

By the Committee on Health Policy; and Senators Young and Mayfield

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1 A bill to be entitled
2 An act relating to medical specialties; creating s.
3 456.0291, F.S.; requiring the Department of Health to
4 issue a certificate authorizing recognizing agencies
5 to grant certain licensed physicians formal
6 recognition as specialists in a particular area if the
7 recognizing agency submits a completed application to
8 the department and meets specified requirements;
9 authorizing the Board of Medicine and the Board of
10 Osteopathic Medicine to adopt rules to implement the
11 certificate process; providing that a physician who
12 meets certain criteria may advertise himself or
13 herself as a board-certified specialist; amending ss.
14 458.3312 and 459.0152, F.S.; providing that a
15 physician may not hold himself or herself out as a
16 board-certified specialist unless the physician has
17 received formal recognition as a specialist from
18 specified entities or a recognizing agency that has
19 received a certificate issued by the department;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 456.0291, Florida Statutes, is created
25 to read:

26 456.0291 Recognizing agency certificate.-

27 (1) The department shall issue a certificate authorizing a
28 recognizing agency to grant physicians licensed under chapters
29 458 and 459 formal recognition as specialists in a particular

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30 area within the practice of medicine, if the recognizing agency
31 submits a complete registration application containing the
32 recognizing agency's legal name, mailing address, telephone
33 number, and business location; the particular area within the
34 practice of medicine in which the agency will recognize a
35 physician as a specialist; the requirements the agency will
36 impose for a physician to be eligible to receive formal
37 recognition as a specialist; and the amount of any fee charged
38 to a physician to apply for, receive, and maintain formal
39 recognition as a specialist from the agency.

40 (2) The department shall approve an application for a
41 recognizing agency certificate within 60 business days after
42 receipt of the completed application if the recognizing agency
43 meets all of the following requirements:

44 (a) It is an independent body that certifies members as
45 having advanced qualifications in a particular allopathic or
46 osteopathic medical specialty through peer-reviewed
47 demonstrations of competence in the specialty being recognized.

48 (b) It requires successful completion of a comprehensive
49 examination administered by the recognizing agency pursuant to
50 written procedures that ensure adequate security and appropriate
51 grading standards.

52 (c) It has been determined by the Internal Revenue Service
53 of the United States to be a legitimate nonprofit entity
54 pursuant to s. 501(c)(3) of the Internal Revenue Code.

55 (d) It has full-time administrative staff housed in
56 dedicated office space that is appropriate for the agency's
57 program and sufficient for responding to consumer or regulatory
58 inquiries.

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59 (e) It has written by-laws, a code of ethics to guide the
60 practice of its members, and an internal review and control
61 process, including budgetary practices, to ensure effective use
62 of resources.

63 (f) It does not mandate that physicians who receive initial
64 certification from the recognizing agency undergo a maintenance
65 of certification process that involves a periodic testing
66 regimen, proprietary self-assessment, or peer evaluation in
67 order to retain certification, other than the continuing medical
68 education hours required for recertification under paragraph
69 (h).

70 (g) It does not charge more than \$500 every 2 years for
71 recertification.

72 (h) It requires, at a minimum, a specified number of
73 continuing medical education hours in the physician's area of
74 specialty for recertification.

75 (i) It has a practice improvement program to encourage
76 continued improvement within medical practice. The program must
77 focus on recent scientific developments, improved patient
78 safety, improved patient or population health outcomes, improved
79 access to health care, improved patient experience, and
80 increased value to the health care system. The program must
81 require physician participation in practice improvement programs
82 within the context of the health care team and system of
83 practice.

84 (3) The Board of Medicine and the Board of Osteopathic
85 Medicine may adopt rules to implement this section. These rules
86 may impose additional requirements on applicants for a
87 recognizing agency certificate.

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88 (4) A physician who holds a current board certification
89 from a recognizing agency approved by the board pursuant to
90 department rules may advertise himself or herself as a board-
91 certified specialist.

92 Section 2. Section 458.3312, Florida Statutes, is amended
93 to read:

94 458.3312 Specialties.—A physician licensed under this
95 chapter may not hold himself or herself out as a board-certified
96 specialist unless the physician has received formal recognition
97 as a specialist from a specialty board of the American Board of
98 Medical Specialties or other recognizing agency that has
99 received a certificate issued ~~been approved~~ by the department in
100 accordance with s. 456.0291 ~~board~~. However, a physician may
101 indicate the services offered and may state that his or her
102 practice is limited to one or more types of services when this
103 accurately reflects the scope of practice of the physician. A
104 physician may not hold himself or herself out as a board-
105 certified specialist in dermatology unless the recognizing
106 agency, whether authorized in statute or by rule, is triennially
107 reviewed and reauthorized by the Board of Medicine.

108 Section 3. Section 459.0152, Florida Statutes, is amended
109 to read:

110 459.0152 Specialties.—An osteopathic physician licensed
111 under this chapter may not hold himself or herself out as a
112 board-certified specialist unless he or she ~~the osteopathic~~
113 ~~physician~~ has successfully completed the requirements for
114 certification by the American Osteopathic Association or the
115 Accreditation Council on Graduate Medical Education or ~~and~~ is
116 certified as a specialist by a recognizing ~~certifying~~ agency

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117 that has received a certificate issued ~~approved~~ by the
118 department in accordance with s. 456.0291 ~~board~~. However, an
119 osteopathic physician may indicate the services offered and may
120 state that his or her practice is limited to one or more types
121 of services when this accurately reflects the scope of practice
122 of the osteopathic physician.

123 Section 4. This act shall take effect July 1, 2018.

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