

By Senator Lee

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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 creating s. 458.3105, F.S.; establishing a
9 registration program for volunteer retired physicians;
10 providing eligibility criteria for such registration;
11 requiring biennial registration renewal; requiring the
12 Department of Health to waive certain fees;
13 authorizing the Board of Medicine to deny, revoke, or
14 impose restrictions or conditions on a registration
15 for certain violations; amending s. 458.311, F.S.;
16 revising the physician licensure criteria applicable
17 to Canadian applicants; amending s. 458.319, F.S.;
18 requiring the department to waive a physician's
19 license renewal fee under certain circumstances;
20 deleting an obsolete date; creating s. 459.00751,
21 F.S.; providing legislative intent; authorizing the
22 Board of Osteopathic Medicine to issue a restricted
23 license to qualified applicants; providing eligibility
24 criteria for such license; prohibiting licensure if a
25 restricted licensee breaches the terms of an
26 employment contract; creating s. 459.00752, F.S.;
27 establishing a registration program for volunteer
28 retired osteopathic physicians; providing eligibility
29 criteria for such registration; requiring biennial

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30 registration renewal; requiring the department to
31 waive certain fees; authorizing the Board of
32 Osteopathic Medicine to deny, revoke, or impose
33 restrictions or conditions on a registration for
34 certain violations; amending s. 459.008, F.S.;
35 requiring the department to waive an osteopathic
36 physician's license renewal fee under certain
37 circumstances; deleting an obsolete date; amending s.
38 766.1115, F.S.; revising the definition of the term
39 "low-income" for purposes of the Access to Health Care
40 Act; providing an effective date.

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

43
44 Section 1. Subsection (6) of section 456.013, Florida
45 Statutes, is republished, and subsection (9) is amended, to
46 read:

47 456.013 Department; general licensing provisions.—

48 (6) As a condition of renewal of a license, the Board of
49 Medicine, the Board of Osteopathic Medicine, the Board of
50 Chiropractic Medicine, and the Board of Podiatric Medicine shall
51 each require licensees which they respectively regulate to
52 periodically demonstrate their professional competency by
53 completing at least 40 hours of continuing education every 2
54 years. The boards may require by rule that up to 1 hour of the
55 required 40 or more hours be in the area of risk management or
56 cost containment. This provision shall not be construed to limit
57 the number of hours that a licensee may obtain in risk
58 management or cost containment to be credited toward satisfying

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59 the 40 or more required hours. This provision shall not be
60 construed to require the boards to impose any requirement on
61 licensees except for the completion of at least 40 hours of
62 continuing education every 2 years. Each of such boards shall
63 determine whether any specific continuing education requirements
64 not otherwise mandated by law shall be mandated and shall
65 approve criteria for, and the content of, any continuing
66 education mandated by such board. Notwithstanding any other
67 provision of law, the board, or the department when there is no
68 board, may approve by rule alternative methods of obtaining
69 continuing education credits in risk management. The alternative
70 methods may include attending a board meeting at which another
71 licensee is disciplined, serving as a volunteer expert witness
72 for the department in a disciplinary case, or serving as a
73 member of a probable cause panel following the expiration of a
74 board member's term. Other boards within the Division of Medical
75 Quality Assurance, or the department if there is no board, may
76 adopt rules granting continuing education hours in risk
77 management for attending a board meeting at which another
78 licensee is disciplined, for serving as a volunteer expert
79 witness for the department in a disciplinary case, or for
80 serving as a member of a probable cause panel following the
81 expiration of a board member's term.

82 (9) Any board that currently requires continuing education
83 for renewal of a license, or the department if there is no
84 board, shall adopt rules to establish the criteria for
85 continuing education courses. The rules may provide that up to a
86 maximum of 25 percent of the required continuing education hours
87 can be fulfilled by the performance of pro bono services to the

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88 indigent or to underserved populations or in areas of critical
89 need within the state where the licensee practices. However, a
90 physician licensed under chapter 458 or chapter 459 who submits
91 to the department documentation proving that he or she has
92 completed at least 120 hours of pro bono services within a
93 biennial licensure period is exempt from the continuing
94 education requirements established by board rule under
95 subsection (6). The board, or the department if there is no
96 board, must require that any pro bono services be approved in
97 advance in order to receive credit for continuing education
98 under this subsection. The standard for determining indigency
99 shall be that recognized by the Federal Poverty Income
100 Guidelines produced by the United States Department of Health
101 and Human Services. The rules may provide for approval by the
102 board, or the department if there is no board, that a part of
103 the continuing education hours can be fulfilled by performing
104 research in critical need areas or for training leading to
105 advanced professional certification. The board, or the
106 department if there is no board, may make rules to define
107 underserved and critical need areas. The department shall adopt
108 rules for administering continuing education requirements
109 adopted by the boards or the department if there is no board.

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

112 458.310 Restricted licenses.—

113 (2) The board ~~of Medicine~~ may annually, ~~by rule~~, ~~develop~~
114 ~~criteria and, without examination,~~ issue restricted licenses
115 authorizing the practice of medicine in this state to not more
116 than 300 persons and to an unlimited number of physicians who

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117 hold active, unencumbered licenses to practice medicine in
 118 Canada if such applicants annually to up to 100 persons to
 119 practice medicine in this state who:

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

121 (b) ~~(a)~~ Meet the requirements of s. 458.311(1)(b), (c), (d),
 122 and (g). A Canadian applicant shall also provide the board with
 123 a printed or electronic copy of his or her fingerprint-based
 124 national Canadian criminal history records check conducted
 125 within 6 months after the date of application;

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

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

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

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

148 458.3105 Registration of volunteer retired physicians.—

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

151 (a) Submits an application to the board on a form developed
152 by the department within 2 years after the date on which his or
153 her license changed from active to retired status;

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

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

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

167 (e) Works under the supervision of a nonretired physician
168 who holds an active, unencumbered license; and

169 (f) Only provides medical services of the type and within
170 the specialty that he or she performed before retirement and
171 does not perform surgery or prescribe a controlled substance as
172 defined in s. 893.02(4).

173 (2) The physician shall apply biennially to the board for
174 renewal of his or her registration by demonstrating to the board

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175 compliance with this section.

176 (3) The department shall waive all application, licensure,
 177 unlicensed activity, and renewal fees for qualifying physicians
 178 under this section.

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

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

184 Section 4. Paragraph (h) of subsection (1) of section
 185 458.311, Florida Statutes, is amended to read:

186 458.311 Licensure by examination; requirements; fees.—

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

191 (h) Has obtained a passing score, as established by rule of
 192 the board, on the licensure examination of the United States
 193 Medical Licensing Examination (USMLE); or a combination of the
 194 United States Medical Licensing Examination (USMLE), the
 195 examination of the Federation of State Medical Boards of the
 196 United States, Inc. (FLEX), or the examination of the National
 197 Board of Medical Examiners up to the year 2000; or for the
 198 purpose of examination of any applicant who was licensed on the
 199 basis of a state board examination and who is currently licensed
 200 in at least one other jurisdiction of the United States ~~or~~
 201 ~~Canada,~~ and who has practiced pursuant to such licensure for a
 202 period of at least 10 years, or any applicant who holds an
 203 active, unencumbered license to practice medicine in Canada and

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

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

216 458.319 Renewal of license.—

217 (1) The department shall renew a license upon receipt of
218 the renewal application, evidence that the applicant has
219 actively practiced medicine or has been on the active teaching
220 faculty of an accredited medical school for at least 2 years of
221 the immediately preceding 4 years, and a fee not to exceed \$500;
222 provided, however, that if the licensee is either a resident
223 physician, assistant resident physician, fellow, house
224 physician, or intern in an approved postgraduate training
225 program, as defined by the board by rule, the fee shall not
226 exceed \$100 per annum. If the licensee demonstrates to the
227 department, in a manner set by department rule, that he or she
228 has provided at least 160 hours of pro bono medical services to
229 indigent persons or medically underserved populations within the
230 biennial renewal period, the department shall waive the renewal
231 fee. If the licensee has not actively practiced medicine for at
232 least 2 years of the immediately preceding 4 years, the board

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233 shall require that the licensee successfully complete a board-
234 approved clinical competency examination before ~~prior to~~ renewal
235 of the license. "Actively practiced medicine" means that
236 practice of medicine by physicians, including those employed by
237 any governmental entity in community or public health, as
238 defined by this chapter, including physicians practicing
239 administrative medicine. An applicant for a renewed license must
240 also submit the information required under s. 456.039 to the
241 department on a form and under procedures specified by the
242 department, along with payment in an amount equal to the costs
243 incurred by the Department of Health for the statewide criminal
244 background check of the applicant. The applicant must submit a
245 set of fingerprints to the Department of Health on a form and
246 under procedures specified by the department, along with payment
247 in an amount equal to the costs incurred by the department for a
248 national criminal background check of the applicant for the
249 initial renewal of his or her license ~~after January 1, 2000~~. If
250 the applicant fails to submit either the information required
251 under s. 456.039 or a set of fingerprints to the department as
252 required by this section, the department shall issue a notice of
253 noncompliance, and the applicant will be given 30 additional
254 days to comply. If the applicant fails to comply within 30 days
255 after the notice of noncompliance is issued, the department or
256 board, as appropriate, may issue a citation to the applicant and
257 may fine the applicant up to \$50 for each day that the applicant
258 is not in compliance with the requirements of s. 456.039. The
259 citation must clearly state that the applicant may choose, in
260 lieu of accepting the citation, to follow the procedure under s.
261 456.073. If the applicant disputes the matter in the citation,

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262 the procedures set forth in s. 456.073 must be followed.
263 However, if the applicant does not dispute the matter in the
264 citation with the department within 30 days after the citation
265 is served, the citation becomes a final order and constitutes
266 discipline. Service of a citation may be made by personal
267 service or certified mail, restricted delivery, to the subject
268 at the applicant's last known address. If an applicant has
269 submitted fingerprints to the department for a national criminal
270 history check upon initial licensure and is renewing his or her
271 license for the first time, then the applicant need only submit
272 the information and fee required for a statewide criminal
273 history check.

274 Section 6. Section 459.00751, Florida Statutes, is created
275 to read:

276 459.00751 Restricted licenses.-

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

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

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

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

290 (c) Show evidence of the active licensed practice of

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291 medicine in another jurisdiction for at least 2 years of the
292 immediately preceding 4 years, or completion of board-approved
293 postgraduate training within the year immediately preceding the
294 filing of an application; and

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

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

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

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

315 459.00752 Registration of volunteer retired osteopathic
316 physicians.—

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

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

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

328 (c) Has held an active license to practice osteopathic
329 medicine and maintained such license in good standing in this
330 state or in at least one other jurisdiction of the United States
331 or Canada for at least 20 years;

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

337 (e) Works under the supervision of a nonretired osteopathic
338 physician who holds an active, unencumbered license; and

339 (f) Only provides medical services of the type and within
340 the specialty that he or she performed before retirement and
341 does not perform surgery or prescribe a controlled substance as
342 defined in s. 893.02(4).

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

346 (3) The department shall waive all application, licensure,
347 unlicensed activity, and renewal fees for qualifying applicants
348 under this section.

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

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

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

356 459.008 Renewal of licenses and certificates.—

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

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

399 Section 9. Paragraph (e) of subsection (3) of section
 400 766.1115, Florida Statutes, is amended to read:

401 766.1115 Health care providers; creation of agency
 402 relationship with governmental contractors.—

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

404 (e) "Low-income" means:

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

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

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

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