

1 A bill to be entitled
2 An act relating to controlled substances; creating s.
3 408.0513, F.S.; requiring the Agency for Health Care
4 Administration to contract with a multistate electronic
5 prescribing network to provide certain agencies with
6 access to certain controlled substance information;
7 requiring the Agency for Health Care Administration to
8 adopt rules and seek grants and donations; amending ss.
9 458.309 and 459.005, F.S.; revising requirements for the
10 registration of pain-management clinics; requiring the
11 Department of Health to refuse to register pain-management
12 clinics under certain circumstances; amending ss. 458.331
13 and 459.015, F.S.; specifying additional grounds for
14 disciplinary action against practitioners licensed under
15 ch. 458 or ch. 459, F.S.; amending s. 465.018, F.S.;
16 requiring community pharmacy permit applicants to
17 demonstrate the ability to participate in and transmit
18 dispensing information through a multistate electronic
19 prescribing network; requiring community pharmacy
20 permittees to transmit dispensing information through such
21 a network for prescriptions of certain controlled
22 substances; amending s. 465.023, F.S.; specifying an
23 additional ground for disciplinary action against
24 community pharmacy permittees; amending s. 465.0276, F.S.;
25 requiring controlled substance dispensing practitioners to
26 register with the Board of Pharmacy; requiring a fee;
27 requiring the department to adopt rules for the renewal of
28 such registrations; requiring the department to request

29 | certain persons to submit statements of reference
30 | concerning practitioners seeking such registrations;
31 | providing for the contents of and procedures for
32 | submitting such statements; limiting the civil liability
33 | of persons submitting such statements to the department
34 | under certain circumstances; prohibiting the department
35 | from registering certain practitioners; providing
36 | procedures for administrative challenges to denials of
37 | registrations and registration renewals; providing for
38 | applicability to certain practitioners; prohibiting the
39 | registration of controlled substance dispensing
40 | practitioners who do not demonstrate the ability to
41 | transmit dispensing information through a multistate
42 | electronic prescribing network; requiring such
43 | practitioners to transmit dispensing information through
44 | such a network for prescriptions of certain controlled
45 | substances; amending s. 499.028, F.S.; conforming a cross-
46 | reference; reenacting ss. 458.303, 458.311(1)(d) and (5),
47 | 458.313(6), 458.3135(2)(d), 458.3137(2)(e),
48 | 458.3145(1)(g), and 458.345(1)(b) and (2), F.S., relating
49 | to provisions not applicable to certain practitioners,
50 | licensure of physicians by examination, licensure of
51 | physicians by endorsement, temporary certificates for
52 | visiting physicians practicing in approved cancer centers,
53 | temporary certificates for visiting physicians to obtain
54 | medical privileges for instructional purposes in
55 | conjunction with certain plastic surgery training programs
56 | and educational symposiums, medical faculty certificates,

57 | and registration of resident physicians, interns, and
 58 | fellows, respectively, to incorporate the amendment made
 59 | by this act to s. 458.331, F.S., in references thereto;
 60 | reenacting s. 459.021(8), F.S., relating to the
 61 | registration of resident osteopathic physicians, interns,
 62 | and fellows, to incorporate the amendment made by this act
 63 | to s. 459.015, F.S., in a reference thereto; providing an
 64 | effective date.

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

68 | Section 1. Section 408.0513, Florida Statutes, is created
 69 | to read:

70 | 408.0513 Access to prescription drug medication history.-

71 | (1) By December 1, 2010, the agency shall contract with an
 72 | entity that operates a multistate electronic prescribing network
 73 | to provide the following agencies with access to the controlled
 74 | substance information available on such network for the
 75 | controlled substances listed in Schedules II and III of s.
 76 | 893.03:

77 | (a) A criminal justice agency as defined in s. 119.011
 78 | that enforces the laws of this state or the United States and
 79 | that initiates an active investigation involving a specific
 80 | violation of law.

81 | (b) The Department of Health or the relevant health
 82 | regulatory board responsible for the licensure, regulation, or
 83 | discipline of practitioners, pharmacists, or other persons who
 84 | are authorized to prescribe, administer, or dispense controlled

85 substances and who are involved in a specific investigation
86 involving a designated person.

87 (2) The agency shall adopt rules under ss. 120.536(1) and
88 120.54 to administer this section, including the method and
89 terms of access to the information provided under subsection
90 (1).

91 (3) The agency shall seek federal grants and donations
92 from private entities to implement this section.

93 Section 2. Subsection (4) of section 458.309, Florida
94 Statutes, is amended to read:

95 458.309 Rulemaking authority.—

96 (4) All privately owned pain-management clinics,
97 facilities, or offices primarily engaged in the treatment of
98 pain by prescribing or dispensing controlled substances,
99 hereinafter referred to as "clinics," which advertise in any
100 medium for any type of pain-management services, or employ a
101 physician who is primarily engaged in the treatment of pain by
102 prescribing or dispensing controlled substance medications, must
103 register with the department by January 4, 2010, unless that
104 clinic is licensed as a facility pursuant to chapter 395. The
105 department shall refuse to register any clinic owned by or
106 having any contractual or employment relationship with a
107 physician whose federal Drug Enforcement Administration
108 registration number has ever been suspended or revoked or
109 against whom the board has taken final administrative action
110 relating to the physician's impairment due to the misuse or
111 abuse of alcohol or drugs; any clinic the ownership or any
112 controlling interest of which is held by any person who has been

113 convicted of, or has entered a plea of guilty or nolo contendere
114 to, regardless of adjudication, a felony under chapter 893; or
115 any clinic not wholly owned by a physician or group of
116 physicians licensed under this chapter or chapter 459 or by a
117 health care clinic licensed under part X of chapter 400. A
118 physician may not practice medicine in a pain-management clinic
119 that is required to register but has not registered with the
120 department. Each clinic location shall be registered separately
121 regardless of whether the clinic is operated under the same
122 business name or management as another clinic. If the clinic is
123 licensed as a health care clinic under chapter 400, the medical
124 director is responsible for registering the facility with the
125 department. If the clinic is not registered pursuant to chapter
126 395 or chapter 400, the clinic shall, upon registration with the
127 department, designate a physician who is responsible for
128 complying with all requirements related to registration of the
129 clinic. The designated physician shall be licensed under this
130 chapter or chapter 459 and shall practice at the office location
131 for which the physician has assumed responsibility. The
132 department shall inspect the clinic annually to ensure that it
133 complies with rules of the Board of Medicine adopted pursuant to
134 this subsection and subsection (5) unless the office is
135 accredited by a nationally recognized accrediting agency
136 approved by the Board of Medicine. The actual costs for
137 registration and inspection or accreditation shall be paid by
138 the physician seeking to register the clinic.

139 Section 3. Paragraph (nn) of subsection (1) of section
140 458.331, Florida Statutes, is redesignated as paragraph (qq),

141 and new paragraphs (nn), (oo), and (pp) are added to that
 142 subsection to read:

143 458.331 Grounds for disciplinary action; action by the
 144 board and department.—

145 (1) The following acts constitute grounds for denial of a
 146 license or disciplinary action, as specified in s. 456.072(2):

147 (nn) Practicing medicine in a clinic that is required to
 148 register but has not registered with the department pursuant to
 149 s. 458.309.

150 (oo) Promoting or advertising through any communication
 151 media the use, sale, or dispensing of any controlled substance
 152 appearing on any schedule in chapter 893.

153 (pp) Dispensing a controlled substance listed in Schedule
 154 II, Schedule III, Schedule IV, or Schedule V of s. 893.03
 155 without being registered with the Board of Pharmacy as a
 156 controlled substance dispensing practitioner under s.
 157 465.0276(3).

158 Section 4. Subsection (3) of section 459.005, Florida
 159 Statutes, is amended to read:

160 459.005 Rulemaking authority.—

161 (3) All privately owned pain-management clinics,
 162 facilities, or offices primarily engaged in the treatment of
 163 pain by prescribing or dispensing controlled substances,
 164 hereinafter referred to as "clinics," which advertise in any
 165 medium for any type of pain-management services, or employ a
 166 physician who is licensed under this chapter and who is
 167 primarily engaged in the treatment of pain by prescribing or
 168 dispensing controlled substance medications, must register with

169 the department by January 4, 2010, unless that clinic is
170 licensed as a facility under chapter 395. The department shall
171 refuse to register any clinic owned by or having any contractual
172 or employment relationship with a physician whose federal Drug
173 Enforcement Administration registration number has ever been
174 suspended or revoked or against whom the board has taken final
175 administrative action relating to the physician's impairment due
176 to the misuse or abuse of alcohol or drugs; any clinic the
177 ownership or any controlling interest of which is held by any
178 person who has been convicted of, or has entered a plea of
179 guilty or nolo contendere to, regardless of adjudication, a
180 felony under chapter 893; or any clinic not wholly owned by a
181 physician or group of physicians licensed under chapter 458 or
182 this chapter or by a health care clinic licensed under part X of
183 chapter 400. A physician may not practice osteopathic medicine
184 in a pain-management clinic that is required to register but has
185 not registered with the department. Each clinic location shall
186 be registered separately regardless of whether the clinic is
187 operated under the same business name or management as another
188 clinic. If the clinic is licensed as a health care clinic under
189 chapter 400, the medical director is responsible for registering
190 the facility with the department. If the clinic is not
191 registered under chapter 395 or chapter 400, the clinic shall,
192 upon registration with the department, designate a physician who
193 is responsible for complying with all requirements related to
194 registration of the clinic. The designated physician shall be
195 licensed under chapter 458 or this chapter and shall practice at
196 the office location for which the physician has assumed

197 responsibility. The department shall inspect the clinic annually
 198 to ensure that it complies with rules of the Board of
 199 Osteopathic Medicine adopted pursuant to this subsection and
 200 subsection (4) unless the office is accredited by a nationally
 201 recognized accrediting agency approved by the Board of
 202 Osteopathic Medicine. The actual costs for registration and
 203 inspection or accreditation shall be paid by the physician
 204 seeking to register the clinic.

205 Section 5. Paragraph (pp) of subsection (1) of section
 206 459.015, Florida Statutes, is redesignated as paragraph (ss),
 207 and new paragraphs (pp), (qq), and (rr) are added to that
 208 subsection to read:

209 459.015 Grounds for disciplinary action; action by the
 210 board and department.—

211 (1) The following acts constitute grounds for denial of a
 212 license or disciplinary action, as specified in s. 456.072(2):

213 (pp) Practicing osteopathic medicine in a clinic that is
 214 required to register but has not registered with the department
 215 pursuant to s. 459.005.

216 (qq) Promoting or advertising through any communication
 217 media the use, sale, or dispensing of any controlled substance
 218 appearing on any schedule in chapter 893.

219 (rr) Dispensing a controlled substance listed in Schedule
 220 II, Schedule III, Schedule IV, or Schedule V of s. 893.03
 221 without being registered with the Board of Pharmacy as a
 222 controlled substance dispensing practitioner under s.
 223 465.0276(3).

224 Section 6. Section 465.018, Florida Statutes, is amended

225 to read:

226 465.018 Community pharmacies; permits.—Any person desiring
 227 a permit to operate a community pharmacy shall apply to the
 228 department. If the board office certifies that the application
 229 complies with the laws of the state and the rules of the board
 230 governing pharmacies, the department shall issue the permit. A
 231 ~~No~~ permit may not ~~shall~~ be issued unless a licensed pharmacist
 232 is designated as the prescription department manager responsible
 233 for maintaining all drug records, providing for the security of
 234 the prescription department, and following such other rules as
 235 relate to the practice of the profession of pharmacy. The
 236 permittee and the newly designated prescription department
 237 manager shall notify the department within 10 days of any change
 238 in prescription department manager. Effective July 1, 2012, a
 239 permit may not be issued unless the applicant demonstrates the
 240 ability to participate in and transmit dispensing information
 241 through a multistate electronic prescribing network. Effective
 242 January 1, 2013, a permittee must transmit dispensing
 243 information through a multistate electronic prescribing network
 244 for each prescription of a controlled substance listed in
 245 Schedule II or Schedule III of s. 893.03.

246 Section 7. Subsection (1) of section 465.023, Florida
 247 Statutes, is amended to read:

248 465.023 Pharmacy permittee; disciplinary action.—

249 (1) The department or the board may revoke or suspend the
 250 permit of any pharmacy permittee, and may fine, place on
 251 probation, or otherwise discipline any pharmacy permittee if the
 252 permittee, or any affiliated person, partner, officer, director,

253 or agent of the permittee, including a person fingerprinted
 254 under s. 465.022(3), has:

255 (a) Obtained a permit by misrepresentation or fraud or
 256 through an error of the department or the board;

257 (b) Attempted to procure, or has procured, a permit for
 258 any other person by making, or causing to be made, any false
 259 representation;

260 (c) Violated any of the requirements of this chapter or
 261 any of the rules of the Board of Pharmacy; of chapter 499, known
 262 as the "Florida Drug and Cosmetic Act"; of 21 U.S.C. ss. 301-
 263 392, known as the "Federal Food, Drug, and Cosmetic Act"; of 21
 264 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse
 265 Prevention and Control Act; or of chapter 893;

266 (d) Been convicted or found guilty, regardless of
 267 adjudication, of a felony or any other crime involving moral
 268 turpitude in any of the courts of this state, of any other
 269 state, or of the United States;

270 (e) Been convicted or disciplined by a regulatory agency
 271 of the Federal Government or a regulatory agency of another
 272 state for any offense that would constitute a violation of this
 273 chapter;

274 (f) Been convicted of, or entered a plea of guilty or nolo
 275 contendere to, regardless of adjudication, a crime in any
 276 jurisdiction which relates to the practice of, or the ability to
 277 practice, the profession of pharmacy;

278 (g) Been convicted of, or entered a plea of guilty or nolo
 279 contendere to, regardless of adjudication, a crime in any
 280 jurisdiction which relates to health care fraud; ~~or~~

281 (h) Dispensed any medicinal drug based upon a
 282 communication that purports to be a prescription as defined by
 283 s. 465.003(14) or s. 893.02 when the pharmacist knows or has
 284 reason to believe that the purported prescription is not based
 285 upon a valid practitioner-patient relationship that includes a
 286 documented patient evaluation, including history and a physical
 287 examination adequate to establish the diagnosis for which any
 288 drug is prescribed and any other requirement established by
 289 board rule under chapter 458, chapter 459, chapter 461, chapter
 290 463, chapter 464, or chapter 466; or

291 (i) Failed to transmit dispensing information through a
 292 multistate electronic prescribing network pursuant to s. 465.018
 293 for any prescription of a controlled substance listed in
 294 Schedule II or Schedule III of s. 893.03.

295 Section 8. Subsections (3) through (5) of section
 296 465.0276, Florida Statutes, are renumbered as subsections (5)
 297 through (7), respectively, and new subsections (3) and (4) are
 298 added to that section to read:

299 465.0276 Dispensing practitioner.—

300 (3) To dispense a controlled substance listed in Schedule
 301 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, a
 302 practitioner authorized by law to prescribe controlled
 303 substances must register with the Board of Pharmacy as a
 304 controlled substance dispensing practitioner and pay a fee not
 305 to exceed \$100. The department shall adopt rules establishing
 306 procedures for quadrennial renewal of the registration.

307 (a) Upon receiving a practitioner's request for
 308 registration, the department shall request each of the following

- 309 persons to complete and submit a statement of reference
310 concerning the practitioner:
- 311 1. The president of the Florida Medical Association.
 - 312 2. The president of the Florida Osteopathic Medical
313 Association.
 - 314 3. The dean of each medical school in the state.
 - 315 4. The hospital medical chief of each licensed hospital
316 within 50 miles of the practitioner's practice location.
 - 317 5. The president of the practitioner's state specialty
318 society, if any.
 - 319 6. The president of each county medical association
320 geographically located in the practitioner's practice area.

321
322 The department shall establish and maintain an accurate list of
323 each person listed in this paragraph.

324 (b) The statement of reference, which the department shall
325 provide to each person listed in paragraph (a) in a format
326 prescribed by the department, shall inquire whether the person
327 completing the statement:

- 328 1. Has personal knowledge of the practitioner.
- 329 2. Has had an opportunity to form an opinion of the
330 practitioner's medical skills and ethics.
- 331 3. Is aware of any incidents in the practitioner's medical
332 practice that reflect insufficient skill or medical ethics to
333 properly dispense controlled substances.
- 334 4. Is aware of any facts or circumstances indicating that
335 the practitioner is likely to dispense controlled substances
336 without clinical justification.

337 5. Recommends the practitioner for controlled substance
338 dispensing registration.

339 (c) A person receiving a request for a statement of
340 reference may decline to complete or submit the statement of
341 reference. A completed statement of reference must be notarized
342 and submitted to the department.

343 (d) A person listed in paragraph (a) who submits a
344 statement of reference is immune from civil liability for
345 submitting the statement if the information provided in the
346 statement is provided in good faith.

347 (e) The Board of Pharmacy may not register a practitioner
348 for whom a statement of reference contains a negative
349 recommendation or for whom no positive recommendation is
350 submitted to the department. The board may not consider a
351 statement of reference that is not notarized. An administrative
352 challenge to the denial of a practitioner's registration or
353 registration renewal that is brought under chapter 120 must be
354 made to the practitioner's professional licensing board.

355 (f) This subsection applies to a physician at the next
356 renewal of his or her license, except that this subsection
357 applies to a physician practicing in Broward County, Miami-Dade
358 County, or Palm Beach County effective September 1, 2010.

359 (4) Effective July 1, 2012, the department may not
360 register a controlled substance dispensing practitioner unless
361 the practitioner demonstrates the ability to participate in and
362 transmit dispensing information through a multistate electronic
363 prescribing network. Effective January 1, 2013, a controlled
364 substance dispensing practitioner must transmit dispensing

365 information through a multistate electronic prescribing network
 366 for each prescription of a controlled substance listed in
 367 Schedule II, Schedule III, Schedule IV, or Schedule V of s.
 368 893.03.

369 Section 9. Paragraph (a) of subsection (15) of section
 370 499.028, Florida Statutes, is amended to read:

371 499.028 Drug samples or complimentary drugs; starter
 372 packs; permits to distribute.—

373 (15) A person may not possess a prescription drug sample
 374 unless:

375 (a) The drug sample was prescribed to her or him as
 376 evidenced by the label required in s. 465.0276 (7) ~~(5)~~.

377 Section 10. For the purpose of incorporating the amendment
 378 made by this act to section 458.331, Florida Statutes, in
 379 references thereto, section 458.303, Florida Statutes, is
 380 reenacted to read:

381 458.303 Provisions not applicable to other practitioners;
 382 exceptions, etc.—

383 (1) The provisions of ss. 458.301, 458.303, 458.305,
 384 458.307, 458.309, 458.311, 458.313, 458.315, 458.317, 458.319,
 385 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
 386 458.343, 458.345, and 458.347 shall have no application to:

387 (a) Other duly licensed health care practitioners acting
 388 within their scope of practice authorized by statute.

389 (b) Any physician lawfully licensed in another state or
 390 territory or foreign country, when meeting duly licensed
 391 physicians of this state in consultation.

392 (c) Commissioned medical officers of the Armed Forces of

393 | the United States and of the Public Health Service of the United
 394 | States while on active duty and while acting within the scope of
 395 | their military or public health responsibilities.

396 | (d) Any person while actually serving without salary or
 397 | professional fees on the resident medical staff of a hospital in
 398 | this state, subject to the provisions of s. 458.321.

399 | (e) Any person furnishing medical assistance in case of an
 400 | emergency.

401 | (f) The domestic administration of recognized family
 402 | remedies.

403 | (g) The practice of the religious tenets of any church in
 404 | this state.

405 | (h) Any person or manufacturer who, without the use of
 406 | drugs or medicine, mechanically fits or sells lenses, artificial
 407 | eyes or limbs, or other apparatus or appliances or is engaged in
 408 | the mechanical examination of eyes for the purpose of
 409 | constructing or adjusting spectacles, eyeglasses, or lenses.

410 | (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
 411 | 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
 412 | 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
 413 | 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
 414 | be construed to prohibit any service rendered by a registered
 415 | nurse or a licensed practical nurse, if such service is rendered
 416 | under the direct supervision and control of a licensed physician
 417 | who provides specific direction for any service to be performed
 418 | and gives final approval to all services performed. Further,
 419 | nothing in this or any other chapter shall be construed to
 420 | prohibit any service rendered by a medical assistant in

421 accordance with the provisions of s. 458.3485.

422 Section 11. For the purpose of incorporating the amendment
 423 made by this act to section 458.331, Florida Statutes, in
 424 references thereto, paragraph (d) of subsection (1) and
 425 subsection (5) of section 458.311, Florida Statutes, are
 426 reenacted to read:

427 458.311 Licensure by examination; requirements; fees.—

428 (1) Any person desiring to be licensed as a physician, who
 429 does not hold a valid license in any state, shall apply to the
 430 department on forms furnished by the department. The department
 431 shall license each applicant who the board certifies:

432 (d) Has not committed any act or offense in this or any
 433 other jurisdiction which would constitute the basis for
 434 disciplining a physician pursuant to s. 458.331.

435 (5) The board may not certify to the department for
 436 licensure any applicant who is under investigation in another
 437 jurisdiction for an offense which would constitute a violation
 438 of this chapter until such investigation is completed. Upon
 439 completion of the investigation, the provisions of s. 458.331
 440 shall apply. Furthermore, the department may not issue an
 441 unrestricted license to any individual who has committed any act
 442 or offense in any jurisdiction which would constitute the basis
 443 for disciplining a physician pursuant to s. 458.331. When the
 444 board finds that an individual has committed an act or offense
 445 in any jurisdiction which would constitute the basis for
 446 disciplining a physician pursuant to s. 458.331, then the board
 447 may enter an order imposing one or more of the terms set forth
 448 in subsection (8).

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449 Section 12. For the purpose of incorporating the amendment
450 made by this act to section 458.331, Florida Statutes, in
451 references thereto, subsection (6) of section 458.313, Florida
452 Statutes, is reenacted to read:

453 458.313 Licensure by endorsement; requirements; fees.—

454 (6) The department shall not issue a license by
455 endorsement to any applicant who is under investigation in any
456 jurisdiction for an act or offense which would constitute a
457 violation of this chapter until such time as the investigation
458 is complete, at which time the provisions of s. 458.331 shall
459 apply. Furthermore, the department may not issue an unrestricted
460 license to any individual who has committed any act or offense
461 in any jurisdiction which would constitute the basis for
462 disciplining a physician pursuant to s. 458.331. When the board
463 finds that an individual has committed an act or offense in any
464 jurisdiction which would constitute the basis for disciplining a
465 physician pursuant to s. 458.331, the board may enter an order
466 imposing one or more of the terms set forth in subsection (7).

467 Section 13. For the purpose of incorporating the amendment
468 made by this act to section 458.331, Florida Statutes, in a
469 reference thereto, paragraph (d) of subsection (2) of section
470 458.3135, Florida Statutes, is reenacted to read:

471 458.3135 Temporary certificate for visiting physicians to
472 practice in approved cancer centers.—

473 (2) A temporary certificate for practice in an approved
474 cancer center may be issued without examination to an individual
475 who:

476 (d) Has not committed any act in this or any other

477 jurisdiction which would constitute the basis for disciplining a
 478 physician under s. 456.072 or s. 458.331;

479 Section 14. For the purpose of incorporating the amendment
 480 made by this act to section 458.331, Florida Statutes, in a
 481 reference thereto, paragraph (e) of subsection (2) of section
 482 458.3137, Florida Statutes, is reenacted to read:

483 458.3137 Temporary certificate for visiting physicians to
 484 obtain medical privileges for instructional purposes in
 485 conjunction with certain plastic surgery training programs and
 486 plastic surgery educational symposiums.—

487 (2) A temporary certificate to practice medicine for
 488 educational purposes to help teach plastic surgery residents of
 489 a medical school within this state in conjunction with a
 490 nationally sponsored educational symposium may be issued without
 491 examination, upon verification by the board that the individual
 492 meets all of the following requirements:

493 (e) Has not committed an act in this or any other
 494 jurisdiction that would constitute a basis for disciplining a
 495 physician under s. 456.072 or s. 458.331.

496 Section 15. For the purpose of incorporating the amendment
 497 made by this act to section 458.331, Florida Statutes, in a
 498 reference thereto, paragraph (g) of subsection (1) of section
 499 458.3145, Florida Statutes, is reenacted to read:

500 458.3145 Medical faculty certificate.—

501 (1) A medical faculty certificate may be issued without
 502 examination to an individual who:

503 (g) Has not committed any act in this or any other
 504 jurisdiction which would constitute the basis for disciplining a

505 physician under s. 458.331;

506 Section 16. For the purpose of incorporating the amendment
507 made by this act to section 458.331, Florida Statutes, in
508 references thereto, paragraph (b) of subsection (1) and
509 subsection (2) of section 458.345, Florida Statutes, are
510 reenacted to read:

511 458.345 Registration of resident physicians, interns, and
512 fellows; list of hospital employees; prescribing of medicinal
513 drugs; penalty.—

514 (1) Any person desiring to practice as a resident
515 physician, assistant resident physician, house physician,
516 intern, or fellow in fellowship training which leads to
517 subspecialty board certification in this state, or any person
518 desiring to practice as a resident physician, assistant resident
519 physician, house physician, intern, or fellow in fellowship
520 training in a teaching hospital in this state as defined in s.
521 408.07(45) or s. 395.805(2), who does not hold a valid, active
522 license issued under this chapter shall apply to the department
523 to be registered and shall remit a fee not to exceed \$300 as set
524 by the board. The department shall register any applicant the
525 board certifies has met the following requirements:

526 (b) Has not committed any act or offense within or without
527 the state which would constitute the basis for refusal to
528 certify an application for licensure pursuant to s. 458.331.

529 (2) The board shall not certify to the department for
530 registration any applicant who is under investigation in any
531 state or jurisdiction for an act which would constitute grounds
532 for disciplinary action under s. 458.331 until such time as the

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533 investigation is completed, at which time the provisions of s.
534 458.331 shall apply.

535 Section 17. For the purpose of incorporating the amendment
536 made by this act to section 459.015, Florida Statutes, in a
537 reference thereto, subsection (8) of section 459.021, Florida
538 Statutes, is reenacted to read:

539 459.021 Registration of resident physicians, interns, and
540 fellows; list of hospital employees; penalty.—

541 (8) Notwithstanding any provision of this section or s.
542 120.52 to the contrary, any person who is registered under this
543 section is subject to the provisions of s. 459.015.

544 Section 18. This act shall take effect July 1, 2010.