

1                                   A bill to be entitled  
2           An act relating to foreign-licensed physicians;  
3           creating s. 458.3131, F.S.; providing for provisional  
4           licenses by endorsement for certain foreign-licensed  
5           physicians; requiring the Department of Health to  
6           issue a provisional license by endorsement to any  
7           applicant whom the Board of Medicine certifies as  
8           having met specified criteria; defining the term  
9           "active licensed practice of medicine"; authorizing  
10          the board to require the applicant to take and pass  
11          the appropriate licensure examination before  
12          certifying him or her for provisional licensure by  
13          endorsement; requiring the department and the board to  
14          use an investigative process to ensure that applicants  
15          meet the criteria for provisional licensure by  
16          endorsement; authorizing the State Surgeon General or  
17          his or her designee to issue a 90-day licensure delay  
18          if the investigative process is not completed within  
19          specified timeframes; providing requirements for  
20          notice of such delay; providing construction;  
21          requiring the department to impose conditions,  
22          limitations, or restrictions on a provisional license  
23          by endorsement under certain circumstances; specifying  
24          circumstances under which the department may not issue  
25          a provisional license by endorsement or an

26 |       unrestricted provisional license; authorizing the  
27 |       board to enter an order imposing certain conditions on  
28 |       a provisional license by endorsement under certain  
29 |       circumstances; authorizing the board to take specified  
30 |       actions if it determines that an applicant has failed  
31 |       to meet all of the requirements for provisional  
32 |       licensure by endorsement; authorizing the board to  
33 |       revoke a provisional license by endorsement under  
34 |       certain circumstances; providing for the appeal of  
35 |       such revocation and reinstatement of the license under  
36 |       certain circumstances; providing that a provisional  
37 |       license by endorsement is valid for 2 years unless  
38 |       revoked or suspended and is subject to specified  
39 |       provisions; upon expiration of a provisional license  
40 |       by endorsement, requiring the department to issue a  
41 |       full license if the licensee meets specified criteria;  
42 |       requiring the department to renew a provisional  
43 |       license by endorsement under certain circumstances;  
44 |       providing that such licensee is eligible for full  
45 |       licensure after a specified time period; providing  
46 |       that certain physicians are not required to maintain  
47 |       employment with a certain entity as a condition of  
48 |       licensure; authorizing the board to adopt rules;  
49 |       providing an effective date.

50

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

52

53 Section 1. Section 458.3131, Florida Statutes, is created  
54 to read:

55 458.3131 Provisional licensure by endorsement for certain  
56 foreign-licensed physicians.-

57 (1) The department shall issue a provisional license by  
58 endorsement to any foreign-licensed physician applicant whom,  
59 upon applying to the department on forms furnished by the  
60 department, the board certifies meets all of the following  
61 criteria:

62 (a) Is at least 21 years of age.

63 (b) Is of good moral character.

64 (c) Has not committed any act or offense in this or any  
65 other jurisdiction which would constitute the basis for  
66 disciplining a physician pursuant to s. 458.331.

67 (d) Has obtained a passing score, as established by rule  
68 of the board, on the licensure examination of the United States  
69 Medical Licensing Examination.

70 (e) Has submitted evidence of the active licensed practice  
71 of medicine in another jurisdiction within the immediately  
72 preceding 4 years. For purposes of this paragraph, "active  
73 licensed practice of medicine" means the practice of medicine,  
74 as defined in s. 458.305(3), by a physician, including a  
75 physician employed by a governmental entity in the fields of

76 community or public health, a medical director of a health  
 77 maintenance organization under s. 641.495(11) who is practicing  
 78 medicine, and a physician on the active teaching faculty of an  
 79 accredited medical school.

80 (f) Has submitted evidence of completion of a residency or  
 81 substantially similar postgraduate medical training in a country  
 82 recognized by his or her licensing jurisdiction or has practiced  
 83 as a medical professional performing the duties of a physician  
 84 in his or her licensing jurisdiction for at least 5 years.

85 (g) Has submitted evidence of good standing with the  
 86 medical licensing or regulatory institution of his or her  
 87 licensing jurisdiction within the immediately preceding 4 years.

88 (h) Has demonstrated competency in English through  
 89 presentation of the Educational Commission for Foreign Medical  
 90 Graduates English proficiency certificate or by a satisfactory  
 91 grade on the Test of Spoken English of the Educational Testing  
 92 Service or a similar test approved by rule of the board.

93 (i) Has submitted evidence of being legally authorized to  
 94 work in the United States.

95 (j) Has submitted evidence of either:

96 1. An offer for employment as a physician for a health  
 97 care provider that operates in this state; or

98 2. A license to practice medicine in any of the following  
 99 countries:

100 a. Australia.

- 101        b. Canada.
- 102        c. Ireland.
- 103        d. Israel.
- 104        e. New Zealand.
- 105        f. Singapore.
- 106        g. South Africa.
- 107        h. Switzerland.
- 108        i. The United Kingdom.
- 109        j. Additional countries as adopted by board rule or by
- 110 nomination of the Governor or the Legislature.

111        (2) The board may require an applicant for provisional  
 112 licensure by endorsement to take and pass the appropriate  
 113 licensure examination before certifying the applicant as  
 114 eligible for provisional licensure.

115        (3) The department and the board shall ensure that  
 116 applicants for provisional licensure by endorsement meet  
 117 applicable criteria in this chapter through an investigative  
 118 process. If the investigative process is not completed within  
 119 the timeframes specified in s. 120.60(1) and the department or  
 120 board has reason to believe that the applicant does not meet the  
 121 criteria, the State Surgeon General or his or her designee may  
 122 issue a 90-day licensure delay, notification of which must be in  
 123 writing and sufficient to inform the applicant of the reason for  
 124 the delay. This subsection controls over any conflicting  
 125 provisions of s. 120.60(1).

126       (4) Upon certification by the board, the department must  
127 impose conditions, limitations, or restrictions on a provisional  
128 license by endorsement if the applicant is on probation in  
129 another jurisdiction for an act that would constitute a  
130 violation of this chapter or chapter 456.

131       (5) The department may not issue a provisional license by  
132 endorsement to any applicant who is under investigation in any  
133 jurisdiction for an act or offense that would constitute a  
134 violation of this chapter until such time as the investigation  
135 is complete, at which time s. 458.331 applies. Furthermore, the  
136 department may not issue an unrestricted provisional license by  
137 endorsement to any individual who has committed any act or  
138 offense in any jurisdiction which would constitute the basis for  
139 disciplining a physician pursuant to s. 458.331. If the board  
140 finds that an individual has committed an act or offense in any  
141 jurisdiction which would constitute the basis for disciplining a  
142 physician pursuant to s. 458.331, the board may enter an order  
143 imposing one or more of the terms specified in subsection (6).

144       (6) If the board determines that any applicant for  
145 provisional licensure by endorsement has failed to meet, to the  
146 board's satisfaction, each of the appropriate requirements  
147 specified in this section, it may enter an order taking one or  
148 more of the following actions:

149       (a) Refusal to certify to the department an application  
150 for licensure.

HB 1145

2023

151 (b) Certification to the department of an application for  
152 licensure with restrictions on the scope of practice of the  
153 licensee.

154 (c) Certification to the department of an application for  
155 licensure with placement of the physician on probation for a  
156 period of time and subject to such conditions as the board may  
157 specify, including, but not limited to, requiring the physician  
158 to submit to treatment, attend continuing education courses,  
159 submit to reexamination, or work under the supervision of  
160 another physician.

161 (7) The board may revoke a provisional license by  
162 endorsement granted under this section based on clear and  
163 convincing evidence that medical services provided by the  
164 licensee have violated medical safety, competency, or conduct  
165 standards for the safe and effective practice of medicine under  
166 this chapter.

167 (a) Licensees may appeal the revocation of their  
168 provisional license to a court of competent jurisdiction within  
169 120 days of the revocation of their provisional license.

170 (b) The court shall reinstate the provisional license if  
171 it finds that the board's actions did not meet the standards as  
172 required by this subsection.

173 (8)(a) A provisional license by endorsement issued by the  
174 department under this section is valid for 2 years unless  
175 revoked or suspended, and a provisional license by endorsement

HB 1145

2023

176 licensee is subject to the requirements of chapter 456, this  
177 chapter, and any other provision of law not in conflict with  
178 this section. Upon expiration of a provisional license by  
179 endorsement, the licensee must be issued a full license if he or  
180 she meets all of the following criteria:

181 1. Is not currently subject to any discipline,  
182 investigation, or prosecution for a violation that poses a  
183 substantial threat to the public health, safety, or welfare.

184 2. Pays all renewal fees required of a full licensee.

185 (b) If a provisional licensee by endorsement is subject to  
186 discipline, investigation, or prosecution for a violation that  
187 posed or poses a substantial threat to the public health,  
188 safety, or welfare and the board has not permanently revoked the  
189 license, the department must renew a provisional license by  
190 endorsement under this section if the licensee pays the  
191 licensure renewal fee specified in s. 458.319. A licensee who  
192 renews a provisional license under this paragraph is eligible  
193 for full licensure when the licensee is no longer under  
194 discipline, investigation, or prosecution.

195 (9) Physicians who obtain a provisional license by  
196 endorsement by qualifying under subparagraph (1)(j)1. need not  
197 maintain employment with that entity as a condition of  
198 licensure.

199 (10) The board may adopt rules to implement this section.

200 Section 2. This act shall take effect July 1, 2023.