

COMPREHENSIVE RULES REVIEW

Below are rules that have been identified as needing to be amended or repealed because of various issues with statutory authority or obsolescence.

64B8-1.006 Notices.

In addition to the requirements of section 458.319(3), F.S., each person holding a license issued pursuant to chapter 458, F.S., must maintain on file with the Board of Medicine the current address at which any notice required by law may be served by the Board or its agent. Within ~~45~~ 60-days of changing this address, whether or not within this state, the licensee shall notify the Board in writing of the new address at which the licensee may be served with notices or other documents. The written notification to the Board may be made electronically.

Rulemaking Authority 458.309 FS. Law Implemented 456.035(1), 458.319(3) FS. History—New 2-21-93, Formerly 21M-18.018, 61F6-18.018, Amended 12-22-96, Formerly 59R-1.018, Amended 11-20-01

Suggest updating to a lower time period, as update should be sooner than 60 days to be consistent with the statutes. May also consider full repeal.

Practitioner profiling statute provides as follows...

456.039 Designated health care professionals; information required for licensure.—

(1) Each person who applies for initial licensure or license renewal as a physician under chapter 458, chapter 459, chapter 460, or chapter 461, except a person applying for registration pursuant to ss. 458.345 and 459.021, must furnish the following information to the department at the time of application or in conjunction with the renewal of such license under procedures adopted by the department and in addition to any other information that may be required from the applicant:

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1).

See also...

456.035 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee’s current mailing address and place of practice, as defined by rule of the board or the department if there is no board. Electronic notification shall be allowed by the department; however, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department. A licensee’s failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

64B8-2.001 Definitions.

(1) Levels of Supervision:

(a) “Direct supervision” shall require the physical presence of the supervising licensee on the premises. ~~so that the supervising licensee is reasonably available as needed. When this term is used in probationary terms of a Final Order, it requires that the licensee practice medicine only if the approved supervisor is on the premises.~~

(b) “Indirect supervision” shall require only that the supervising licensee practice at a location which is within close physical proximity of the practice location of the supervised licensee and that the supervising licensee must be readily available for consultation as needed. “Close physical proximity” shall be within 20 miles or 30 minutes unless otherwise authorized by the Board.

(c) “Immediate Supervision” shall require physical presence of the supervising licensee in the same room as the supervised licensee. When this term is used in probationary terms of a Final Order, it requires that the licensee perform certain procedures only if the approved supervisor is in the same room as the supervised licensee.

(d) Unless otherwise provided by law or rule, the above definitions will apply to all supervised licensees.

~~(2) The phrase “military service of the United States” as used in section 458.313(3), F.S., shall mean the following:~~

~~Serving as a commissioned medical officer in the Army, Navy, Marines, Air Force, Coast Guard, or U.S. Public Health Service.~~

(3) The “areas of critical needs,” “areas of critical medical need,” and “medically underserved areas” as used in sections 458.315(1) and 458.317(1)(d), F.S., respectively, shall include but not be limited to the following:

(a) Areas designated by the Department of Health and Human Services as health manpower shortage areas;

(b) State mental institutions;

(c) State institutions for the mentally retarded, or

(d) State prison....

Paragraph (1)(a) uses the terminology “reasonably available as necessary”. There is a concern that this is overly vague. Recommended removing that language.

Paragraph (2) This citation does not match to language suggest removing definition as it is fully covered by statutes. Recommend repeal of language.

64B8-4.008 Authorization for Release of Information.

~~Each applicant for licensure shall submit at the time of filing the application an executed authorization and release on a form supplied by the Department, requesting and directing the inspection and furnishing to the Department and Board, or any of its authorized representatives, of all relevant documents, records or other information pertaining to the applicant.~~

The form referenced in this rule does not exist. Recommended repeal.

64B8-4.025 Licensure Under Supervision.

Unless otherwise approved by the Board or its designee, or addressed by Board Order, the following are provisions applicable to Orders rendered by the Board when an applicant is certified for licensure but said licensure is restricted or conditioned in such a manner as to require a period of practice under supervision of another licensee approved by the Board.

(1) The applicant's license shall not be issued until a supervisor is approved by the Board or its designee. However, unless provided otherwise in the Board's Order, the person who is certified for licensure must have a supervisor approved within 12 months of the date the Board certifies the applicant for licensure. If the person certified for licensure does not obtain an approved supervisor within that 12 month period, the certification for licensure expires and the person must reapply for licensure.....

~~(8) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date.~~

10-29-19, 11-16-20, 12-7-21.

Sunset language needs to be removed.

64B8-6.001 Unlicensed Physician; Definition of.

~~An unlicensed physician is a person holding a degree as a medical doctor or its equivalent, but not licensed by the Board of Medicine. For the purpose of administering this rule chapter, such unlicensed physicians shall embrace and include resident physicians, assistant resident physicians, house physicians, interns, or fellows in fellowship training which leads to subspecialty board certification or in fellowship training in a teaching hospital in this state as defined in Section 408.07(46) or 395.805(2), F.S., as these terms are hereinafter defined.~~

~~*Rulemaking Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History New 3-31-80, Formerly 21M-23.01, Amended 1-31-90, Formerly 21M-23.001, 61F6-23.001, 59R-6.001, Amended 11-4-13.*~~

**This does not seem necessary to define "unlicensed physician."
Recommend repeal.**

64B8-6.010 Prescribing by Registered Interns, Residents, and Fellows.

~~(1) Resident physicians, interns, or fellows employed by a hospital and engaged in an accredited training program complying with the provisions of Section 458.345, F.S., may in the normal course of their employment prescribe medicinal drugs described in schedules set out in Chapter 893, F.S.~~

~~(2) Each resident physician, intern, or fellow authorized by this rule to prescribe medicinal drugs shall utilize the Department issued registration number as his or her prescriber number. Any prescription written by such resident physician, intern, or fellow shall have the registration/prescriber number printed thereon.~~

Rulemaking Authority 458.309, 458.345 FS. Law Implemented 458.345, 458.303(1)(d) FS. History—New 8-2-83, Amended 1-16-84, Formerly 21M-23.10, Amended 1-31-90, Formerly 21M-23.010, 61F6-23.010, 59R-6.010, Amended 4-6-99, 1-31-05.

Language is inconsistent with statute. See 458.345 below. Recommend repeal.

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital or teaching hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to such hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.