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H 821 GENERAL BILL/CS/1ST ENG by Regulatory Reform; Morse; Kelly; Simon (Compare CS/CS/CS/1ST ENG/H 336, CS/H 1448, CS/S 48, CS/CS/S 587, CS/S 1121)
Foreign Physicians/Licensure; provides for issuance of 2-year restricted license to certain applicants; provides requirements; provides for supervised practice; provides requirements for issuance of unrestricted license; provides for rules; creates Physician Training T.F; provides for loans for physician training; provides for interest rates; provides repayment period; prohibits certain fees; prohibits state liability for defaulted loans, etc. Amends 458.311. Appropriation: \$1,063,927. Effective Date: 07/03/89.

03/15/89 HOUSE Prefiled
03/22/89 HOUSE Referred to Regulatory Reform; Appropriations
04/04/89 HOUSE Introduced, referred to Regulatory Reform; Appropriations -HJ 80
04/10/89 HOUSE On Committee agenda—Regulatory Reform, 04/12/89, 1:15 pm, 21-HOB—For ratification of referral to subcommittee
04/12/89 HOUSE Subreferred to Subcommittee on Professional Regulation
04/14/89 HOUSE On subcommittee agenda—Regulatory Reform, 04/18/89, 8:30 am, 21-HOB
04/18/89 HOUSE Subcommittee Recommendation: Favorable with 2 amendments
04/21/89 HOUSE On Committee agenda—Regulatory Reform, 04/25/89, 3:45 pm, 21-HOB
04/25/89 HOUSE Preliminary Committee Action by Regulatory Reform: Favorable as a CS
05/04/89 HOUSE Comm. Report: CS by Regulatory Reform -HJ 407; CS read first time -HJ 404; Now in Appropriations -HJ 407
05/12/89 HOUSE On Committee agenda—Appropriations, 05/16/89, 8:00 am, 21-HOB
05/16/89 HOUSE Preliminary Committee Action by Appropriations: Favorable with 3 amendments
05/24/89 HOUSE Comm. Report: Favorable with 3 amendment(s) by Appropriations, placed on Calendar -HJ 630
05/25/89 HOUSE Placed on Special Order Calendar; Read second time; Amendments adopted -HJ 654; Read third time; CS passed as amended; YEAS 105 NAYS 4 -HJ 655
05/26/89 SENATE In Messages
05/30/89 SENATE Received, referred to Economic, Professional and Utility Regulation; Appropriations -SJ 565
06/02/89 SENATE Withdrawn from Economic, Professional and Utility Regulation; Appropriations; Substituted for CS/SB 48; CS passed; YEAS 36 NAYS 0 -SJ 892
06/02/89 Ordered enrolled
06/20/89 Signed by Officers and presented to Governor
07/03/89 Approved by Governor; Chapter No. 89-266; See also CS/CS/CS/HB 336 (Ch. 89-167)

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

AS PASSED BY THE 1989 LEGISLATURE

STORAGE NAME: H0821s-f.rr
 DATE: July 11, 1989

HOUSE OF REPRESENTATIVES
 COMMITTEE ON REGULATORY REFORM
 FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS\HB 821

RELATING TO: Medical Practice

SPONSOR(S): Regulatory Reform and Representatives Morse, Kelly, Simon

EFFECTIVE DATE: July 1, 1989, or upon becoming a law, whichever occurs later.

DATE BECAME LAW: July 3, 1989

CHAPTER #: 89-266 Laws of Florida

COMPANION BILL(S): SB 48

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
 (2)

I. SUMMARY:

The bill provides method of obtaining licensure as a physician to practice medicine for certain applicants who are seeking political asylum in the United States.

A. PRESENT SITUATION:

Chapter 458, Florida Statutes, requires any person desiring to be licensed to apply to the Department of Professional Regulation to take the licensure examination. The Board of Medicine certifies the applicant: .

1. has completed the application form and paid the nonrefundable fee plus the actual per applicant cost.
2. is 21 years of age.
3. is of good moral character.
4. has not committed any offense in any jurisdiction which would constitute the basis for disciplining a physician.
5. for medical graduates after October 1, 1992, have completed the equivalent of 2 academic years of preprofessional, postsecondary education as determined by the board.
6. meets the various medical education and post graduate training requirements and has completed an approved residency of at least 1 year.

Graduates from foreign medical schools and physicians licensed in

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foreign countries have additional requirements to meet and in some cases are required to have resided in Florida for at least 3 years immediately preceding application and successfully completed the Educational Commission for Foreign Medical Graduates Examination, or Foreign Medical Graduate Examination in the Medical Sciences or successfully completed a course for physician training developed by the University of Miami.

B. Section-By-Section Analysis:

Section 1. Provides a mechanism for foreign physicians to apply for licensure if the applicant is from a country in the Western Hemisphere that does not have full diplomatic status with the United States at the time of application.

The Board of Medicine will be required to verify the applicants medical education and that the medical education was substantially similar to United States requirements at the time of the applicants graduation. The applicant will have had to practiced medicine in a foreign country for a period of 1 year prior to residing in the United States and has lawful employment authority to work in the United States.

Upon board certification of the requirements and successful completion of the Federation of State Medical Boards of the United States, Inc. examination (FLEX), the applicant would be issued a 2-year restricted license allowing the holder to practice medicine for the first year under the direct supervision of a physician in an active primary care satellite of one of the states three medical colleges or the Osteopathic School of Medicine.

After demonstration of clinical competency and recommendation of the supervising physician to the board that the holder of the restricted license has practice for 1 year under direct supervision, the holder of the license will the work for 1 year under general supervision in a state or county institution or an area of critical need.

At the end of the 1 year of work under general supervision, the second year of the 2 year restricted license, the licenseholder will be granted an unrestricted license when the board determines that the licenseholder has satisfactorily completed all of the requirements of subsection (10) and has not committed any act or is under investigation for any act that would constitute a violation of Chapter 458.

The board would have to promulgate the rules necessary to carry out the provisions of this act no later than January 1, 1990.

Section 2. Establishes a Physician's Training Trust Fund to be administered by the Board of Medicine, for the purpose of providing loans for no more than 100 qualified applicants. Loans shall be \$10,000 per year for a maximum of 1 year. Simple interest is to be charged and the repayment period shall not exceed 10 years. Repayments are to be deposited into the General

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Revenue Fund.

Section 3. Provides a one-time appropriation of \$1.0 million from General Revenue to the Physician Training Trust Fund for FY 89-90, and makes any appropriation contingent upon enactment of HB 336, or other similar legislation.

Section 4. Appropriates \$63,927 from the Professional Regulation Trust Fund to the Department of Professional Regulation, for the purpose of administering the provisions in section 1.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

EXPENDITURES:

Department of Professional
Regulation

Expenses	\$ 10,000	\$ 0
Operating Capital Outlay (OCO)	3,107	0
Total	\$ 13,107	\$ 0

2. Recurring or Annualized Continuation Effects:

EXPENDITURES:

Department of Professional
Regulation

Salaries and Benefits (2 FTE)	39,594	41,574
Expenses	11,226	11,787
Total	\$ 50,820	\$ 53,361

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

EXPENDITURES:

Professional Regulation Trust Fund	63,927	53,361
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REVENUES:

Professional Regulation Trust Fund	280,000	40,000
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B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

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3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

Three amendments were adopted by the Full Committee on Appropriations providing for: the establishment of a Physician Training loan program and Physician Training Trust Fund; a one-time appropriation of \$1.0 million from General Revenue to the Physician Training Trust Fund; and adequate funding for the provisions of section 1.

III. LONG RANGE CONSEQUENCES:

None

IV. COMMENTS:

Current estimate of the number of foreign physicians residing in the State of Florida that would be eligible under this bill is a minimum of 300, but could be as high as 400. There are 310 physicians registered with the Nicaraguan Medical Association in Exile, Inc.; 160 are general practitioners and 150 are specialists.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:



Jim Cordero

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:



Patrick L. "Booter" Imhof

Staff Director:

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APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: _____

BILL NO. CS/SB 48DATE: May 19, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Masterton</u>	<u>Krasovsky</u>	1. <u>EPUR</u>	<u>Fav/CS</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Licensure of Physicians

BILL NO. AND SPONSOR: CS/SB 48 by EPUR Committee, Senator Ros-Lehtinen and others

I. SUMMARY:

A. Present Situation:

Chapter 458, Florida Statutes, provides for the regulation of physicians by the Board of Medicine within the Department of Professional Regulation. The statute sets forth education, experience, and examination requirements for licensure to practice medicine in Florida. Generally, to be eligible for the licensure examination, an applicant must have graduated from an accredited allopathic medical school and have completed a one-year approved residency. The licensure examination recognized by the department is the Federation of State Medical Boards of the United States, Inc. (FLEX) examination.

If an applicant is a graduate of a foreign medical school registered with the World Health Organization and certified pursuant to chapter 458, F.S., as meeting standards equivalent to the standards of an accredited United States medical school, he is eligible for licensure upon demonstrating competency in English, completing a one year residency, and passing the FLEX examination. If the applicant graduated from a foreign medical school not certified in accordance with the chapter, then the applicant's credentials must be evaluated by the Educational Commission on Foreign Medical Graduates (ECFMG), the applicant must hold an active valid certificate issued by that commission, the applicant must have passed the Foreign Medical Graduate Examination in the Medical Sciences or the Educational Commission for Foreign Medical Graduates Examination, and the applicant must have passed the FLEX exam. In addition, prior to October 1, 1992, the applicant must have completed a one year residency or, after October 1, 1992, must have completed a three year residency in a specialty area.

However, until October 1, 1991, a graduate of a foreign medical school need not meet the certificate and examination requirements of alternative three above if: he completed undergraduate work in a United States institution of higher education; studied at a medical school recognized by the World Health Organization; completed all but the internship requirement of the foreign medical school and passed part I of the National Board of Medical Examiners for Foreign Medical Graduates examination; and, completed a year of supervised clinical training in a hospital affiliated with an American Medical Association approved medical school and passed part II of the National Board of Medical Examiners examination or the ECFMG equivalent. However, such applicants must still have passed the FLEX examination.

In addition, chapter 458, F.S., provides for the issuance of a restricted license to graduates of medical schools located in a Western Hemisphere country which does not maintain diplomatic relations with the United States. Generally, this provision

applies to Cuban physicians. Requirements for issuance of the restricted license include: completion of a medical education substantially similar to approved United States medical programs; Florida residency for at least 3 years before applying for licensure; the practice of medicine in the country from which the applicant immigrated and lawful immigration status in the United States; successful completion of the ECFMG examination or the Foreign Medical Graduate Examination in the Medical Sciences; successful completion of a course developed by the University of Miami for physician training or receipt of a diploma from a program for foreign physicians established under a 1974 Florida law; and passage of the Florida Board Examination. The board has interpreted this examination to be the FLEX examination. Holders of restricted licenses may practice only under the supervision of a licensed Florida physician for the first year, may practice under general supervision for the second year, and if they successfully complete 2 years of practice under supervision shall be issued an unrestricted license to practice medicine. The provision for the issuance of a restricted license repeals on October 1, 1991.

B. Effect of Proposed Changes:

The bill creates an additional avenue for licensure as a physician for graduates of World Health Organization recognized foreign medical institutions in Western Hemisphere countries which do not have full diplomatic status with the United States. Essentially, the provisions apply to exiled Nicaraguan physicians. Requirements for licensure under the bill are similar to the requirements for issuance of a restricted license to Cuban physicians currently in the law. The requirements include:

- having received a medical education substantially similar to an approved U.S. medical program;
- having practiced medicine in a foreign country for at least 1 year prior to residing in the United States and having lawful employment authority in the United States;
- having the applicant's medical education verified by the board;
- having successfully completed the ECFMG examination or the Foreign Medical Graduate Examination in the Medical Sciences or having successfully completed a University of Miami physician training course; and
- having successfully passed the FLEX examination.

The board is required to issue a two-year restricted license to an applicant meeting the above requirements. The physician may then practice medicine for one year under the direct supervision of a board-approved physician in a satellite facility of a state medical college. After satisfactory practice under direct supervision for one year, the licensee must work for an additional year under general supervision at a governmental institution or area of critical need. Upon satisfactory completion of the two years of supervised experience, the department is required to issue an unrestricted license to practice medicine to the physician.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Foreign physicians eligible for licensure under the bill will incur the regulatory costs associated with licensure. However, these costs should be offset by their ability to earn a living

practicing medicine, from which they would be precluded absent the bill's provisions.

B. Government:

The Department of Professional Regulation estimates the following expenditures to implement the examination and licensure provisions:

1st Year Non-recurring Costs \$13,107

Recurring Costs

FY 89-90	\$50,820
FY 90-91	53,361
FY 91-92	56,028

DPR also estimates the following revenue from the issuance of an additional estimated 400 licenses:

FY 89-90	\$280,000
FY 90-91	40,000
FY 91-92	80,000

Revenue estimates are based on a \$100 application fee, a \$500 examination fee, and a \$200 two-year license fee.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 48

The committee substitute:

Eliminates the appropriation from General Revenue.

Provides for the issuance of a 2 year restricted license, which requires the licenseholder to practice successfully under supervision in a state medical school and government institutions, before an unrestricted license may be issued.

Provides that to be eligible for licensure under the bill's provisions the applicant: must have applied by July 1, 1992; have graduated from a World Health Organization recognized school in a country that did not have full diplomatic status with the United States, rather than a country that had expelled the U. S. Ambassador; have had his medical education verified by the Florida Board of Medicine; and have completed a University of Miami physician training course.

Eliminates the Florida residency requirement.

Committee on Economic, Professional and
Utility Regulation


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)