

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 registration renewal; requiring 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 registration renewal; requiring the
32 Department of Health to waive certain fees;
33 authorizing the Board of Osteopathic Medicine to deny,
34 revoke, or impose restrictions or conditions on a
35 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; deleting an obsolete date;
39 amending s. 766.1115, F.S.; revising the definition of
40 the term "low-income" for purposes of the Access to
41 Health Care Act; providing 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 before retirement and
174 does not perform surgery or prescribe a controlled substance as
175 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 before ~~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 before ~~prior to~~ renewal
239 of the license. "Actively practiced medicine" means that
240 practice of medicine by physicians, including those employed by
241 any governmental entity in community or public health, as
242 defined by this chapter, including physicians practicing
243 administrative medicine. An applicant for a renewed license must
244 also submit the information required under s. 456.039 to the
245 department on a form and under procedures specified by the
246 department, along with payment in an amount equal to the costs
247 incurred by the Department of Health for the statewide criminal
248 background check of the applicant. The applicant must submit a
249 set of fingerprints to the Department of Health on a form and
250 under procedures specified by the department, along with payment

251 in an 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 before
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.

HB 313

2018

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, 2018.