A bill to be entitled
An act relating to medical specialties; creating s. 456.0291, F.S.; requiring the Department of Health to issue a certificate authorizing recognizing agencies to grant certain licensed physicians formal recognition as specialists in a particular area if the recognizing agency submits a completed application to the department and meets specified requirements; authorizing the Board of Medicine and the Board of Osteopathic Medicine to adopt rules to implement the certificate process; providing that a physician who meets certain criteria may advertise himself or herself as a board-certified specialist; amending ss. 458.3312 and 459.0152, F.S.; providing that a physician may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from specified entities or a recognizing agency that has received a certificate issued by the department; providing an effective date.

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

Section 1. Section 456.0291, Florida Statutes, is created to read:

456.0291 Recognizing agency certificate.—
(1) The department shall issue a certificate authorizing a recognizing agency to grant physicians licensed under chapters 458 and 459 formal recognition as specialists in a particular...
area within the practice of medicine, if the recognizing agency submits a complete registration application containing the recognizing agency’s legal name, mailing address, telephone number, and business location; the particular area within the practice of medicine in which the agency will recognize a physician as a specialist; the requirements the agency will impose for a physician to be eligible to receive formal recognition as a specialist; and the amount of any fee charged to a physician to apply for, receive, and maintain formal recognition as a specialist from the agency.

(2) The department shall approve an application for a recognizing agency certificate within 60 business days after receipt of the completed application if the recognizing agency meets all of the following requirements:

(a) It is an independent body that certifies members as having advanced qualifications in a particular allopathic or osteopathic medical specialty through peer-reviewed demonstrations of competence in the specialty being recognized.

(b) It requires successful completion of a comprehensive examination administered by the recognizing agency pursuant to written procedures that ensure adequate security and appropriate grading standards.

(c) It has been determined by the Internal Revenue Service of the United States to be a legitimate nonprofit entity pursuant to s. 501(c)(3) of the Internal Revenue Code.

(d) It has full-time administrative staff housed in dedicated office space that is appropriate for the agency’s program and sufficient for responding to consumer or regulatory inquiries.
(e) It has written by-laws, a code of ethics to guide the practice of its members, and an internal review and control process, including budgetary practices, to ensure effective use of resources.

(f) It does not mandate that physicians who receive initial certification from the recognizing agency undergo a maintenance of certification process that involves a periodic testing regimen, proprietary self-assessment, or peer evaluation in order to retain certification, other than the continuing medical education hours required for recertification under paragraph (h).

(g) It does not charge more than $500 every 2 years for recertification.

(h) It requires, at a minimum, a specified number of continuing medical education hours in the physician’s area of specialty for recertification.

(i) It has a practice improvement program to encourage continued improvement within medical practice. The program must focus on recent scientific developments, improved patient safety, improved patient or population health outcomes, improved access to health care, improved patient experience, and increased value to the health care system. The program must require physician participation in practice improvement programs within the context of the health care team and system of practice.

(3) The Board of Medicine and the Board of Osteopathic Medicine may adopt rules to implement this section. These rules may impose additional requirements on applicants for a recognizing agency certificate.
(4) A physician who holds a current board certification from a recognizing agency approved by the board pursuant to department rules may advertise himself or herself as a board-certified specialist.

Section 2. Section 458.3312, Florida Statutes, is amended to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency that has received a certificate issued by the department in accordance with s. 456.0291 board. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician. A physician may not hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency, whether authorized in statute or by rule, is triennially reviewed and reauthorized by the Board of Medicine.

Section 3. Section 459.0152, Florida Statutes, is amended to read:

459.0152 Specialties.—An osteopathic physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless he or she the osteopathic physician has successfully completed the requirements for certification by the American Osteopathic Association or the Accreditation Council on Graduate Medical Education or and is certified as a specialist by a recognizing certifying agency.
that has received a certificate issued approved by the department in accordance with s. 456.0291 board. However, an osteopathic physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the osteopathic physician.

Section 4. This act shall take effect July 1, 2018.