

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

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(45) or s. 395.805(2), who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed \$300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute grounds for disciplinary action under s. 458.331 until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital or teaching hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training registered under this section shall designate a person who shall, on dates designated by the board, in consultation with the department, furnish the department with a list of such hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training in a hospital or teaching hospital of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed \$300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training registered under this section shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(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.

(7) Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

**History.**--ss. 1, 8, ch. 79-302; ss. 2, 3, ch. 81-318; ss. 25, 26, ch. 86-245; s. 28, ch. 88-1; s. 25, ch. 89-162; s. 12, ch. 89-374; s. 1, ch. 91-22; s. 4, ch. 91-429; s. 83, ch. 92-149; s. 25, ch. 97-264; s. 248, ch. 98-166; s. 39, ch. 2000-318; s. 22, ch. 2001-277; s. 6, ch. 2005-81.

## CHAPTER 64B8-6 REGISTRATION OF UNLICENSED PHYSICIANS

### **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 interns, resident physicians, assistant resident physicians, fellows in fellowship training which leads to subspecialty board certification, and house physicians as these terms are hereinafter defined.

*Specific 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.*

### **64B8-6.0015 Fellows; Definition of.**

The term "fellow," as used in Section 458.345, F.S., and this rule chapter, encompasses only persons in fellowship training which leads to subspecialty board certification by a specialty board of the American Board of Medical Specialties.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS., Section 12, Chapter 89-374, Laws of Florida. History--New 1-31-90, Formerly 21M-23.0015, 61F6-23.0015, 59R-6.0015.*

### **64B8-6.002 Intern; Definition of.**

An intern is a physician with a medical degree or its equivalent who is continuing his training. This training ordinarily follows immediately upon the completion of the four year medical curriculum. The term "intern" also means a first year resident or post graduate year one graduate.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History–New 3-31-80, Formerly 21M-23.02, 21M-23.002, 61F6-23.002, 59R-6.002.*

**64B8-6.003 Intern; Duties of.**

An internship consists of the supervised care of patients in a hospital and in its out-patient department, with continued instruction in the science and art of medicine by the hospital staff. The physician-student is given the opportunity to put into practice the principles of preventive medicine, diagnosis, therapy, and patient management which he learned as a medical student. He is able to observe patients on an “around the clock” basis and can follow patients from admission to discharge and subsequently in the out-patient department. Under the supervision of the attending staff, he is given progressively increasing responsibility to the end that he acquires confidence in his own clinical judgment. For the training to be approved, the internship must be approved by the Council on Medical Education and Hospitals of the American Medical Association.

*Specific Authority 458.309, 458.311(1)(c), 458.345 FS. Law Implemented 458.311(1)(c), 458.345 FS. History–New 3-31-80, Formerly 21M-23.03, 21M-23.003, 61F6-23.003, 59R-6.003.*

**64B8-6.004 Resident Physician and Assistant Resident Physician; Definition of.**

A resident physician is one who has completed an internship and is engaged in a program of training designed to increase his knowledge of the clinical disciplines of medicine, surgery, or any of the other special fields which provide advanced training in preparation for the practice of a specialty. In the first year following the internship, the person is usually referred to as an assistant resident physician. In the second year, he is usually referred to as a resident physician.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History–New 3-31-80, Formerly 21M-23.04, 21M-23.004, 61F6-23.004, 59R-6.004.- 277*

**64B8-6.005 Resident Physician and Assistant Resident Physician; Duties of.**

An assistant resident or resident physician participates in an organized graduate educational program in which he has daily contact with patients and assumes increasing responsibility for their care under the supervision of the attending staff of the hospital. The assumption of responsibility is a most important aspect of residency training. As each assistant resident or resident physician demonstrates increasing knowledge and ability, an increasing amount of reliance should be placed in his judgment in the diagnosis and in treatment of patients. He may also participate in the teaching of interns and medical students to an increasing extent. In surgery and surgical specialties, the assistant resident and resident physician should be given ample opportunity to perform major surgical procedures under direct supervision of qualified members of the professional staff of the hospital, particularly in the later stages of his training, in order that he may acquire surgical skill and judgment.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History–New 3-31-80, Formerly 21M-23.05, Amended 1-31-90, Formerly 21M-23.005, 61F6-23.005, 59R-6.005.*

#### **64B8-6.006 House Physician; Definition of.**

A house physician is a person who holds a degree as a medical doctor, or its equivalent, but who does not have and has never had a license to practice medicine in Florida and is employed and paid by a hospital.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History—New 3-31-80, Amended 1-3-85, Formerly 21M-23.06, 21M-23.006, 61F6-23.006, Amended 11-15-94, Formerly 59R-6.006.*

#### **64B8-6.007 House Physician; Duties of.**

The duties of a house physician are variable in different institutions but, in general, a house physician is to assist in conducting the professional work of the hospital by writing histories, doing and recording physical examinations, performing laboratory work, and such other functions as the medical staff feels are within the house physician's capabilities, such functions to be performed under the direct supervision of a physician who has an active Florida license to practice medicine. For purposes of this rule "direct supervision" means that the supervising physician must be physically present on the premises so that the supervising physician is immediately available when needed.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History—New 3-31-80, Amended 1-3-85, Formerly 21M-23.07, 21M-23.007, 61F6-23.007, 59R-6.007.*

#### **64B8-6.008 Unlicensed Physicians; Duties of Hospital.**

(1) Every hospital employing an unlicensed physician shall report this fact to the Department on January 1 and July 1 of each year on a form to be supplied by the Department.

(2) No hospital shall employ or utilize a house physician, resident physician, assistant resident physician, intern, or fellow in fellowship training leading to subspecialty board certification unless that person has a valid, active license or has registered or, when applicable, renewed registration as an unlicensed physician pursuant to Section 458.345, F.S.

(3) Each hospital making an adverse incident report as required by law shall identify any unlicensed physician involved in the adverse incident that is the basis of such report.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History—New 3-31-80, Formerly 21M-23.08, Amended 1-31-90, 9-11-90, Formerly 21M-23.008, Amended 11-4-93, Formerly 61F6-23.008, 59R-6.008, Amended 4-6-99.*

#### **64B8-6.009 Registration Mandatory; Unlicensed Physician.**

(1) Every unlicensed physician engaged or employed in the practice of medicine in a hospital in the State of Florida, where such practice is authorized by law, shall apply to be registered by the Department. The Department shall register any applicant the Board certifies as eligible.

(2) Registration automatically expires after 2 years without further action by the Board or the Department unless an application for renewal is approved by the Board. No person registered under Section 458.345, F.S., shall be employed or utilized as a house physician or act as a resident physician, assistant resident physician, intern, or fellow in fellowship training which leads to a subspecialty board certification by a hospital for more than 2 years unless that person has a valid, active license or has renewed registration pursuant to Section 458.345, F.S.

*Specific Authority 458.309, 458.345 FS. Law Implemented 458.345 FS. History—New 3-31-80, Formerly 21M-23.09, Amended 9-11-90, Formerly 21M-23.009, Amended 11-4-93, Formerly 61F6-23.009, 59R-6.009.*

**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.

*Specific 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.*