

By Senator Rodriguez

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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 certain
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 restricted
23 licenses to applicants who satisfy certain criteria;
24 requiring restricted licensees to pass the licensure
25 examination within a specified timeframe; prohibiting
26 licensure if a restricted licensee breaches the terms
27 of an employment contract; creating s. 459.00752,
28 F.S.; establishing a registration program for
29 volunteer retired osteopathic physicians; providing

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

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

43
44 Section 1. Subsections (6) and (9) of section 456.013,
45 Florida Statutes, are amended to read:

46 456.013 Department; general licensing provisions.—

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

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

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

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

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

111 458.310 Restricted licenses.—

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

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117 unencumbered licenses to practice medicine in Canada, if such
118 applicants meet all of the following requirements annually to up
119 to 100 persons to practice medicine in this state who:

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

121 (b) Meet the requirements of s. 458.311(1)(b), (c), (d),
122 and (g). A Canadian applicant must also provide the board with a
123 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. s. 458.311;

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 this the state where these restricted licensees may
142 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

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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 practice
151 medicine as a volunteer retired physician if he or she meets all
152 of the following requirements:

153 (a) Submits an application to the board on a form developed
154 by the department within 2 years after the date on which his or
155 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.

171 (f) Provides medical services only 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.

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175 (2) The physician must 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 of
194 the board, on the licensure examination of the United States
195 Medical Licensing Examination (USMLE)~~†~~ or a combination of the
196 USMLE ~~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
202 licensed in at least one other jurisdiction of the United States
203 or Canada, and ~~who~~ has practiced pursuant to such licensure for

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

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

219 458.319 Renewal of license.—

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

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233 biennial renewal period, the department shall waive the renewal
234 fee. If the licensee has not actively practiced medicine for at
235 least 2 years of the immediately preceding 4 years, the board
236 shall require that the licensee successfully complete a board-
237 approved clinical competency examination before ~~prior to~~ renewal
238 of the license. For purposes of this subsection, the term
239 "actively practiced medicine" means that practice of medicine by
240 physicians, including those employed by any governmental entity
241 in community or public health, as defined by this chapter,
242 including physicians practicing administrative medicine. An
243 applicant for a renewed license must also submit the information
244 required under s. 456.039 to the department on a form and under
245 procedures specified by the department, along with payment in an
246 amount equal to the costs incurred by the Department of Health
247 for the statewide criminal background check of the applicant.
248 The applicant must submit a set of fingerprints to the
249 Department of Health on a form and under procedures specified by
250 the department, along with payment in an amount equal to the
251 costs incurred by the department for a national criminal
252 background check of the applicant for the initial renewal of his
253 or her license ~~after January 1, 2000~~. If the applicant fails to
254 submit either the information required under s. 456.039 or a set
255 of fingerprints to the department as required by this section,
256 the department shall issue a notice of noncompliance, and the
257 applicant will be given 30 additional days to comply. If the
258 applicant fails to comply within 30 days after the notice of
259 noncompliance is issued, the department or board, as
260 appropriate, may issue a citation to the applicant and may fine
261 the applicant up to \$50 for each day that the applicant is not

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262 in compliance with the requirements of s. 456.039. The citation
263 must clearly state that the applicant may choose, in lieu of
264 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, except that the board may issue
286 restricted licenses to an unlimited number of osteopathic
287 physicians who hold active, unencumbered licenses to practice
288 medicine in Canada, if such applicants meet all of the following
289 requirements:

290 (a) Submit to the department a completed application form.

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

296 (c) Show evidence of the active licensed practice of
297 medicine in another jurisdiction for at least 2 years of the
298 immediately preceding 4 years, or completion of board-approved
299 postgraduate training within the year immediately preceding the
300 filing of an application.

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 this state where these restricted licensees may practice.

311 (3) Before the end of the contracted practice period, the
312 osteopathic physician shall 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

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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 he or she meets all of the following requirements:

326 (a) Submits an application to the board on a form developed
327 by the department no earlier than 6 months before the date on
328 which his or her license permanently expires and no later than 2
329 years after such expiration.

330 (b) Provides proof to the department that he or she
331 actively practiced medicine for at least 3 of the 5 years
332 immediately preceding the date on which his or her license
333 changed from active to retired status.

334 (c) 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 (d) 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 (e) Works under the supervision of a nonretired osteopathic
344 physician who holds an active, unencumbered license.

345 (f) Provides medical services only of the type and within
346 the specialty that he or she performed before retirement and
347 does not perform surgery or prescribe a controlled substance as
348 defined in s. 893.02.

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349 (2) The registrant must apply biennially to the board for
350 renewal of his or her registration by demonstrating to the board
351 compliance with this section.

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

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

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

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

362 459.008 Renewal of licenses and certificates.—

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

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

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407 Section 9. Paragraph (e) of subsection (3) of section
408 766.1115, Florida Statutes, is amended to read:

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

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

412 (e) "Low-income" means:

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

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

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

421 Section 10. This act shall take effect July 1, 2021.