459.007, Florida
21 Statutes, are repealed.

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