

By the Committees on Appropriations; and Health Policy; and
Senator Bean

576-04679-13

20131690c2

1 A bill to be entitled
2 An act relating to volunteer health services; amending
3 s. 766.1115, F.S.; revising requirements for patient
4 referral under the "Access to Health Care Act";
5 eliminating a requirement that the governmental
6 contractor approve all follow-up or hospital care;
7 requiring the Department of Health to post specified
8 information online concerning volunteer providers;
9 permitting volunteer providers to earn continuing
10 education credit for participation in the program up
11 to a specified amount; providing that any rule adopted
12 by the department give providers the greatest
13 flexibility possible in order to serve eligible
14 patients; amending s. 458.317, F.S.; revising
15 qualifications necessary to obtain a limited license
16 to practice medicine; amending s. 459.0075, F.S.;
17 revising qualifications necessary to obtain a limited
18 license to practice osteopathic medicine; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (10) and (11) of section 766.1115,
24 Florida Statutes, are renumbered as sections (11) and (12),
25 respectively, a new subsection (10) is added to that section,
26 and paragraphs (d), (f), and (g) of subsection (4) and present
27 subsections (8) and (10) of that section are amended to read:

28 766.1115 Health care providers; creation of agency
29 relationship with governmental contractors.-

576-04679-13

20131690c2

30 (4) CONTRACT REQUIREMENTS.—A health care provider that
31 executes a contract with a governmental contractor to deliver
32 health care services on or after April 17, 1992, as an agent of
33 the governmental contractor is an agent for purposes of s.
34 768.28(9), while acting within the scope of duties under the
35 contract, if the contract complies with the requirements of this
36 section and regardless of whether the individual treated is
37 later found to be ineligible. A health care provider under
38 contract with the state may not be named as a defendant in any
39 action arising out of medical care or treatment provided on or
40 after April 17, 1992, under contracts entered into under this
41 section. The contract must provide that:

42 (d) Patient selection and initial referral must be made
43 ~~solely~~ by the governmental contractor or the provider, and the
44 ~~provider must accept all referred patients. However, the number~~
45 ~~of patients that must be accepted may be limited by the~~
46 ~~contract, and~~ Patients may not be transferred to the provider
47 based on a violation of the antidumping provisions of the
48 Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget
49 Reconciliation Act of 1990, or chapter 395.

50 ~~(f) Patient care, including any followup or hospital care,~~
51 ~~is subject to approval by the governmental contractor.~~

52 (f) ~~(g)~~ The provider is subject to supervision and regular
53 inspection by the governmental contractor.

54
55 A governmental contractor that is also a health care provider is
56 not required to enter into a contract under this section with
57 respect to the health care services delivered by its employees.

58 (8) REPORTING REPORT TO THE LEGISLATURE.—

576-04679-13

20131690c2

59 (a) Annually, the department shall report to the President
60 of the Senate, the Speaker of the House of Representatives, and
61 the minority leaders and relevant substantive committee
62 chairpersons of both houses, summarizing the efficacy of access
63 and treatment outcomes with respect to providing health care
64 services for low-income persons pursuant to this section.

65 (b) The department shall provide an online listing of all
66 providers volunteering under this program with their hours and
67 the number of patient visits each provided.

68 (10) CONTINUING EDUCATION CREDIT.— Notwithstanding the
69 maximum allowable credit of 25 percent of continuing education
70 hours pursuant to s. 456.013(9), a provider may fulfill 1 hour
71 of continuing education credit by performing 1 hour of volunteer
72 services to the indigent as provided in this section, up to a
73 maximum of 8 credit hours per licensure renewal period.

74 (11)~~(10)~~ RULES.—The department shall adopt rules to
75 administer this section in a manner consistent with its purpose
76 to provide and facilitate access to appropriate, safe, and cost-
77 effective health care services and to maintain health care
78 quality. ~~The rules may include services to be provided and~~
79 ~~authorized procedures.~~ Notwithstanding the requirements of
80 paragraph (4) (d), the department shall adopt rules that specify
81 required methods for determination and approval of patient
82 eligibility and referral by government contractors and
83 providers. The rules adopted by the department pursuant to this
84 subsection shall give providers the greatest flexibility
85 possible in order to serve eligible patients. The department
86 shall retain review and oversight authority of the patient
87 eligibility and referral determination. ~~and the contractual~~

576-04679-13

20131690c2

88 ~~conditions under which a health care provider may perform the~~
89 ~~patient eligibility and referral process on behalf of the~~
90 ~~department. These rules shall include, but not be limited to,~~
91 ~~the following requirements:~~

92 ~~(a) The provider must accept all patients referred by the~~
93 ~~department. However, the number of patients that must be~~
94 ~~accepted may be limited by the contract.~~

95 ~~(b) The provider shall comply with departmental rules~~
96 ~~regarding the determination and approval of patient eligibility~~
97 ~~and referral.~~

98 ~~(c) The provider shall complete training conducted by the~~
99 ~~department regarding compliance with the approved methods for~~
100 ~~determination and approval of patient eligibility and referral.~~

101 ~~(d) The department shall retain review and oversight~~
102 ~~authority of the patient eligibility and referral determination.~~

103 Section 2. Paragraphs (a) and (b) of subsection (1) of
104 section 458.317, Florida Statutes, are amended to read:

105 458.317 Limited licenses.—

106 (1) (a) Any person desiring to obtain a limited license
107 shall:

108 ~~1.~~ Submit to the board, with an application and fee not to
109 exceed \$300, and demonstrate an affidavit stating that he or she
110 has been licensed to practice medicine in any jurisdiction in
111 the United States for at least 10 years and intends to practice
112 only pursuant to the restrictions of a limited license granted
113 pursuant to this section. However, a physician who is not fully
114 retired in all jurisdictions may use a limited license only for
115 noncompensated practice. If the person applying for a limited
116 license submits a ~~notarized~~ statement from the employing agency

576-04679-13

20131690c2

117 or institution stating that he or she will not receive
118 compensation for any service involving the practice of medicine,
119 the application fee and all licensure fees shall be waived.
120 However, any person who receives a waiver of fees for a limited
121 license shall pay such fees if the person receives compensation
122 for the practice of medicine.

123 ~~2. Meet the requirements in s. 458.311(1)(b) (g) and (5).~~
124 ~~If the applicant graduated from medical school prior to 1946,~~
125 ~~the board or its appropriate committee may accept military~~
126 ~~medical training or medical experience as a substitute for the~~
127 ~~approved 1 year residency requirement in s. 458.311(1)(f).~~

128 ~~(b) After approval of an application under this section, no~~
129 ~~license shall be issued until the applicant provides to the~~
130 ~~board an affidavit that there have been no substantial changes~~
131 ~~in status since initial application.~~

132
133 Nothing herein limits in any way any policy by the board,
134 otherwise authorized by law, to grant licenses to physicians
135 duly licensed in other states under conditions less restrictive
136 than the requirements of this section. Notwithstanding the other
137 provisions of this section, the board may refuse to authorize a
138 physician otherwise qualified to practice in the employ of any
139 agency or institution otherwise qualified if the agency or
140 institution has caused or permitted violations of the provisions
141 of this chapter which it knew or should have known were
142 occurring.

143 Section 3. Subsections (1) and (6) of section 459.0075,
144 Florida Statutes, are amended to read:
145 459.0075 Limited licenses.-

576-04679-13

20131690c2

146 (1) Any person desiring to obtain a limited license shall:

147 (a) Submit to the board a licensure application and fee
148 required by this chapter. However, an osteopathic physician who
149 is not fully retired in all jurisdictions may use a limited
150 license only for noncompensated practice. If the person applying
151 for a limited license submits a ~~notarized~~ statement from the
152 employing agency or institution stating that she or he will not
153 receive monetary compensation for any service involving the
154 practice of osteopathic medicine, the application fee and all
155 licensure fees shall be waived. However, any person who receives
156 a waiver of fees for a limited license shall pay such fees if
157 the person receives compensation for the practice of osteopathic
158 medicine.

159 (b) Submit proof ~~an affidavit~~ that such osteopathic
160 physician has been licensed to practice osteopathic medicine in
161 any jurisdiction in the United States in good standing and
162 pursuant to law for at least 10 years.

163 (c) Complete an amount of continuing education established
164 by the board.

165 ~~(d) Within 60 days after receipt of an application for a~~
166 ~~limited license, the board shall review the application and~~
167 ~~issue the limited license or notify the applicant of denial.~~

168 ~~(6) Any person desiring a limited license shall meet all~~
169 ~~the requirements of s. 459.0055, except s. 459.0055(1)(d).~~

170 Section 4. This act shall take effect July 1, 2013.