

By Senator Perry

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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
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 prohibiting licensure if a restricted licensee
9 breaches the terms of an employment contract; creating
10 s. 458.3105, F.S.; establishing a registration program
11 for volunteer retired physicians; providing
12 eligibility criteria for such registration; requiring
13 biennial renewal of registration; authorizing the
14 Department of Health to waive certain fees;
15 authorizing the Board of Medicine to deny or revoke
16 registration for noncompliance with certain
17 requirements; amending s. 458.311, F.S.; revising the
18 physician licensure criteria applicable to Canadian
19 applicants; amending s. 458.319, F.S.; requiring the
20 department to waive a physician's license renewal fee
21 under certain circumstances; creating s. 459.00751,
22 F.S.; providing legislative intent; authorizing the
23 Board of Osteopathic Medicine to issue a restricted
24 license to qualified applicants; providing eligibility
25 criteria for such license; prohibiting licensure if a
26 restricted licensee breaches the terms of an
27 employment contract; creating s. 459.00752, F.S.;
28 establishing a registration program for volunteer
29 retired osteopathic physicians; providing eligibility

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30 criteria for such registration; requiring biennial
31 renewal of registration; authorizing the Department of
32 Health to waive certain fees; authorizing the Board of
33 Osteopathic Medicine to deny or revoke registration
34 for noncompliance with certain requirements; amending
35 s. 459.008, F.S.; requiring the department to waive an
36 osteopathic physician's license renewal fee under
37 certain circumstances; amending s. 766.1115, F.S.;
38 revising the definition of the term "low-income" for
39 purposes of the Access to Health Care Act; providing
40 an effective date.

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

43
44 Section 1. Subsection (6) of section 456.013, Florida
45 Statutes, is republished, and subsection (9) of that section is
46 amended, to read:

47 456.013 Department; general licensing provisions.—

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

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

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

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

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

112 458.310 Restricted licenses.—

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

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117 hold active, unencumbered licenses to practice medicine in
118 Canada if such applicants annually to up to 100 persons to
119 practice medicine in this state who:

120 (a) Submit to the department a completed application form
121 and a nonrefundable application fee not to exceed \$50;

122 (b) ~~(a)~~ Meet the requirements of s. 458.311(1)(b), (c), (d),
123 and (g). However, a Canadian applicant shall satisfy the
124 requirement of s. 458.311(1)(g) by providing the board with a
125 printed or electronic copy of his or her Canadian criminal
126 history records check;

127 (c) ~~(b)~~ Show evidence of the active licensed practice of
128 medicine in another jurisdiction for at least 2 years of the
129 immediately preceding 4 years, or completion of board-approved
130 postgraduate training within the year preceding the filing of an
131 application; and

132 (d) ~~(c)~~ Enter into a contract to practice for a period of up
133 to 36 ~~24~~ months ~~solely~~ in the employ of the state, ~~or~~ a
134 federally funded community health center, or a migrant health
135 center; a free clinic that delivers only medical diagnostic
136 services or nonsurgical medical treatment free of charge to all
137 low-income residents; or a health care provider in a health
138 professional shortage area or medically underserved area,
139 designated by the United States Department of Health and Human
140 Services, ~~at the current salary level for that position.~~ The
141 board ~~may of Medicine shall~~ designate other areas of critical
142 need in the state where these restricted licensees may 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 the physician:

152 (a) Submits an application to the board on a form developed
153 by the department within 2 years after the date on which the
154 physician's license changed from active status to retired
155 status;

156 (b) Provides proof to the department that the physician
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 status 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; and

171 (f) Only provides medical services of the type and within
172 the specialty performed by the physician prior to retirement,
173 and does not perform surgery or prescribe a controlled substance
174 as defined in s. 893.02(4).

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175 (2) The registrant shall 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 the application fee,
179 licensure fee, and unlicensed activity fee for qualifying
180 applicants under this section.

181 (4) The board may deny or revoke registration for
182 noncompliance with this section.

183 Section 4. Paragraph (h) of subsection (1) of section
184 458.311, Florida Statutes, is amended to read:

185 458.311 Licensure by examination; requirements; fees.—

186 (1) Any person desiring to be licensed as a physician, who
187 does not hold a valid license in any state, shall apply to the
188 department on forms furnished by the department. The department
189 shall license each applicant who the board certifies:

190 (h) Has obtained a passing score, as established by rule of
191 the board, on the licensure examination of the United States
192 Medical Licensing Examination (USMLE); or a combination of the
193 United States Medical Licensing Examination (USMLE), the
194 examination of the Federation of State Medical Boards of the
195 United States, Inc. (FLEX), or the examination of the National
196 Board of Medical Examiners up to the year 2000; or for the
197 purpose of examination of any applicant who was licensed on the
198 basis of a state board examination and who is currently licensed
199 in at least one other jurisdiction of the United States ~~or~~
200 ~~Canada~~, and who has practiced pursuant to such licensure for a
201 period of at least 10 years or for the purpose of examination of
202 any applicant who holds an active, unencumbered license to
203 practice medicine in Canada, use of the Special Purpose

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204 Examination of the Federation of State Medical Boards of the
205 United States (SPEX) upon receipt of a passing score as
206 established by rule of the board. However, for the purpose of
207 examination of any applicant who was licensed on the basis of a
208 state board examination prior to 1974, who is currently licensed
209 in at least three other jurisdictions of the United States or
210 Canada, and who has practiced pursuant to such licensure for a
211 period of at least 20 years, this paragraph does not apply.

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

214 458.319 Renewal of license.—

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

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233 license. "Actively practiced medicine" means that practice of
234 medicine by physicians, including those employed by any
235 governmental entity in community or public health, as defined by
236 this chapter, including physicians practicing administrative
237 medicine. An applicant for a renewed license must also submit
238 the information required under s. 456.039 to the department on a
239 form and under procedures specified by the department, along
240 with payment in an amount equal to the costs incurred by the
241 Department of Health for the statewide criminal background check
242 of the applicant. The applicant must submit a set of
243 fingerprints to the Department of Health on a form and under
244 procedures specified by the department, along with payment in an
245 amount equal to the costs incurred by the department for a
246 national criminal background check of the applicant for the
247 initial renewal of his or her license after January 1, 2000. If
248 the applicant fails to submit either the information required
249 under s. 456.039 or a set of fingerprints to the department as
250 required by this section, the department shall issue a notice of
251 noncompliance, and the applicant will be given 30 additional
252 days to comply. If the applicant fails to comply within 30 days
253 after the notice of noncompliance is issued, the department or
254 board, as appropriate, may issue a citation to the applicant and
255 may fine the applicant up to \$50 for each day that the applicant
256 is not in compliance with the requirements of s. 456.039. The
257 citation must clearly state that the applicant may choose, in
258 lieu of accepting the citation, to follow the procedure under s.
259 456.073. If the applicant disputes the matter in the citation,
260 the procedures set forth in s. 456.073 must be followed.
261 However, if the applicant does not dispute the matter in the

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262 citation with the department within 30 days after the citation
263 is served, the citation becomes a final order and constitutes
264 discipline. Service of a citation may be made by personal
265 service or certified mail, restricted delivery, to the subject
266 at the applicant's last known address. If an applicant has
267 submitted fingerprints to the department for a national criminal
268 history check upon initial licensure and is renewing his or her
269 license for the first time, then the applicant need only submit
270 the information and fee required for a statewide criminal
271 history check.

272 Section 6. Section 459.00751, Florida Statutes, is created
273 to read:

274 459.00751 Restricted licenses.—

275 (1) It is the intent of the Legislature to provide medical
276 services to all residents of this state at an affordable cost.

277 (2) The board may annually issue restricted licenses
278 authorizing the practice of osteopathic medicine in this state
279 to not more than 300 persons and to an unlimited number of
280 osteopathic physicians who hold active, unencumbered licenses to
281 practice medicine in Canada if such applicants:

282 (a) Submit to the department a completed application form
283 and a nonrefundable application fee not to exceed \$50;

284 (b) Meet the requirements of s. 459.0055(1)(b), (c), (d),
285 (e), (f), (g), and (j). However, a Canadian applicant shall
286 satisfy the requirement of s. 459.0055(1)(j) by providing the
287 board with a printed or electronic copy of his or her Canadian
288 criminal history records check;

289 (c) Provide proof to the department that the osteopathic
290 physician has held an active license to practice osteopathic

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291 medicine and maintained such license in good standing in this
292 state or in at least one other jurisdiction of the United States
293 or Canada for at least 2 of the immediately preceding 4 years,
294 or completed board-approved postgraduate training within the
295 year immediately preceding the filing of an application; and

296 (d) Enter into a contract to practice osteopathic medicine
297 for a period of up to 36 months in the employ of the state, a
298 federally funded community health center, or a migrant health
299 center; a free clinic that delivers only medical diagnostic
300 services or nonsurgical medical treatment free of charge to all
301 low-income residents; or a health care provider in a health
302 professional shortage area or medically underserved area
303 designated by the United States Department of Health and Human
304 Services. The board may designate other areas of critical need
305 in the state where these restricted licensees may practice.

306 (3) Before the end of the contracted practice period, the
307 osteopathic physician must take and successfully complete the
308 licensure examination under s. 459.0055 to become fully licensed
309 in this state.

310 (4) If the restricted licensee breaches the terms of the
311 employment contract, he or she may not be licensed as an
312 osteopathic physician in this state under any licensing
313 provisions.

314 Section 7. Section 459.00752, Florida Statutes, is created
315 to read:

316 459.00752 Registration of volunteer retired osteopathic
317 physicians.-

318 (1) An osteopathic physician may register under this
319 section to practice medicine as a volunteer retired osteopathic

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320 physician if the osteopathic physician:

321 (a) Submits an application to the board on a form developed
322 by the department no earlier than 6 months before the date on
323 which the osteopathic physician's license permanently expires
324 and no later than 2 years after such expiration;

325 (b) Has held an active license to practice osteopathic
326 medicine and maintained such license in good standing in this
327 state or in at least one other jurisdiction of the United States
328 or Canada for at least 20 years;

329 (c) Contracts with a health care provider to provide free,
330 volunteer health care services to indigent persons or medically
331 underserved populations in health professional shortage areas or
332 medically underserved areas designated by the United States
333 Department of Health and Human Services;

334 (d) Works under the supervision of a nonretired osteopathic
335 physician who holds an active, unencumbered license; and

336 (e) Only provides medical services of the type and within
337 the specialty performed by the osteopathic physician prior to
338 retirement, and does not perform surgery or prescribe controlled
339 substances as defined in s. 893.02(4).

340 (2) The registrant shall apply biennially to the board for
341 renewal of his or her registration by demonstrating to the board
342 compliance with this section.

343 (3) The department shall waive the application fee,
344 licensure fee, and unlicensed activity fee for qualifying
345 applicants under this section.

346 (4) The board may deny or revoke registration for
347 noncompliance with this section.

348 Section 8. Subsection (1) of section 459.008, Florida

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349 Statutes, is amended to read:

350 459.008 Renewal of licenses and certificates.—

351 (1) The department shall renew a license or certificate
352 upon receipt of the renewal application and fee. If the licensee
353 demonstrates to the department that he or she has provided at
354 least 160 hours of pro bono osteopathic medical services to
355 indigent persons or medically underserved populations within the
356 biennial renewal period, the department shall waive the renewal
357 fee. An applicant for a renewed license must also submit the
358 information required under s. 456.039 to the department on a
359 form and under procedures specified by the department, along
360 with payment in an amount equal to the costs incurred by the
361 department ~~of Health~~ for the statewide criminal background check
362 of the applicant. The applicant must submit a set of
363 fingerprints to the Department of Health on a form and under
364 procedures specified by the department, along with payment in an
365 amount equal to the costs incurred by the department for a
366 national criminal background check of the applicant for the
367 initial renewal of his or her license after January 1, 2000. If
368 the applicant fails to submit either the information required
369 under s. 456.039 or a set of fingerprints to the department as
370 required by this section, the department shall issue a notice of
371 noncompliance, and the applicant will be given 30 additional
372 days to comply. If the applicant fails to comply within 30 days
373 after the notice of noncompliance is issued, the department or
374 board, as appropriate, may issue a citation to the applicant and
375 may fine the applicant up to \$50 for each day that the applicant
376 is not in compliance with the requirements of s. 456.039. The
377 citation must clearly state that the applicant may choose, in

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378 lieu of accepting the citation, to follow the procedure under s.
379 456.073. If the applicant disputes the matter in the citation,
380 the procedures set forth in s. 456.073 must be followed.
381 However, if the applicant does not dispute the matter in the
382 citation with the department within 30 days after the citation
383 is served, the citation becomes a final order and constitutes
384 discipline. Service of a citation may be made by personal
385 service or certified mail, restricted delivery, to the subject
386 at the applicant's last known address. If an applicant has
387 submitted fingerprints to the department for a national criminal
388 history check upon initial licensure and is renewing his or her
389 license for the first time, then the applicant need only submit
390 the information and fee required for a statewide criminal
391 history check.

392 Section 9. Paragraph (e) of subsection (3) of section
393 766.1115, Florida Statutes, is amended to read:

394 766.1115 Health care providers; creation of agency
395 relationship with governmental contractors.—

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

397 (e) "Low-income" means:

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

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

403 3. Any client of the department who voluntarily chooses to
404 participate in a program offered or approved by the department
405 and meets the program eligibility guidelines of the department.

406 Section 10. This act shall take effect July 1, 2017.