

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 and osteopathic physicians who provide a
5 certain number of hours of pro bono services from
6 continuing education requirements; amending s.
7 458.310, F.S.; revising the eligibility criteria for a
8 restricted license; creating s. 458.3105, F.S.;
9 establishing a registration program for volunteer
10 retired physicians; providing eligibility criteria for
11 such registration; requiring biennial registration
12 renewal; requiring the Department of Health to waive
13 certain fees; authorizing the Board of Medicine to
14 deny, revoke, or impose restrictions or conditions on
15 a registration for certain violations and
16 noncompliance; amending s. 458.311, F.S.; revising the
17 physician licensure criteria for Canadian applicants;
18 amending s. 458.319, F.S.; requiring the department to
19 waive a physician's license renewal fee under certain
20 circumstances; deleting an obsolete date; creating s.
21 459.00751, F.S.; providing legislative intent;
22 authorizing the Board of Osteopathic Medicine to issue
23 a restricted license to qualified applicants;
24 providing eligibility criteria for such license;
25 requiring a restricted licensee to take and

26 | successfully complete a specified licensure
27 | examination to become fully licensed; prohibiting
28 | licensure if a restricted licensee breaches the terms
29 | of an employment contract; creating s. 459.00752,
30 | F.S.; establishing a registration program for
31 | volunteer retired osteopathic physicians; providing
32 | eligibility criteria for such registration; requiring
33 | biennial registration renewal; requiring the
34 | Department of Health to waive certain fees;
35 | authorizing the Board of Osteopathic Medicine to deny,
36 | revoke, or impose restrictions or conditions on a
37 | registration for certain violations or noncompliance;
38 | amending s. 459.008, F.S.; requiring the department to
39 | waive an osteopathic physician's license or
40 | certificate renewal fee under certain circumstances;
41 | deleting an obsolete date; amending s. 766.1115, F.S.;
42 | revising the definition of the term "low-income" for
43 | purposes of the Access to Health Care Act; providing
44 | an effective date.

45 |
46 | Be It Enacted by the Legislature of the State of Florida:

47 |
48 | Section 1. Subsections (6) and (9) of section 456.013,
49 | Florida Statutes, are amended to read:

50 | 456.013 Department; general licensing provisions.—

51 (6) As a condition of renewal of a license, the Board of
52 Medicine, the Board of Osteopathic Medicine, the Board of
53 Chiropractic Medicine, and the Board of Podiatric Medicine shall
54 each require licensees which they respectively regulate to
55 periodically demonstrate their professional competency by
56 completing at least 40 hours of continuing education every 2
57 years. The boards may require by rule that up to 1 hour of the
58 required 40 or more hours be in the area of risk management or
59 cost containment. This provision may ~~shall~~ not be construed to
60 limit the number of hours that a licensee may obtain in risk
61 management or cost containment to be credited toward satisfying
62 the 40 or more required hours. This provision may ~~shall~~ not be
63 construed to require the boards to impose any requirement on
64 licensees except for the completion of at least 40 hours of
65 continuing education every 2 years. Each of such boards shall
66 determine whether any specific continuing education requirements
67 not otherwise mandated by law shall be mandated and shall
68 approve criteria for, and the content of, any continuing
69 education mandated by such board. Notwithstanding any other
70 provision of law, the board, or the department when there is no
71 board, may approve by rule alternative methods of obtaining
72 continuing education credits in risk management. The alternative
73 methods may include attending a board meeting at which another
74 licensee is disciplined, serving as a volunteer expert witness
75 for the department in a disciplinary case, or serving as a

76 | member of a probable cause panel following the expiration of a
77 | board member's term. Other boards within the Division of Medical
78 | Quality Assurance, or the department if there is no board, may
79 | adopt rules granting continuing education hours in risk
80 | management for attending a board meeting at which another
81 | licensee is disciplined, for serving as a volunteer expert
82 | witness for the department in a disciplinary case, or for
83 | serving as a member of a probable cause panel following the
84 | expiration of a board member's term.

85 | (9) Any board that currently requires continuing education
86 | for renewal of a license, or the department if there is no
87 | board, shall adopt rules to establish the criteria for
88 | continuing education courses. The rules may provide that up to a
89 | maximum of 25 percent of the required continuing education hours
90 | can be fulfilled by the performance of pro bono services to the
91 | indigent or to underserved populations or in areas of critical
92 | need within the state where the licensee practices. However, a
93 | physician licensed under chapter 458 or an osteopathic physician
94 | licensed under chapter 459 who submits to the department
95 | documentation proving that he or she has completed at least 120
96 | hours of pro bono services within a biennial licensure period is
97 | exempt from the continuing education requirements established by
98 | board rule under subsection (6). The board, or the department if
99 | there is no board, must require that any pro bono services be
100 | approved in advance in order to receive credit for continuing

101 education under this subsection. The standard for determining
 102 indigency shall be that recognized by the Federal Poverty Income
 103 Guidelines produced by the United States Department of Health
 104 and Human Services. The rules may provide for approval by the
 105 board, or the department if there is no board, that a part of
 106 the continuing education hours can be fulfilled by performing
 107 research in critical need areas or for training leading to
 108 advanced professional certification. The board, or the
 109 department if there is no board, may make rules to define
 110 underserved and critical need areas. The department shall adopt
 111 rules for administering continuing education requirements
 112 adopted by the boards or the department if there is no board.

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

115 458.310 Restricted licenses.—

116 (2) The board ~~of Medicine~~ may annually, ~~by rule, develop~~
 117 ~~criteria and, without examination,~~ issue restricted licenses
 118 authorizing the practice of medicine in this state annually to
 119 up to 300 persons and to an unlimited number of physicians who
 120 hold active, unencumbered licenses to practice medicine in
 121 Canada if such applicants complete all of the following 100
 122 persons to practice medicine in this state who:

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

124 (b)-(a) Meet the requirements of s. 458.311(1)(b), (c),
 125 (d), and (g). A Canadian applicant must also provide the board

126 | with a printed or electronic copy of his or her fingerprint-
 127 | based, national Canadian criminal history records check,
 128 | conducted within 6 months after the date of application.†

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

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

145 | (3) Before the end of the contracted ~~24-month~~ practice
 146 | period, the restricted licensee ~~physician~~ must take and
 147 | successfully complete the licensure examination under s. 458.311
 148 | to become fully licensed in this state.

149 | Section 3. Section 458.3105, Florida Statutes, is created
 150 | to read:

151 458.3105 Registration of volunteer retired physicians.—

152 (1) A retired physician may register under this section to
153 practice medicine as a volunteer retired physician if he or she
154 completes all of the following:

155 (a) Submits an application to the board on a form
156 developed by the department within 2 years after the date on
157 which his or her license changed from active to retired status.

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

162 (c) Has held an active license to practice medicine and
163 maintained such license in good standing in this state or in at
164 least one other jurisdiction of the United States or Canada for
165 at least 20 years.

166 (d) Contracts with a health care provider to provide free,
167 volunteer medical services to indigent persons or medically
168 underserved populations in health professional shortage areas or
169 medically underserved areas designated by the United States
170 Department of Health and Human Services.

171 (e) Works under the supervision of a nonretired physician
172 who holds an active, unencumbered license.

173 (f) Only provides medical services of the type and within
174 the specialty that he or she performed before retirement and
175 does not perform surgery or prescribe a controlled substance as

176 defined in s. 893.02.

177 (2) The retired physician shall apply biennially to the
178 board for renewal of his or her registration by demonstrating to
179 the board compliance with this section.

180 (3) The department shall waive all application, licensure,
181 unlicensed activity, and renewal fees for qualifying retired
182 physicians under this section.

183 (4) The board may deny, revoke, or impose restrictions or
184 conditions on a registration for any violation of this chapter
185 or chapter 456 or rules adopted thereunder, or deny or revoke a
186 registration for noncompliance with this section.

187 Section 4. Paragraph (h) of subsection (1) of section
188 458.311, Florida Statutes, is amended to read:

189 458.311 Licensure by examination; requirements; fees.—

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

194 (h) Has obtained a passing score, as established by rule
195 of the board, on the licensure examination of the United States
196 Medical Licensing Examination (USMLE); or a combination of the
197 United States Medical Licensing Examination (USMLE), the
198 examination of the Federation of State Medical Boards of the
199 United States, Inc. (FLEX), or the examination of the National
200 Board of Medical Examiners up to the year 2000; or for the

201 purpose of examination of any applicant who was licensed on the
 202 basis of a state board examination and who is currently licensed
 203 in at least one other jurisdiction of the United States ~~or~~
 204 ~~Canada,~~ and who has practiced pursuant to such licensure for a
 205 period of at least 10 years, or any applicant who holds an
 206 active, unencumbered license to practice medicine in Canada and
 207 who has practiced pursuant to such licensure for a period of at
 208 least 10 years, 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 may ~~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
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. "Actively practiced medicine" means that
239 practice of medicine by physicians, including those employed by
240 any governmental entity in community or public health, as
241 defined by this chapter, including physicians practicing
242 administrative medicine. An applicant for a renewed license must
243 also submit the information required under s. 456.039 to the
244 department on a form and under procedures specified by the
245 department, along with payment in an amount equal to the costs
246 incurred by the Department of Health for the statewide criminal
247 background check of the applicant. The applicant must submit a
248 set of fingerprints to the Department of Health on a form and
249 under procedures specified by the department, along with payment
250 in an amount equal to the costs incurred by the department for a

251 national criminal background check of the applicant for the
252 initial renewal of his or her license ~~after January 1, 2000~~. If
253 the applicant fails to submit either the information required
254 under s. 456.039 or a set of fingerprints to the department as
255 required by this section, the department shall issue a notice of
256 noncompliance, and the applicant will be given 30 additional
257 days to comply. If the applicant fails to comply within 30 days
258 after the notice of noncompliance is issued, the department or
259 board, as appropriate, may issue a citation to the applicant and
260 may fine the applicant up to \$50 for each day that the applicant
261 is not in compliance with the requirements of s. 456.039. The
262 citation must clearly state that the applicant may choose, in
263 lieu of accepting the citation, to follow the procedure under s.
264 456.073. If the applicant disputes the matter in the citation,
265 the procedures set forth in s. 456.073 must be followed.
266 However, if the applicant does not dispute the matter in the
267 citation with the department within 30 days after the citation
268 is served, the citation becomes a final order and constitutes
269 discipline. Service of a citation may be made by personal
270 service or certified mail, restricted delivery, to the subject
271 at the applicant's last known address. If an applicant has
272 submitted fingerprints to the department for a national criminal
273 history check upon initial licensure and is renewing his or her
274 license for the first time, then the applicant need only submit
275 the information and fee required for a statewide criminal

276 history check.

277 Section 6. Section 459.00751, Florida Statutes, is created
278 to read:

279 459.00751 Restricted licenses.—

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

282 (2) The board may annually issue restricted licenses
283 authorizing the practice of osteopathic medicine in this state
284 to up to 300 persons and to an unlimited number of osteopathic
285 physicians who hold active, unencumbered licenses to practice
286 osteopathic medicine in Canada if such applicants complete all
287 of the following:

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

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

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

299 (d) Enter into a contract to practice osteopathic medicine
300 for a period of up to 36 months in the employ of the state, a

301 federally funded community health center, or a migrant health
302 center; a free clinic that delivers only medical diagnostic
303 services or nonsurgical medical treatment free of charge to all
304 low-income residents; or a health care provider in a health
305 professional shortage area or medically underserved area
306 designated by the United States Department of Health and Human
307 Services. The board may designate other areas of critical need
308 in the state where these restricted licensees may practice.

309 (3) Before the end of the contracted practice period, the
310 restricted licensee must take and successfully complete the
311 licensure examination under s. 459.0055 to become fully licensed
312 in this state.

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

317 Section 7. Section 459.00752, Florida Statutes, is created
318 to read:

319 459.00752 Registration of volunteer retired osteopathic
320 physicians.—

321 (1) A retired osteopathic physician may register under
322 this section to practice osteopathic medicine as a volunteer
323 retired osteopathic physician if he or she completes all of the
324 following:

325 (a) Submits an application to the board on a form

326 developed by the department no earlier than 6 months before the
327 date on which his or her license permanently expires and no
328 later than 2 years after such expiration.

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

333 (c) Has held an active license to practice osteopathic
334 medicine and maintained such license in good standing in this
335 state or in at least one other jurisdiction of the United States
336 or Canada for at least 20 years.

337 (d) Contracts with a health care provider to provide free,
338 volunteer medical services to indigent persons or medically
339 underserved populations in health professional shortage areas or
340 medically underserved areas designated by the United States
341 Department of Health and Human Services.

342 (e) Works under the supervision of a nonretired
343 osteopathic physician who holds an active, unencumbered license.

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

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

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

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

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

360 459.008 Renewal of licenses and certificates.—

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

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

401 submitted fingerprints to the department for a national criminal
402 history check upon initial licensure and is renewing his or her
403 license for the first time, then the applicant need only submit
404 the information and fee required for a statewide criminal
405 history check.

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

408 766.1115 Health care providers; creation of agency
409 relationship with governmental contractors.—

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

411 (e) "Low-income" means:

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

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

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

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