

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) is amended, to  
48 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  
 120 Canada if such applicants annually to up to 100 persons to  
 121 ~~practice medicine in this state who:~~

122 (a) Submit to the department a completed application form;

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 fingerprint-

126 based, national Canadian criminal history records check,  
 127 conducted within 6 months after the date of application;

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

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

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

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

150 458.3105 Registration of volunteer retired physicians.—

151 (1) A physician may register under this section to  
152 practice medicine as a volunteer retired physician if he or she:

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 his or her license changed from active to retired status;

156 (b) Provides proof to the department that he or she  
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 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 that he or she performed before retirement and  
173 does not perform surgery or prescribe a controlled substance as  
174 defined in s. 893.02(4).

175 (2) The physician 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 all application, licensure,  
 179 unlicensed activity, and renewal fees for qualifying physicians  
 180 under this section.

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

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

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

188 458.311 Licensure by examination; requirements; fees.—

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

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



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

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

218 458.319 Renewal of license.—

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

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

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

276 Section 6. Section 459.00751, Florida Statutes, is created  
 277 to read:

278 459.00751 Restricted licenses.-

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

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

286 (a) Submit to the department a completed application form;

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

292 (c) Show evidence of the active licensed practice of  
 293 medicine in another jurisdiction for at least 2 years of the  
 294 immediately preceding 4 years, or completion of board-approved  
 295 postgraduate training within the year immediately preceding the  
 296 filing of an application; and

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

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

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

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

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

317 459.00752 Registration of volunteer retired osteopathic  
318 physicians.—

319 (1) An osteopathic physician may register under this  
320 section to practice medicine as a volunteer retired osteopathic  
321 physician if he or she:

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

326 (b) Provides proof to the department that he or she  
327 actively practiced medicine for at least 3 of the 5 years  
328 immediately preceding the date on which his or her license  
329 changed from active to retired status;

330 (c) 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 (d) 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 (e) Works under the supervision of a nonretired  
340 osteopathic physician who holds an active, unencumbered license;  
341 and

342 (f) Only provides medical services of the type and within  
343 the specialty that he or she performed before retirement and  
344 does not perform surgery or prescribe a controlled substance as  
345 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 all application, licensure,  
350 unlicensed activity, and renewal fees for qualifying applicants

351 under this section.

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

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

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



401 history check.

402 Section 9. Paragraph (e) of subsection (3) of section  
403 766.1115, Florida Statutes, is amended to read:

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

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

407 (e) "Low-income" means:

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

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

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

416 Section 10. This act shall take effect July 1, 2019.