

By the Committee on Health Policy; and Senator Cruz

588-01167-20

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1 A bill to be entitled
2 An act relating to student loans and scholarship
3 obligations of health care practitioners; amending s.
4 456.072, F.S.; establishing that a health care
5 practitioner's failure to repay a student loan or to
6 comply with service scholarship obligations does not
7 constitute grounds for disciplinary action; removing a
8 civil fine; amending s. 456.0721, F.S.; removing the
9 requirement that the Department of Health investigate
10 and prosecute health care practitioners for failing to
11 repay a student loan or to comply with scholarship
12 service obligations; removing the requirement that the
13 department include specified information related to
14 such investigations and prosecutions in an annual
15 report; amending s. 456.074, F.S.; removing the
16 requirement, and related provisions, that the
17 department immediately suspend the licenses of certain
18 health care practitioners for failing to provide
19 within a specified timeframe proof of new payment
20 terms for student loans in default; providing an
21 effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Paragraph (k) of subsection (1) of section
26 456.072, Florida Statutes, is amended to read:

27 456.072 Grounds for discipline; penalties; enforcement.—

28 (1) The following acts shall constitute grounds for which
29 the disciplinary actions specified in subsection (2) may be

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30 taken:

31 (k) Failing to perform any statutory or legal obligation
32 placed upon a licensee. For purposes of this section, failing to
33 repay a student loan issued or guaranteed by the state or the
34 Federal Government in accordance with the terms of the loan or
35 failing to comply with service scholarship obligations is not
36 ~~shall be considered a failure to perform a statutory or legal~~
37 ~~obligation, and the minimum disciplinary action imposed shall be~~
38 ~~a suspension of the license until new payment terms are agreed~~
39 ~~upon or the scholarship obligation is resumed, followed by~~
40 ~~probation for the duration of the student loan or remaining~~
41 ~~scholarship obligation period, and a fine equal to 10 percent of~~
42 ~~the defaulted loan amount. Fines collected shall be deposited~~
43 ~~into the Medical Quality Assurance Trust Fund.~~

44 Section 2. Section 456.0721, Florida Statutes, is amended
45 to read:

46 ~~456.0721 Practitioners in default on student loan or~~
47 ~~scholarship obligations; investigation; report. The Department~~
48 ~~of Health shall obtain from the United States Department of~~
49 ~~Health and Human Services information necessary to investigate~~
50 ~~and prosecute health care practitioners for failing to repay a~~
51 ~~student loan or comply with scholarship service obligations~~
52 ~~pursuant to s. 456.072(1)(k). The department shall obtain from~~
53 ~~the United States Department of Health and Human Services a list~~
54 ~~of default health care practitioners each month, along with the~~
55 ~~information necessary to investigate a complaint in accordance~~
56 ~~with s. 456.073. The department may obtain evidence to support~~
57 ~~the investigation and prosecution from any financial institution~~
58 ~~or educational institution involved in providing the loan or~~

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59 ~~education to the practitioner. The department shall report to~~
60 ~~the Legislature as part of the annual report required by s.~~
61 ~~456.026, the number of practitioners in default, along with the~~
62 ~~results of the department's investigations and prosecutions, and~~
63 ~~the amount of fines collected from practitioners prosecuted for~~
64 ~~violating s. 456.072(1)(k).~~

65 Section 3. Subsection (4) of section 456.074, Florida
66 Statutes, is amended to read:

67 456.074 Certain health care practitioners; immediate
68 suspension of license.-

69 ~~(4) Upon receipt of information that a Florida licensed~~
70 ~~health care practitioner has defaulted on a student loan issued~~
71 ~~or guaranteed by the state or the Federal Government, the~~
72 ~~department shall notify the licensee by certified mail that he~~
73 ~~or she shall be subject to immediate suspension of license~~
74 ~~unless, within 45 days after the date of mailing, the licensee~~
75 ~~provides proof that new payment terms have been agreed upon by~~
76 ~~all parties to the loan. The department shall issue an emergency~~
77 ~~order suspending the license of any licensee who, after 45 days~~
78 ~~following the date of mailing from the department, has failed to~~
79 ~~provide such proof. Production of such proof shall not prohibit~~
80 ~~the department from proceeding with disciplinary action against~~
81 ~~the licensee pursuant to s. 456.073.~~

82 Section 4. This act shall take effect July 1, 2020.