

1                   A bill to be entitled  
2           An act relating to access to health care practitioner  
3           services; amending s. 456.013, F.S.; exempting  
4           physicians who provide a certain number of hours of  
5           pro bono services from continuing education  
6           requirements; amending s. 458.310, F.S.; revising the  
7           eligibility criteria for a restricted license;  
8           prohibiting licensure if a restricted licensee  
9           breaches the terms of an employment contract; creating  
10          s. 458.3105, F.S.; establishing a registration program  
11          for volunteer retired physicians; providing  
12          eligibility criteria for such registration; requiring  
13          biennial renewal of registration; authorizing the  
14          Department of Health to waive certain fees;  
15          authorizing the Board of Medicine to deny or revoke  
16          registration for noncompliance with certain  
17          requirements; amending s. 458.311, F.S.; revising the  
18          physician licensure criteria applicable to Canadian  
19          applicants; amending s. 458.319, F.S.; requiring the  
20          department to waive a physician's license renewal fee  
21          under certain circumstances; creating s. 459.00751,  
22          F.S.; providing legislative intent; authorizing the  
23          Board of Osteopathic Medicine to issue a restricted  
24          license to qualified applicants; providing eligibility  
25          criteria for such license; prohibiting licensure if a

26 restricted licensee breaches the terms of an  
27 employment contract; creating s. 459.00752, F.S.;  
28 establishing a registration program for volunteer  
29 retired osteopathic physicians; providing eligibility  
30 criteria for such registration; requiring biennial  
31 renewal of registration; authorizing the Department of  
32 Health to waive certain fees; authorizing the Board of  
33 Osteopathic Medicine to deny or revoke registration  
34 for noncompliance with certain requirements; amending  
35 s. 459.008, F.S.; requiring the department to waive an  
36 osteopathic physician's license renewal fee under  
37 certain circumstances; amending s. 766.1115, F.S.;  
38 revising the definition of the term "low-income" for  
39 purposes of the Access to Health Care Act; providing  
40 an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Subsection (9) of section 456.013, Florida  
45 Statutes, is amended to read:

46 456.013 Department; general licensing provisions.—

47 (6) As a condition of renewal of a license, the Board of  
48 Medicine, the Board of Osteopathic Medicine, the Board of  
49 Chiropractic Medicine, and the Board of Podiatric Medicine shall  
50 each require licensees which they respectively regulate to

51 | periodically demonstrate their professional competency by  
52 | completing at least 40 hours of continuing education every 2  
53 | years. The boards may require by rule that up to 1 hour of the  
54 | required 40 or more hours be in the area of risk management or  
55 | cost containment. This provision shall not be construed to limit  
56 | the number of hours that a licensee may obtain in risk  
57 | management or cost containment to be credited toward satisfying  
58 | the 40 or more required hours. This provision shall not be  
59 | construed to require the boards to impose any requirement on  
60 | licensees except for the completion of at least 40 hours of  
61 | continuing education every 2 years. Each of such boards shall  
62 | determine whether any specific continuing education requirements  
63 | not otherwise mandated by law shall be mandated and shall  
64 | approve criteria for, and the content of, any continuing  
65 | education mandated by such board. Notwithstanding any other  
66 | provision of law, the board, or the department when there is no  
67 | board, may approve by rule alternative methods of obtaining  
68 | continuing education credits in risk management. The alternative  
69 | methods may include attending a board meeting at which another  
70 | licensee is disciplined, serving as a volunteer expert witness  
71 | for the department in a disciplinary case, or serving as a  
72 | member of a probable cause panel following the expiration of a  
73 | board member's term. Other boards within the Division of Medical  
74 | Quality Assurance, or the department if there is no board, may  
75 | adopt rules granting continuing education hours in risk

76 | management for attending a board meeting at which another  
77 | licensee is disciplined, for serving as a volunteer expert  
78 | witness for the department in a disciplinary case, or for  
79 | serving as a member of a probable cause panel following the  
80 | expiration of a board member's term.

81 |       (9) Any board that currently requires continuing education  
82 | for renewal of a license, or the department if there is no  
83 | board, shall adopt rules to establish the criteria for  
84 | continuing education courses. The rules may provide that up to a  
85 | maximum of 25 percent of the required continuing education hours  
86 | can be fulfilled by the performance of pro bono services to the  
87 | indigent or to underserved populations or in areas of critical  
88 | need within the state where the licensee practices. However, a  
89 | physician licensed under chapter 458 or chapter 459 who submits  
90 | to the department documentation proving that he or she has  
91 | completed at least 120 hours of pro bono services within a  
92 | biennial licensure period is exempt from the continuing  
93 | education requirements established by board rule under  
94 | subsection (6). The board, or the department if there is no  
95 | board, must require that any pro bono services be approved in  
96 | advance in order to receive credit for continuing education  
97 | under this subsection. The standard for determining indigency  
98 | shall be that recognized by the Federal Poverty Income  
99 | Guidelines produced by the United States Department of Health  
100 | and Human Services. The rules may provide for approval by the

101 board, or the department if there is no board, that a part of  
 102 the continuing education hours can be fulfilled by performing  
 103 research in critical need areas or for training leading to  
 104 advanced professional certification. The board, or the  
 105 department if there is no board, may make rules to define  
 106 underserved and critical need areas. The department shall adopt  
 107 rules for administering continuing education requirements  
 108 adopted by the boards or the department if there is no board.

109 Section 2. Subsections (2) and (3) of section 458.310,  
 110 Florida Statutes, are amended to read:

111 458.310 Restricted licenses.—

112 (2) The board ~~of Medicine~~ may annually, ~~by rule, develop~~  
 113 ~~criteria and, without examination,~~ issue restricted licenses  
 114 authorizing the practice of medicine in this state to not more  
 115 than 300 persons and to an unlimited number of physicians who  
 116 hold active unencumbered licenses to practice medicine in Canada  
 117 if such applicants annually to up to 100 persons to practice  
 118 medicine in this state who:

119 (a) Submit to the department a completed application form  
 120 and a nonrefundable application fee not to exceed \$50;

121 (b)-(a) Meet the requirements of s. 458.311(1)(b), (c),  
 122 (d), and (g). However, a Canadian applicant shall satisfy the  
 123 requirement of s. 458.311(1)(g) by providing the board with a  
 124 printed or electronic copy of his or her Canadian criminal  
 125 history records check;

126        ~~(c) (b)~~ Show evidence of the active licensed practice of  
 127 medicine in another jurisdiction for at least 2 years of the  
 128 immediately preceding 4 years, or completion of board-approved  
 129 postgraduate training within the year preceding the filing of an  
 130 application; and

131        ~~(d) (e)~~ Enter into a contract to practice for a period of  
 132 up to 36 ~~24~~ months ~~solely~~ in the employ of the state, ~~or~~ a  
 133 federally funded community health center, or a migrant health  
 134 center; a free clinic that delivers only medical diagnostic  
 135 services or nonsurgical medical treatment free of charge to all  
 136 low-income residents; or a health care provider in a health  
 137 professional shortage area or medically underserved area,  
 138 designated by the United States Department of Health and Human  
 139 Services, at the current salary level for that position. The  
 140 board ~~may of Medicine shall~~ designate other areas of critical  
 141 need in the state where these restricted licensees may practice.

142        (3) Before the end of the contracted ~~24-month~~ practice  
 143 period, the physician must take and successfully complete the  
 144 licensure examination under s. 458.311 to become fully licensed  
 145 in this state.

146        Section 3. Section 458.3105, Florida Statutes, is created  
 147 to read:

148        458.3105 Registration of volunteer retired physicians.—

149        (1) A physician may register under this section to  
 150 practice medicine as a volunteer retired physician if the

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151 physician:

152 (a) Submits an application to the board on a form  
153 developed by the department within 2 years after the date on  
154 which the physician's license changed from active status to  
155 retired status;

156 (b) Provides proof to the department that the physician  
157 actively practiced medicine for at least 3 of the 5 years  
158 immediately preceding the date on which his or her license  
159 changed from active status to retired status;

160 (c) Has held an active license to practice medicine and  
161 maintained such license in good standing in this state or in at  
162 least one other jurisdiction of the United States or Canada for  
163 at least 20 years;

164 (d) Contracts with a health care provider to provide free,  
165 volunteer health care services to indigent persons or medically  
166 underserved populations in health professional shortage areas or  
167 medically underserved areas designated by the United States  
168 Department of Health and Human Services;

169 (e) Works under the supervision of a nonretired physician  
170 who holds an active unencumbered license; and

171 (f) Only provides medical services of the type and within  
172 the specialty performed by the physician prior to retirement,  
173 and does not perform surgery or prescribe a controlled substance  
174 as defined in s. 893.02(4).

175 (2) The registrant shall apply biennially to the board for

176 renewal of his or her registration by demonstrating to the board  
 177 compliance with this section.

178 (3) The department shall waive the application fee,  
 179 licensure fee, and unlicensed activity fee for qualifying  
 180 applicants under this section.

181 (4) The board may deny or revoke registration for  
 182 noncompliance with this section.

183 Section 4. Paragraph (h) of subsection (1) of section  
 184 458.311, Florida Statutes, is amended to read:

185 458.311 Licensure by examination; requirements; fees.—

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

190 (h) Has obtained a passing score, as established by rule  
 191 of the board, on the licensure examination of the United States  
 192 Medical Licensing Examination (USMLE); or a combination of the  
 193 United States Medical Licensing Examination (USMLE), the  
 194 examination of the Federation of State Medical Boards of the  
 195 United States, Inc. (FLEX), or the examination of the National  
 196 Board of Medical Examiners up to the year 2000; or for the  
 197 purpose of examination of any applicant who was licensed on the  
 198 basis of a state board examination and who is currently licensed  
 199 in at least one other jurisdiction of the United States ~~or~~  
 200 ~~Canada,~~ and who has practiced pursuant to such licensure for a

201 | period of at least 10 years or for the purpose of examination of  
202 | any applicant who holds an active unencumbered license to  
203 | practice medicine in Canada, use of the Special Purpose  
204 | Examination of the Federation of State Medical Boards of the  
205 | United States (SPEX) upon receipt of a passing score as  
206 | established by rule of the board. However, for the purpose of  
207 | examination of any applicant who was licensed on the basis of a  
208 | state board examination prior to 1974, who is currently licensed  
209 | in at least three other jurisdictions of the United States or  
210 | Canada, and who has practiced pursuant to such licensure for a  
211 | period of at least 20 years, this paragraph does not apply.

212 |       Section 5. Subsection (1) of section 458.319, Florida  
213 | Statutes, is amended to read:

214 |       458.319 Renewal of license.—

215 |       (1) The department shall renew a license upon receipt of  
216 | the renewal application, evidence that the applicant has  
217 | actively practiced medicine or has been on the active teaching  
218 | faculty of an accredited medical school for at least 2 years of  
219 | the immediately preceding 4 years, and a fee not to exceed \$500;  
220 | provided, however, that if the licensee is either a resident  
221 | physician, assistant resident physician, fellow, house  
222 | physician, or intern in an approved postgraduate training  
223 | program, as defined by the board by rule, the fee shall not  
224 | exceed \$100 per annum. If the licensee demonstrates to the  
225 | department in a manner set by department rule that he or she has

226 | provided at least 160 hours of pro bono medical services to  
227 | indigent persons or medically underserved populations within the  
228 | biennial renewal period, the department shall waive the renewal  
229 | fee. If the licensee has not actively practiced medicine for at  
230 | least 2 years of the immediately preceding 4 years, the board  
231 | shall require that the licensee successfully complete a board-  
232 | approved clinical competency examination prior to renewal of the  
233 | license. "Actively practiced medicine" means that practice of  
234 | medicine by physicians, including those employed by any  
235 | governmental entity in community or public health, as defined by  
236 | this chapter, including physicians practicing administrative  
237 | medicine. An applicant for a renewed license must also submit  
238 | the information required under s. 456.039 to the department on a  
239 | form and under procedures specified by the department, along  
240 | with payment in an amount equal to the costs incurred by the  
241 | Department of Health for the statewide criminal background check  
242 | of the applicant. The applicant must submit a set of  
243 | fingerprints to the Department of Health on a form and under  
244 | procedures specified by the department, along with payment in an  
245 | amount equal to the costs incurred by the department for a  
246 | national criminal background check of the applicant for the  
247 | initial renewal of his or her license after January 1, 2000. If  
248 | the applicant fails to submit either the information required  
249 | under s. 456.039 or a set of fingerprints to the department as  
250 | required by this section, the department shall issue a notice of

251 noncompliance, and the applicant will be given 30 additional  
252 days to comply. If the applicant fails to comply within 30 days  
253 after the notice of noncompliance is issued, the department or  
254 board, as appropriate, may issue a citation to the applicant and  
255 may fine the applicant up to \$50 for each day that the applicant  
256 is not in compliance with the requirements of s. 456.039. The  
257 citation must clearly state that the applicant may choose, in  
258 lieu of accepting the citation, to follow the procedure under s.  
259 456.073. If the applicant disputes the matter in the citation,  
260 the procedures set forth in s. 456.073 must be followed.

261 However, if the applicant does not dispute the matter in the  
262 citation with the department within 30 days after the citation  
263 is served, the citation becomes a final order and constitutes  
264 discipline. Service of a citation may be made by personal  
265 service or certified mail, restricted delivery, to the subject  
266 at the applicant's last known address. If an applicant has  
267 submitted fingerprints to the department for a national criminal  
268 history check upon initial licensure and is renewing his or her  
269 license for the first time, then the applicant need only submit  
270 the information and fee required for a statewide criminal  
271 history check.

272 Section 6. Section 459.00751, Florida Statutes, is created  
273 to read:

274 459.00751 Restricted licenses.—

275 (1) It is the intent of the Legislature to provide medical

276 services to all residents of this state at an affordable cost.

277 (2) The board may annually issue restricted licenses  
278 authorizing the practice of osteopathic medicine in this state  
279 to not more than 300 persons and to an unlimited number of  
280 osteopathic physicians who hold active unencumbered licenses to  
281 practice medicine in Canada if such applicants:

282 (a) Submit to the department a completed application form  
283 and a nonrefundable application fee not to exceed \$50;

284 (b) Meet the requirements of s. 459.0055(1)(b), (c), (d),  
285 (e), (f), (g), and (j). However, a Canadian applicant shall  
286 satisfy the requirement of s. 459.0055(1)(j) by providing the  
287 board with a printed or electronic copy of his or her Canadian  
288 criminal history records check;

289 (c) Provide proof to the department that the osteopathic  
290 physician has held an active license to practice osteopathic  
291 medicine and maintained such license in good standing in this  
292 state or in at least one other jurisdiction of the United States  
293 or Canada for at least 2 of the immediately preceding 4 years,  
294 or completed board-approved postgraduate training within the  
295 year immediately preceding the filing of an application; and

296 (d) Enter into a contract to practice osteopathic medicine  
297 for a period of up to 36 months in the employ of the state, a  
298 federally funded community health center, or a migrant health  
299 center; a free clinic that delivers only medical diagnostic  
300 services or nonsurgical medical treatment free of charge to all

301 low-income residents; or a health care provider in a health  
302 professional shortage area or medically underserved area  
303 designated by the United States Department of Health and Human  
304 Services. The board may designate other areas of critical need  
305 in the state where these restricted licensees may practice.

306 (3) Before the end of the contracted practice period, the  
307 osteopathic physician must take and successfully complete the  
308 licensure examination under s. 459.0055 to become fully licensed  
309 in this state.

310 (4) If the restricted licensee breaches the terms of the  
311 employment contract, he or she may not be licensed as an  
312 osteopathic physician in this state under any licensing  
313 provisions.

314 Section 7. Section 459.00752, Florida Statutes, is created  
315 to read:

316 459.00752 Registration of volunteer retired osteopathic  
317 physicians.-

318 (1) An osteopathic physician may register under this  
319 section to practice medicine as a volunteer retired osteopathic  
320 physician if the osteopathic physician:

321 (a) Submits an application to the board on a form  
322 developed by the department no earlier than 6 months before the  
323 date on which the osteopathic physician's license permanently  
324 expires and no later than 2 years after such expiration;

325 (b) Has held an active license to practice osteopathic

326 medicine and maintained such license in good standing in this  
327 state or in at least one other jurisdiction of the United States  
328 or Canada for at least 20 years;

329 (c) Contracts with a health care provider to provide free,  
330 volunteer health care services to indigent persons or medically  
331 underserved populations in health professional shortage areas or  
332 medically underserved areas designated by the United States  
333 Department of Health and Human Services;

334 (d) Works under the supervision of a nonretired  
335 osteopathic physician who holds an active unencumbered license;  
336 and

337 (e) Only provides medical services of the type and within  
338 the specialty performed by the osteopathic physician prior to  
339 retirement, and does not perform surgery or prescribe controlled  
340 substances as defined in s. 893.02(4).

341 (2) The registrant shall apply biennially to the board for  
342 renewal of his or her registration by demonstrating to the board  
343 compliance with this section.

344 (3) The department shall waive the application fee,  
345 licensure fee, and unlicensed activity fee for qualifying  
346 applicants under this section.

347 (4) The board may deny or revoke registration for  
348 noncompliance with this section.

349 Section 8. Subsection (1) of section 459.008, Florida  
350 Statutes, is amended to read:

351 459.008 Renewal of licenses and certificates.—  
352 (1) The department shall renew a license or certificate  
353 upon receipt of the renewal application and fee. If the licensee  
354 demonstrates to the department that he or she has provided at  
355 least 160 hours of pro bono osteopathic medical services to  
356 indigent persons or medically underserved populations within the  
357 biennial renewal period, the department shall waive the renewal  
358 fee. An applicant for a renewed license must also submit the  
359 information required under s. 456.039 to the department on a  
360 form and under procedures specified by the department, along  
361 with payment in an amount equal to the costs incurred by the  
362 department ~~of Health~~ for the statewide criminal background check  
363 of the applicant. The applicant must submit a set of  
364 fingerprints to the Department of Health on a form and under  
365 procedures specified by the department, along with payment in an  
366 amount equal to the costs incurred by the department for a  
367 national criminal background check of the applicant for the  
368 initial renewal of his or her license after January 1, 2000. If  
369 the applicant fails to submit either the information required  
370 under s. 456.039 or a set of fingerprints to the department as  
371 required by this section, the department shall issue a notice of  
372 noncompliance, and the applicant will be given 30 additional  
373 days to comply. If the applicant fails to comply within 30 days  
374 after the notice of noncompliance is issued, the department or  
375 board, as appropriate, may issue a citation to the applicant and

376 may fine the applicant up to \$50 for each day that the applicant  
377 is not in compliance with the requirements of s. 456.039. The  
378 citation must clearly state that the applicant may choose, in  
379 lieu of accepting the citation, to follow the procedure under s.  
380 456.073. If the applicant disputes the matter in the citation,  
381 the procedures set forth in s. 456.073 must be followed.  
382 However, if the applicant does not dispute the matter in the  
383 citation with the department within 30 days after the citation  
384 is served, the citation becomes a final order and constitutes  
385 discipline. Service of a citation may be made by personal  
386 service or certified mail, restricted delivery, to the subject  
387 at the applicant's last known address. If an applicant has  
388 submitted fingerprints to the department for a national criminal  
389 history check upon initial licensure and is renewing his or her  
390 license for the first time, then the applicant need only submit  
391 the information and fee required for a statewide criminal  
392 history check.

393 Section 9. Paragraph (e) of subsection (3) of section  
394 766.1115, Florida Statutes, is amended to read:

395 766.1115 Health care providers; creation of agency  
396 relationship with governmental contractors.—

397 (3) DEFINITIONS.—As used in this section, the term:

398 (e) "Low-income" means:

- 399 1. A person who is Medicaid-eligible under Florida law;  
400 2. A person who is without health insurance and whose

401 family income does not exceed 400 ~~200~~ percent of the federal  
402 poverty level as defined annually by the federal Office of  
403 Management and Budget; or

404 3. Any client of the department who voluntarily chooses to  
405 participate in a program offered or approved by the department  
406 and meets the program eligibility guidelines of the department.

407 Section 10. This act shall take effect July 1, 2017.