

By Senator Rodriguez

40-01427A-23

2023956__

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

40-01427A-23

2023956__

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,

40-01427A-23

2023956__

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 of
68 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.

40-01427A-23

2023956__

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 care
97 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

40-01427A-23

2023956__

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

40-01427A-23

2023956__

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 for
150 licensure.

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 it
171 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

40-01427A-23

2023956__

175 revoked or suspended, and a provisional license by endorsement
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.