

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, revoke, or  
16          impose restrictions or conditions on a registration  
17          for certain violations; amending s. 458.311, F.S.;  
18          revising the physician licensure criteria applicable  
19          to Canadian applicants; amending s. 458.319, F.S.;  
20          requiring the department to waive a physician's  
21          license renewal fee under certain circumstances;  
22          creating s. 459.00751, F.S.; providing legislative  
23          intent; authorizing the Board of Osteopathic Medicine  
24          to issue a restricted license to qualified applicants;  
25          providing eligibility criteria for such license;

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

42 |

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

44 |

45 | Section 1. Subsection (6) of section 456.013, Florida  
 46 | Statutes, is republished, and subsection (9) of that section is  
 47 | amended to read:

48 | 456.013 Department; general licensing provisions.—

49 | (6) As a condition of renewal of a license, the Board of  
 50 | Medicine, the Board of Osteopathic Medicine, the Board of

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

76 Quality Assurance, or the department if there is no board, may  
77 adopt rules granting continuing education hours in risk  
78 management for attending a board meeting at which another  
79 licensee is disciplined, for serving as a volunteer expert  
80 witness for the department in a disciplinary case, or for  
81 serving as a member of a probable cause panel following the  
82 expiration of a board member's term.

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

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

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

113 458.310 Restricted licenses.—

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

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

123 (b) ~~(a)~~ Meet the requirements of s. 458.311(1)(b), (c),  
 124 (d), and (g). A Canadian applicant must also provide the board  
 125 with a printed or electronic copy of his or her Canadian

126 criminal history records check;

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

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

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

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

149 458.3105 Registration of volunteer retired physicians.—

150 (1) A physician may register under this section to

151 practice medicine as a volunteer retired physician if the  
152 physician:

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

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

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

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

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

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

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

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

182       (4) The board may deny, revoke, or impose restrictions or  
 183 conditions on a registration for any violation of this act or  
 184 chapter 456, or the rules adopted under this act or chapter 456.

185       (5) The board may deny or revoke registration for  
 186 noncompliance with this section.

187       Section 4. Paragraph (h) of subsection (1) of section  
 188 458.311, Florida Statutes, is amended to read:

189       458.311 Licensure by examination; requirements; fees.—

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

194       (h) Has obtained a passing score, as established by rule  
 195 of the board, on the licensure examination of the United States  
 196 Medical Licensing Examination (USMLE); or a combination of the  
 197 United States Medical Licensing Examination (USMLE), the  
 198 examination of the Federation of State Medical Boards of the  
 199 United States, Inc. (FLEX), or the examination of the National  
 200 Board of Medical Examiners up to the year 2000; or for the



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

218 Section 5. Subsection (1) of section 458.319, Florida  
219 Statutes, is amended to read:

220 458.319 Renewal of license.—

221 (1) The department shall renew a license upon receipt of  
222 the renewal application, evidence that the applicant has  
223 actively practiced medicine or has been on the active teaching  
224 faculty of an accredited medical school for at least 2 years of  
225 the immediately preceding 4 years, and a fee not to exceed \$500;

226 provided, however, that if the licensee is either a resident  
227 physician, assistant resident physician, fellow, house  
228 physician, or intern in an approved postgraduate training  
229 program, as defined by the board by rule, the fee shall not  
230 exceed \$100 per annum. If the licensee demonstrates to the  
231 department in a manner set by department rule that he or she has  
232 provided at least 160 hours of pro bono medical services to  
233 indigent persons or medically underserved populations within the  
234 biennial renewal period, the department shall waive the renewal  
235 fee. If the licensee has not actively practiced medicine for at  
236 least 2 years of the immediately preceding 4 years, the board  
237 shall require that the licensee successfully complete a board-  
238 approved clinical competency examination prior to renewal of the  
239 license. "Actively practiced medicine" means that practice of  
240 medicine by physicians, including those employed by any  
241 governmental entity in community or public health, as defined by  
242 this chapter, including physicians practicing administrative  
243 medicine. An applicant for a renewed license must also submit  
244 the information required under s. 456.039 to the department on a  
245 form and under procedures specified by the department, along  
246 with payment in an amount equal to the costs incurred by the  
247 Department of Health for the statewide criminal background check  
248 of the applicant. The applicant must submit a set of  
249 fingerprints to the Department of Health on a form and under  
250 procedures specified by the department, along with payment in an

251 amount equal to the costs incurred by the department for a  
252 national criminal background check of the applicant for the  
253 initial renewal of his or her license after January 1, 2000. If  
254 the applicant fails to submit either the information required  
255 under s. 456.039 or a set of fingerprints to the department as  
256 required by this section, the department shall issue a notice of  
257 noncompliance, and the applicant will be given 30 additional  
258 days to comply. If the applicant fails to comply within 30 days  
259 after the notice of noncompliance is issued, the department or  
260 board, as appropriate, may issue a citation to the applicant and  
261 may fine the applicant up to \$50 for each day that the applicant  
262 is not in compliance with the requirements of s. 456.039. The  
263 citation must clearly state that the applicant may choose, in  
264 lieu of accepting the citation, to follow the procedure under s.  
265 456.073. If the applicant disputes the matter in the citation,  
266 the procedures set forth in s. 456.073 must be followed.  
267 However, if the applicant does not dispute the matter in the  
268 citation with the department within 30 days after the citation  
269 is served, the citation becomes a final order and constitutes  
270 discipline. Service of a citation may be made by personal  
271 service or certified mail, restricted delivery, to the subject  
272 at the applicant's last known address. If an applicant has  
273 submitted fingerprints to the department for a national criminal  
274 history check upon initial licensure and is renewing his or her  
275 license for the first time, then the applicant need only submit

276 | the information and fee required for a statewide criminal  
 277 | history check.

278 | Section 6. Section 459.00751, Florida Statutes, is created  
 279 | to read:

280 | 459.00751 Restricted licenses.—

281 | (1) It is the intent of the Legislature to provide medical  
 282 | services to all residents of this state at an affordable cost.

283 | (2) The board may annually issue restricted licenses  
 284 | authorizing the practice of osteopathic medicine in this state  
 285 | to not more than 300 persons and to an unlimited number of  
 286 | osteopathic physicians who hold active unencumbered licenses to  
 287 | practice medicine in Canada if such applicants:

288 | (a) Submit to the department a completed application form  
 289 | and a nonrefundable application fee not to exceed \$50;

290 | (b) Meet the requirements of s. 459.0055(1)(b), (c), (d),  
 291 | (e), (f), (g), and (j). A Canadian applicant must also provide  
 292 | the board with a printed or electronic copy of his or her  
 293 | Canadian criminal history records check;

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

301 (d) Enter into a contract to practice osteopathic medicine  
 302 for a period of up to 36 months in the employ of the state, a  
 303 federally funded community health center, or a migrant health  
 304 center; a free clinic that delivers only medical diagnostic  
 305 services or nonsurgical medical treatment free of charge to all  
 306 low-income residents; or a health care provider in a health  
 307 professional shortage area or medically underserved area  
 308 designated by the United States Department of Health and Human  
 309 Services. The board may designate other areas of critical need  
 310 in the state where these restricted licensees may practice.

311 (3) Before the end of the contracted practice period, the  
 312 osteopathic physician must take and successfully complete the  
 313 licensure examination under s. 459.0055 to become fully licensed  
 314 in this state.

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

319 Section 7. Section 459.00752, Florida Statutes, is created  
 320 to read:

321 459.00752 Registration of volunteer retired osteopathic  
 322 physicians.—

323 (1) An osteopathic physician may register under this  
 324 section to practice medicine as a volunteer retired osteopathic  
 325 physician if the osteopathic physician:

- 326        (a) Submits an application to the board on a form  
327 developed by the department no earlier than 6 months before the  
328 date on which the osteopathic physician's license permanently  
329 expires and no later than 2 years after such expiration;
- 330        (b) Has held an active license to practice osteopathic  
331 medicine and maintained such license in good standing in this  
332 state or in at least one other jurisdiction of the United States  
333 or Canada for at least 20 years;
- 334        (c) Contracts with a health care provider to provide free,  
335 volunteer health care services to indigent persons or medically  
336 underserved populations in health professional shortage areas or  
337 medically underserved areas designated by the United States  
338 Department of Health and Human Services;
- 339        (d) Works under the supervision of a nonretired  
340 osteopathic physician who holds an active unencumbered license;  
341 and
- 342        (e) Only provides medical services of the type and within  
343 the specialty performed by the osteopathic physician prior to  
344 retirement, and does not perform surgery or prescribe controlled  
345 substances as defined in s. 893.02(4).
- 346        (2) The registrant shall apply biennially to the board for  
347 renewal of his or her registration by demonstrating to the board  
348 compliance with this section.
- 349        (3) The department shall waive the application fee,  
350 licensure fee, and unlicensed activity fee for qualifying

351 applicants under this section.

352 (4) The board may deny, revoke, or impose restrictions or  
353 conditions on a registration for any violation of this act or  
354 chapter 456, or the rules adopted under this act or chapter 456.

355 (5) The board may deny or revoke registration for  
356 noncompliance with this section.

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

359 459.008 Renewal of licenses and certificates.—

360 (1) The department shall renew a license or certificate  
361 upon receipt of the renewal application and fee. If the licensee  
362 demonstrates to the department that he or she has provided at  
363 least 160 hours of pro bono osteopathic medical services to  
364 indigent persons or medically underserved populations within the  
365 biennial renewal period, the department shall waive the renewal  
366 fee. An applicant for a renewed license must also submit the  
367 information required under s. 456.039 to the department on a  
368 form and under procedures specified by the department, along  
369 with payment in an amount equal to the costs incurred by the  
370 department ~~of Health~~ for the statewide criminal background check  
371 of the applicant. The applicant must submit a set of  
372 fingerprints to the Department of Health on a form and under  
373 procedures specified by the department, along with payment in an  
374 amount equal to the costs incurred by the department for a  
375 national criminal background check of the applicant for the

376 initial renewal of his or her license after January 1, 2000. If  
377 the applicant fails to submit either the information required  
378 under s. 456.039 or a set of fingerprints to the department as  
379 required by this section, the department shall issue a notice of  
380 noncompliance, and the applicant will be given 30 additional  
381 days to comply. If the applicant fails to comply within 30 days  
382 after the notice of noncompliance is issued, the department or  
383 board, as appropriate, may issue a citation to the applicant and  
384 may fine the applicant up to \$50 for each day that the applicant  
385 is not in compliance with the requirements of s. 456.039. The  
386 citation must clearly state that the applicant may choose, in  
387 lieu of accepting the citation, to follow the procedure under s.  
388 456.073. If the applicant disputes the matter in the citation,  
389 the procedures set forth in s. 456.073 must be followed.  
390 However, if the applicant does not dispute the matter in the  
391 citation with the department within 30 days after the citation  
392 is served, the citation becomes a final order and constitutes  
393 discipline. Service of a citation may be made by personal  
394 service or certified mail, restricted delivery, to the subject  
395 at the applicant's last known address. If an applicant has  
396 submitted fingerprints to the department for a national criminal  
397 history check upon initial licensure and is renewing his or her  
398 license for the first time, then the applicant need only submit  
399 the information and fee required for a statewide criminal  
400 history check.



401 Section 9. Paragraph (e) of subsection (3) of section  
402 766.1115, Florida Statutes, is amended to read:

403 766.1115 Health care providers; creation of agency  
404 relationship with governmental contractors.—

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

406 (e) "Low-income" means:

407 1. A person who is Medicaid-eligible under Florida law;

408 2. A person who is without health insurance and whose  
409 family income does not exceed 400 ~~200~~ percent of the federal  
410 poverty level as defined annually by the federal Office of  
411 Management and Budget; or

412 3. Any client of the department who voluntarily chooses to  
413 participate in a program offered or approved by the department  
414 and meets the program eligibility guidelines of the department.

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