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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
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The Committee on Health and Human Services Appropriations
(Peaden) recommended the following:

Senate Amendment (with title amendment)

Between lines 527 and 528
insert:

Section 6. Section 458.315, Florida Statutes, is amended to
read:

458.315 Temporary certificate for practice in areas of
critical need.—

(1) Any physician who:

(a) Is licensed to practice in any jurisdiction in the
United States and ~~other state,~~ whose license is currently valid;
or



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13 (b) Has served as a physician in the United States Armed
14 Forces for at least 10 years and received an honorable discharge
15 from the military;

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17 and who pays an application fee of \$300 may be issued a
18 temporary certificate for ~~to~~ practice in areas of ~~communities of~~
19 ~~Florida where there is a~~ critical need ~~for physicians.~~

20 (2) A certificate may be issued to a physician who:

21 (a) Practices in an area of critical need;

22 (b) Will be employed by or practice in a county health
23 department, correctional facility, Department of Veterans'
24 Affairs clinic, community health center funded by s. 329, s.
25 330, or s. 340 of the United States Public Health Services Act,
26 or other agency or institution that is approved by the State
27 Surgeon General and provides health care to meet the needs of
28 underserved populations in this state; or

29 (c) Will practice for a limited time to address critical
30 physician-specialty, demographic, or geographic needs for this
31 state's physician workforce as determined by the State Surgeon
32 General ~~entity that provides health care to indigents and that~~
33 ~~is approved by the State Health Officer.~~

34 (3) The Board of Medicine may issue this temporary
35 certificate with the following restrictions:

36 (a) ~~(1)~~ The State Surgeon General ~~board~~ shall determine the
37 areas of critical need, ~~and the physician so certified may~~
38 ~~practice in any of those areas for a time to be determined by~~
39 ~~the board.~~ Such areas shall include, but are not ~~be~~ limited to,
40 health professional shortage areas designated by the United
41 States Department of Health and Human Services.



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42 1.~~(a)~~ A recipient of a temporary certificate for practice
43 in areas of critical need may use the certificate license to
44 work for any approved entity employer in any area of critical
45 need or as authorized by the State Surgeon General approved by
46 the board.

47 2.~~(b)~~ The recipient of a temporary certificate for practice
48 in areas of critical need shall, within 30 days after accepting
49 employment, notify the board of all approved institutions in
50 which the licensee practices and of all approved institutions
51 where practice privileges have been denied.

52 (b)~~(2)~~ The board may administer an abbreviated oral
53 examination to determine the physician's competency, but a ~~no~~
54 written regular examination is not required necessary. Within 60
55 days after receipt of an application for a temporary
56 certificate, the board shall review the application and issue
57 the temporary certificate, ~~or~~ notify the applicant of denial, or
58 notify the applicant that the board recommends additional
59 assessment, training, education, or other requirements as a
60 condition of certification. If the applicant has not actively
61 practiced during the prior 3 years and the board determines that
62 the applicant may lack clinical competency, possess diminished
63 or inadequate skills, lack necessary medical knowledge, or
64 exhibit patterns of deficits in clinical decisionmaking, the
65 board may:

66 1. Deny the application;

67 2. Issue a temporary certificate having reasonable
68 restrictions that may include, but are not limited to, a
69 requirement for the applicant to practice under the supervision
70 of a physician approved by the board; or



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71 3. Issue a temporary certificate upon receipt of
72 documentation confirming that the applicant has met any
73 reasonable conditions of the board which may include, but are
74 not limited to, completing continuing education or undergoing an
75 assessment of skills and training.

76 (c)~~(3)~~ Any certificate issued under this section is ~~shall~~
77 ~~be~~ valid only so long as the State Surgeon General determines
78 that the reason area for which it was ~~is~~ issued remains a an
79 ~~area of~~ critical need to the state. The Board of Medicine shall
80 review each temporary certificateholder not ~~the service within~~
81 ~~said area not~~ less than annually to ascertain that the minimum
82 requirements of the Medical Practice Act and its adopted ~~the~~
83 ~~rules and regulations promulgated thereunder~~ are being complied
84 with. If it is determined that such minimum requirements are not
85 being met, the board shall ~~forthwith~~ revoke such certificate or
86 shall impose restrictions or conditions, or both, as a condition
87 of continued practice under the certificate.

88 (d)~~(4)~~ The board may ~~shall~~ not issue a temporary
89 certificate for practice in an area of critical need to any
90 physician who is under investigation in any jurisdiction in the
91 United States ~~another state~~ for an act that ~~which~~ would
92 constitute a violation of this chapter until such time as the
93 investigation is complete, at which time the provisions of s.
94 458.331 ~~shall~~ apply.

95 (4)~~(5)~~ The application fee and all licensure fees,
96 including neurological injury compensation assessments, shall be
97 waived for those persons obtaining a temporary certificate to
98 practice in areas of critical need for the purpose of providing
99 volunteer, uncompensated care for low-income residents



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100 ~~Floridians~~. The applicant must submit an affidavit from the
101 employing agency or institution stating that the physician will
102 not receive any compensation for any service involving the
103 practice of medicine.

104 Section 7. Section 459.0076, Florida Statutes, is created
105 to read:

106 459.0076 Temporary certificate for practice in areas of
107 critical need.—

108 (1) Any physician who:

109 (a) Is licensed to practice in any jurisdiction in the
110 United States and whose license is currently valid; or

111 (b) Has served as a physician in the United States Armed
112 Forces for at least 10 years and received an honorable discharge
113 from the military;

114
115 and who pays an application fee of \$300 may be issued a
116 temporary certificate for practice in areas of critical need.

117 (2) A certificate may be issued to a physician who:

118 (a) Will practice in an area of critical need;

119 (b) Will be employed by or practice in a county health
120 department, correctional facility, Department of Veterans'
121 Affairs clinic, community health center funded by s. 329, s.
122 330, or s. 340 of the United States Public Health Services Act,
123 or other agency or institution that is approved by the State
124 Surgeon General and provides health care to meet the needs of
125 underserved populations in this state; or

126 (c) Will practice for a limited time to address critical
127 physician-specialty, demographic, or geographic needs for this
128 state's physician workforce as determined by the State Surgeon



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129 General.

130 (3) The Board of Osteopathic Medicine may issue this
131 temporary certificate with the following restrictions:

132 (a) The State Surgeon General shall determine the areas of
133 critical need. Such areas include, but are not limited to,
134 health professional shortage areas designated by the United
135 States Department of Health and Human Services.

136 1. A recipient of a temporary certificate for practice in
137 areas of critical need may use the certificate to work for any
138 approved entity in any area of critical need or as authorized by
139 the State Surgeon General.

140 2. The recipient of a temporary certificate for practice in
141 areas of critical need shall, within 30 days after accepting
142 employment, notify the board of all approved institutions in
143 which the licensee practices and of all approved institutions
144 where practice privileges have been denied.

145 (b) The board may administer an abbreviated oral
146 examination to determine the physician's competency, but a
147 written regular examination is not required. Within 60 days
148 after receipt of an application for a temporary certificate, the
149 board shall review the application and issue the temporary
150 certificate, notify the applicant of denial, or notify the
151 applicant that the board recommends additional assessment,
152 training, education, or other requirements as a condition of
153 certification. If the applicant has not actively practiced
154 during the prior 3 years and the board determines that the
155 applicant may lack clinical competency, possess diminished or
156 inadequate skills, lack necessary medical knowledge, or exhibit
157 patterns of deficits in clinical decisionmaking, the board may:



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158 1. Deny the application;

159 2. Issue a temporary certificate having reasonable
160 restrictions that may include, but are not limited to, a
161 requirement for the applicant to practice under the supervision
162 of a physician approved by the board; or

163 3. Issue a temporary certificate upon receipt of
164 documentation confirming that the applicant has met any
165 reasonable conditions of the board which may include, but are
166 not limited to, completing continuing education or undergoing an
167 assessment of skills and training.

168 (c) Any certificate issued under this section is valid only
169 so long as the State Surgeon General determines that the reason
170 for which it was issued remains a critical need to the state.
171 The Board of Osteopathic Medicine shall review each temporary
172 certificateholder not less than annually to ascertain that the
173 minimum requirements of the Osteopathic Medical Practice Act and
174 its adopted rules are being complied with. If it is determined
175 that such minimum requirements are not being met, the board
176 shall revoke such certificate or shall impose restrictions or
177 conditions, or both, as a condition of continued practice under
178 the certificate.

179 (d) The board may not issue a temporary certificate for
180 practice in an area of critical need to any physician who is
181 under investigation in any jurisdiction in the United States for
182 an act that would constitute a violation of this chapter until
183 such time as the investigation is complete, at which time the
184 provisions of s. 459.015 apply.

185 (4) The application fee and all licensure fees, including
186 neurological injury compensation assessments, shall be waived



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187 for those persons obtaining a temporary certificate to practice
188 in areas of critical need for the purpose of providing
189 volunteer, uncompensated care for low-income residents. The
190 applicant must submit an affidavit from the employing agency or
191 institution stating that the physician will not receive any
192 compensation for any service involving the practice of medicine.
193

194 ===== T I T L E A M E N D M E N T =====

195 And the title is amended as follows:

196 Delete line 42

197 and insert:

198 s. 409.908, F.S.; conforming a cross-reference;
199 amending s. 458.315, F.S.; revising the standards for
200 the Board of Medicine to issue a temporary certificate
201 to a certain physicians to practice medicine in areas
202 of critical need; authorizing the State Surgeon
203 General to designate areas of critical need; creating
204 s. 459.0076, F.S.; authorizing the Board of
205 Osteopathic Medicine to issue temporary certificates
206 to osteopathic physicians who meet certain
207 requirements to practice osteopathic medicine in areas
208 of critical need; providing restrictions for issuance
209 of a temporary certificate; authorizing the State
210 Surgeon General to designate areas of critical need;
211 authorizing the Board of Osteopathic Medicine to waive
212 the application fee and licensure fees for obtaining
213 temporary certificates for certain purposes;