

By the Committee on Banking and Insurance; and Senator Garcia

597-04003-13

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1 A bill to be entitled

2 An act relating to temporary certificates for visiting
3 physicians; amending s. 458.3137, F.S.; providing that
4 a physician who has been invited by certain medical or
5 surgical training programs or educational symposiums
6 may be issued a temporary certificate for limited
7 privileges solely to provide educational training;
8 modifying criteria; revising the requirements for
9 proof of medical malpractice insurance; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 458.3137, Florida Statutes, is amended
15 to read:

16 458.3137 Temporary certificate for visiting physicians to
17 obtain medical privileges for instructional purposes in
18 conjunction with certain plastic surgery or other medical or
19 surgical training programs and ~~plastic surgery~~ educational
20 symposiums.-

21 (1) A ~~any~~ physician who has been invited by ~~both~~:

22 (a) A plastic surgery or other medical or surgical training
23 program ~~that is~~ affiliated with a medical school in ~~within~~ this
24 state which ~~that~~ is accredited by the Accreditation Council for
25 Graduate Medical Education or the American Osteopathic
26 Association or which is part of a teaching hospital as defined
27 in s. 408.07; or and

28 (b) An educational symposium cosponsored by the American
29 Society of Plastic Surgeons, the Plastic Surgery Educational

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30 Foundation, ~~or~~ the American Society for Aesthetic Plastic
31 Surgery, or any other medical or surgical society in conjunction
32 with a medical school or teaching hospital as defined in s.
33 408.07,

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35 may be issued a temporary certificate for limited privileges
36 solely for purposes of providing educational training in plastic
37 surgery or other medical or surgical procedures, as appropriate,
38 in accordance with the restrictions set forth in this section.

39 (2) A temporary certificate to practice medicine for
40 educational purposes to help teach plastic surgery or other
41 medical or surgical procedures to residents in a training
42 program affiliated with a medical school that is accredited by
43 the Accreditation Council for Graduate Medical Education or the
44 American Osteopathic Association or that is part of a teaching
45 hospital, or to residents of a medical school within this state
46 in conjunction with a nationally sponsored educational symposium
47 or an educational symposium held by a state medical school or
48 teaching hospital, may be issued without examination, upon
49 verification by the board that the individual ~~meets all of the~~
50 ~~following requirements:~~

51 (a) Is a graduate of an accredited medical school or its
52 equivalent or is a graduate of a foreign medical school listed
53 with the World Health Organization.

54 (b) Holds a valid and unencumbered license to practice
55 medicine in another state or country.

56 (c) Is a recognized expert in a specific area of plastic
57 surgery or another field of medicine or surgery, as demonstrated
58 by peer-reviewed publications, invited lectureships, and

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59 academic affiliations.

60 (d) Has completed an application form adopted by the board
61 and remitted a nonrefundable application fee not to exceed \$300.

62 (e) Has not committed an act in this or any other
63 jurisdiction that would constitute a basis for disciplining a
64 physician under s. 456.072 or s. 458.331.

65 (f) Meets the financial responsibility requirements of s.
66 458.320(1) or (2).

67 (g) Is applying only in connection with a training program
68 or an educational symposium as described in subsection (1) ~~both~~
69 ~~a medical school within this state that is accredited by the~~
70 ~~Accreditation Council for Graduate Medical Education and an~~
71 ~~educational symposium sponsored by the American Society of~~
72 ~~Plastic Surgeons, the Plastic Surgery Educational Foundation, or~~
73 ~~the American Society for Aesthetic Plastic Surgery.~~

74 (3) A temporary certificate issued under this section is
75 valid for up to 5 ~~no more than 3~~ days per year, and ~~such~~
76 ~~certificate~~ expires 1 year after issuance.

77 (4) The department may ~~shall~~ not issue more than 12 ~~six~~
78 temporary certificates for a single educational symposium under
79 this section ~~per calendar year~~.

80 (5) In order for a physician who is a graduate of a foreign
81 medical school and holds a valid and unencumbered license to
82 practice medicine in another country but does not hold a license
83 to practice medicine in this or another state to obtain a
84 temporary certificate under this section, the organization
85 sponsoring the educational symposium must pay for any medical
86 judgments incurred by that physician by obtaining a surety bond
87 issued by a surety company authorized to do business in this

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88 state, by ~~or~~ establishing a certificate of deposit or a
89 guaranteed letter of credit with a licensed and insured bank or
90 savings institution located in the state, or by providing proof
91 that the physician is covered under a teaching hospital's or
92 medical school's medical malpractice insurance. The amount of
93 the bond, certificate of deposit, or guaranteed letter of credit
94 must ~~shall~~ be at least ~~an amount not less than~~ \$250,000.

95 (6) A physician applying under this section is exempt from
96 the requirements of ss. 456.039-456.046. All other provisions of
97 chapter 456 and this chapter apply.

98 (7) The board may ~~shall~~ not issue a temporary certificate
99 for practice to any physician who is under investigation in
100 another jurisdiction for an act that would constitute a
101 violation of this chapter or chapter 456 until such time as the
102 investigation is complete and the physician is found innocent of
103 all charges.

104 Section 2. This act shall take effect July 1, 2013.