

1 A bill to be entitled
 2 An act relating to health care certification; creating
 3 ss. 458.3113 and 459.0056, F.S.; providing
 4 definitions; providing legislative intent; prohibiting
 5 the Boards of Medicine and Osteopathic Medicine,
 6 respectively, and the Department of Health, health
 7 care facilities, and insurers from requiring certain
 8 certifications as conditions of licensure,
 9 reimbursement, or admitting privileges; providing
 10 construction; amending ss. 458.3312 and 459.0152,
 11 F.S.; providing a designation for physicians whose
 12 board certification has lapsed; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 458.3113, Florida Statutes, is created
 18 to read:

19 458.3113 Conditions of licensure, reimbursement, or
 20 admitting privileges.-

21 (1) For purposes of this section, the term:

22 (a) "Maintenance of certification" means a periodic
 23 testing regimen, proprietary self-assessment requirement, peer
 24 evaluation, or other requirement imposed by the maintenance of
 25 certification program of the American Board of Medical

26 Specialties and its member boards, or by any recognizing agency
27 approved by the board pursuant to rule for any board-certified
28 specialty or subspecialty.

29 (b) "Recertification" means a subsequent recognition or
30 certification of educational or scholarly achievement beyond
31 initial board certification imposed by the maintenance of
32 certification program of the American Board of Medical
33 Specialties and its member boards, or by any recognizing agency
34 approved by the board pursuant to rule for any board-certified
35 specialty or subspecialty.

36 (2) It is the intent of the Legislature to further improve
37 the efficiency of the health care market and eliminate
38 unnecessary administrative and regulatory requirements.

39 (3) Notwithstanding any other provision of law, the board,
40 the department, a health care facility licensed under chapter
41 395, or an insurer as defined in s. 624.03 may not require
42 maintenance of certification or recertification as a condition
43 of licensure, reimbursement, or admitting privileges for a
44 physician who practices medicine and has achieved initial board
45 certification in a specialty or subspecialty pursuant to this
46 chapter.

47 (4) This section may not be construed to prohibit the
48 board from requiring continuing medical education.

49 Section 2. Section 459.0056, Florida Statutes, is created
50 to read:

51 459.0056 Conditions of licensure, reimbursement, or
52 admitting privileges.-

53 (1) For purposes of this section, the term:

54 (a) "Osteopathic continuing certification" means a
55 periodic testing regimen, proprietary self-assessment
56 requirement, peer evaluation, or other requirement imposed by
57 the osteopathic continuing certification program of the Bureau
58 of Osteopathic Specialists of the American Osteopathic
59 Association and its specialty boards, or by any recognizing
60 agency approved by the board pursuant to rule for any board-
61 certified specialty or subspecialty.

62 (b) "Recertification" means a subsequent recognition or
63 certification of educational or scholarly achievement beyond
64 initial board certification imposed by the Bureau of Osteopathic
65 Specialists of the American Osteopathic Association and its
66 specialty boards, or by any recognizing agency approved by the
67 board pursuant to rule for any board-certified specialty or
68 subspecialty.

69 (2) It is the intent of the Legislature to further improve
70 the efficiency of the health care market and eliminate
71 unnecessary administrative and regulatory requirements.

72 (3) Notwithstanding any other provision of law, the board,
73 the department, a health care facility licensed under chapter
74 395, or an insurer as defined in s. 624.03 may not require
75 osteopathic continuing certification or recertification as a

76 condition of licensure, reimbursement, or admitting privileges
77 for an osteopathic physician who practices medicine and has
78 achieved initial board certification in a specialty or
79 subspecialty pursuant to this chapter.

80 (4) This section may not be construed to prohibit the
81 board from requiring continuing medical education.

82 Section 3. Section 458.3312, Florida Statutes, is amended
83 to read:

84 458.3312 Specialties.—

85 (1) A physician licensed under this chapter may not hold
86 himself or herself out as a board-certified specialist unless
87 the physician has received formal recognition as a specialist
88 from a specialty board of the American Board of Medical
89 Specialties or other recognizing agency that has been approved
90 by the board. However, a physician may indicate the services
91 offered and may state that his or her practice is limited to one
92 or more types of services when this accurately reflects the
93 scope of practice of the physician. A physician may not hold
94 himself or herself out as a board-certified specialist in
95 dermatology unless the recognizing agency, whether authorized in
96 statute or by rule, is triennially reviewed and reauthorized by
97 the Board of Medicine.

98 (2) A physician licensed under this chapter who has been
99 certified as a specialist by an approved certifying agency in
100 subsection (1), but whose certification has lapsed may only hold

101 himself or herself out as an initially board-certified
102 specialist.

103 Section 4. Section 459.0152, Florida Statutes, is amended
104 to read:

105 459.0152 Specialties.—

106 (1) An osteopathic physician licensed under this chapter
107 may not hold himself or herself out as a board-certified
108 specialist unless the osteopathic physician has successfully
109 completed the requirements for certification by the American
110 Osteopathic Association or the Accreditation Council on Graduate
111 Medical Education and is certified as a specialist by a
112 certifying agency approved by the board. However, an osteopathic
113 physician may indicate the services offered and may state that
114 his or her practice is limited to one or more types of services
115 when this accurately reflects the scope of practice of the
116 osteopathic physician.

117 (2) A physician licensed under this chapter who has been
118 certified as a specialist by an approved certifying agency in
119 subsection (1), but whose certification has lapsed may only hold
120 himself or herself out as an initially board-certified
121 specialist.

122 Section 5. This act shall take effect July 1, 2017.