

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 deleting an obsolete date; creating s. 459.00751,
23 F.S.; providing legislative intent; authorizing the
24 Board of Osteopathic Medicine to issue a restricted
25 license to qualified applicants; providing eligibility

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

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

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

49 456.013 Department; general licensing provisions.—

50 (6) As a condition of renewal of a license, the Board of

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

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

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

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

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

114 458.310 Restricted licenses.—

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

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

124 (b)-(a) Meet the requirements of s. 458.311(1)(b), (c),
 125 (d), and (g). A Canadian applicant must also provide the board

126 with a printed or electronic copy of his or her fingerprint-
127 based, national Canadian criminal history records check,
128 conducted within 6 months after the date of application;

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

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

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

149 Section 3. Section 458.3105, Florida Statutes, is created
150 to read:

151 458.3105 Registration of volunteer retired physicians.—

152 (1) A physician may register under this section to
153 practice medicine as a volunteer retired physician if the
154 physician:

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

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

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

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

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

174 (f) Only provides medical services of the type and within
175 the specialty performed by the physician before retirement and

176 | does not perform surgery or prescribe a controlled substance as
 177 | defined in s. 893.02(4).

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

181 | (3) The department shall waive all application, licensure,
 182 | unlicensed activity, and renewal fees for qualifying applicants
 183 | under this section.

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

188 | (5) The board may deny or revoke registration for
 189 | noncompliance with this section.

190 | Section 4. Paragraph (h) of subsection (1) of section
 191 | 458.311, Florida Statutes, is amended to read:

192 | 458.311 Licensure by examination; requirements; fees.—

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

197 | (h) Has obtained a passing score, as established by rule
 198 | of the board, on the licensure examination of the United States
 199 | Medical Licensing Examination (USMLE); or a combination of the
 200 | United States Medical Licensing Examination (USMLE), the

201 examination of the Federation of State Medical Boards of the
 202 United States, Inc. (FLEX), or the examination of the National
 203 Board of Medical Examiners up to the year 2000; or for the
 204 purpose of examination of any applicant who was licensed on the
 205 basis of a state board examination and who is currently licensed
 206 in at least one other jurisdiction of the United States ~~or~~
 207 ~~Canada,~~ and who has practiced pursuant to such licensure for a
 208 period of at least 10 years, or for the purpose of examination
 209 of any applicant who holds an active unencumbered license to
 210 practice medicine in Canada and who has practiced pursuant to
 211 such licensure for a period of at least 10 years, use of the
 212 Special Purpose Examination of the Federation of State Medical
 213 Boards of the United States (SPEX) upon receipt of a passing
 214 score as established by rule of the board. However, for the
 215 purpose of examination of any applicant who was licensed on the
 216 basis of a state board examination before ~~prior to~~ 1974, who is
 217 currently licensed in at least three other jurisdictions of the
 218 United States or Canada, and who has practiced pursuant to such
 219 licensure for a period of at least 20 years, this paragraph does
 220 not apply.

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

223 458.319 Renewal of license.—

224 (1) The department shall renew a license upon receipt of
 225 the renewal application, evidence that the applicant has

226 actively practiced medicine or has been on the active teaching
227 faculty of an accredited medical school for at least 2 years of
228 the immediately preceding 4 years, and a fee not to exceed \$500;
229 provided, however, that if the licensee is either a resident
230 physician, assistant resident physician, fellow, house
231 physician, or intern in an approved postgraduate training
232 program, as defined by the board by rule, the fee shall not
233 exceed \$100 per annum. If the licensee demonstrates to the
234 department in a manner set by department rule that he or she has
235 provided at least 160 hours of pro bono medical services to
236 indigent persons or medically underserved populations within the
237 biennial renewal period, the department shall waive the renewal
238 fee. If the licensee has not actively practiced medicine for at
239 least 2 years of the immediately preceding 4 years, the board
240 shall require that the licensee successfully complete a board-
241 approved clinical competency examination before ~~prior to~~ renewal
242 of the license. "Actively practiced medicine" means that
243 practice of medicine by physicians, including those employed by
244 any governmental entity in community or public health, as
245 defined by this chapter, including physicians practicing
246 administrative medicine. An applicant for a renewed license must
247 also submit the information required under s. 456.039 to the
248 department on a form and under procedures specified by the
249 department, along with payment in an amount equal to the costs
250 incurred by the Department of Health for the statewide criminal

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

276 submitted fingerprints to the department for a national criminal
277 history check upon initial licensure and is renewing his or her
278 license for the first time, then the applicant need only submit
279 the information and fee required for a statewide criminal
280 history check.

281 Section 6. Section 459.00751, Florida Statutes, is created
282 to read:

283 459.00751 Restricted licenses.-

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

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

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

293 (b) Meet the requirements of s. 459.0055(1)(b), (c), (d),
294 (e), (f), (g), and (j). A Canadian applicant must also provide
295 the board with a printed or electronic copy of his or her
296 fingerprint-based, national Canadian criminal history records
297 check, conducted within 6 months after the date of application;

298 (c) Provide proof to the department that the osteopathic
299 physician has held an active license to practice osteopathic
300 medicine and maintained such license in good standing in this

301 state or in at least one other jurisdiction of the United States
302 or Canada for at least 2 of the immediately preceding 4 years,
303 or completed board-approved postgraduate training within the
304 year immediately preceding the filing of an application; and

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

315 (3) Before the end of the contracted practice period, the
316 osteopathic physician must take and successfully complete the
317 licensure examination under s. 459.0055 to become fully licensed
318 in this state.

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

323 Section 7. Section 459.00752, Florida Statutes, is created
324 to read:

325 459.00752 Registration of volunteer retired osteopathic

326 physicians.-

327 (1) An osteopathic physician may register under this
 328 section to practice medicine as a volunteer retired osteopathic
 329 physician if the osteopathic physician:

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

334 (b) Has held an active license to practice osteopathic
 335 medicine and maintained such license in good standing in this
 336 state or in at least one other jurisdiction of the United States
 337 or Canada for at least 20 years;

338 (c) Contracts with a health care provider to provide free,
 339 volunteer health care services to indigent persons or medically
 340 underserved populations in health professional shortage areas or
 341 medically underserved areas designated by the United States
 342 Department of Health and Human Services;

343 (d) Works under the supervision of a nonretired
 344 osteopathic physician who holds an active unencumbered license;
 345 and

346 (e) Only provides medical services of the type and within
 347 the specialty performed by the osteopathic physician before
 348 retirement and does not perform surgery or prescribe controlled
 349 substances as defined in s. 893.02(4).

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

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

353 (3) The department shall waive all application, licensure,
 354 unlicensed activity, and renewal fees for qualifying applicants
 355 under this section.

356 (4) The board may deny, revoke, or impose restrictions or
 357 conditions on a registration for any violation of this chapter
 358 or chapter 456 or the rules adopted under this chapter or
 359 chapter 456.

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

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

364 459.008 Renewal of licenses and certificates.—

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

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

401 submitted fingerprints to the department for a national criminal
402 history check upon initial licensure and is renewing his or her
403 license for the first time, then the applicant need only submit
404 the information and fee required for a statewide criminal
405 history check.

406 Section 9. Paragraph (e) of subsection (3) of section
407 766.1115, Florida Statutes, is amended to read:

408 766.1115 Health care providers; creation of agency
409 relationship with governmental contractors.—

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

411 (e) "Low-income" means:

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

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

417 3. Any client of the department who voluntarily chooses to
418 participate in a program offered or approved by the department
419 and meets the program eligibility guidelines of the department.

420 Section 10. This act shall take effect July 1, 2018.