

By Senator Brown-Waite

10-1473B-98

1 A bill to be entitled
2 An act relating to rulemaking authority with
3 respect to health care professionals (RAB);
4 amending s. 455.707, F.S.; requiring that rules
5 of the Department of Health governing treatment
6 programs for impaired practitioners include
7 requirements for the continued care and
8 monitoring of a professional; amending s.
9 466.036, F.S.; authorizing the Department of
10 Health to require that an applicant for a
11 certificate to operate a dental laboratory
12 provide additional information; amending s.
13 467.006, F.S.; specifying a minimum age for
14 licensure as a midwife; amending s. 467.012,
15 F.S.; providing additional requirements for
16 continuing education programs for licensed
17 midwives; providing that a midwife may fulfill
18 a portion of the requirement for continuing
19 education by performing pro bono services;
20 providing recordkeeping requirements; providing
21 requirements for providers of continuing
22 education programs; amending s. 467.013, F.S.;
23 providing requirements for placing a license to
24 practice midwifery on inactive status and for
25 reactivating such a license; amending ss.
26 467.0135, 467.019, F.S.; providing for the
27 Department of Health to adopt rules with
28 respect to the payment of fees by midwives and
29 recordkeeping requirements; amending s.
30 491.007, F.S.; exempting a certified master
31 social worker from certain requirements for

1 continuing education; amending s. 491.0145,
2 F.S.; providing requirements for the
3 examination for designation as a certified
4 master social worker; authorizing the
5 department to adopt rules with respect to
6 certification requirements; providing an
7 effective date.

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

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11 Section 1. Subsection (1) of section 455.707, Florida
12 Statutes, is amended to read:

13 455.707 Treatment programs for impaired
14 practitioners.--

15 (1) For professions that do not have impaired
16 practitioner programs provided for in their practice acts, the
17 department shall, by rule, designate approved treatment
18 programs under this section. The department may adopt rules
19 setting forth appropriate criteria for approval of treatment
20 providers based on the policies and guidelines established by
21 the Impaired Practitioners Committee. The rules must specify
22 the manner in which the consultant works with the department
23 in intervention, requirements for evaluating and treating a
24 professional, and requirements for the continued care and
25 monitoring of a professional by the consultant at a
26 department-approved treatment provider. The department shall
27 not compel any impaired practitioner program in existence on
28 October 1, 1992, to serve additional professions.

29 Section 2. Section 466.036, Florida Statutes, is
30 amended to read:

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1 466.036 Information and periodic inspections
2 required.--The department may require from the applicant for a
3 registration certificate to operate a dental laboratory any
4 information necessary to carry out the purpose of this
5 chapter, including proof that the applicant has the equipment
6 and supplies necessary to operate as determined by rule of the
7 department,and shall require periodic inspection of all
8 dental laboratories operating in this state. Such inspections
9 shall include, but not be limited to, inspection of sanitary
10 conditions, equipment, supplies,and facilities on the
11 premises.

12 Section 3. Subsection (1) of section 467.006, Florida
13 Statutes, is amended to read:

14 467.006 Requirements to practice midwifery.--

15 (1) Any person who seeks to practice midwifery in this
16 state must be at least 21 years of age and must be licensed
17 pursuant to s. 464.012 or this chapter.

18 Section 4. Section 467.012, Florida Statutes, is
19 amended to read:

20 467.012 Renewal of license.--

21 (1) The department shall renew a license upon receipt
22 of the renewal application and fee, provided the applicant is
23 in compliance with the provisions of this chapter and rules
24 adopted under this chapter ~~promulgated hereunder.~~

25 (2) The department shall adopt rules establishing a
26 procedure for the biennial renewal of licenses.

27 (3) The department may by rule prescribe continuing
28 education requirements, not to exceed 20 hours biennially, as
29 a condition for renewal of a license. The criteria for
30 continuing education programs shall be approved by the
31 department. Any individual, institution, organization, or

1 agency that is approved by the department to provide
2 continuing education programs to midwives for the purpose of
3 license renewal must demonstrate that such programs comply
4 with the following criteria:

5 (a) The programs have clinical relevance to the
6 practice of midwifery;

7 (b) The programs are at least 1 clock hour in
8 duration;

9 (c) The programs have an organized structure with
10 objectives and expected outcomes; and

11 (d) Each presenter, instructor, or facilitator of
12 programs is a recognized professional, such as a physician,
13 nurse, certified nurse midwife, psychologist, or licensed
14 midwife.

15 (4) The department shall approve, through the adoption
16 of rules, continuing education programs that meet the criteria
17 of this section and have clinical relevance to the practice of
18 midwifery.

19 (5) A midwife licensed in this state who resides in
20 another state may obtain the continuing education credits
21 required for license renewal by attending a program approved
22 by the agency in the midwife's state of residence which
23 regulates the licensure of health care professionals in that
24 state if such program has clinical relevance to the practice
25 of midwifery.

26 (6) A licensed midwife may fulfill up to 5 hours of
27 continuing education credit by providing pro bono services for
28 indigent persons or underserved populations in areas of
29 critical need within the state.

30 (7) In order to authorize continuing education credit
31 for pro bono services, the department shall adopt rules

1 requiring that a licensee notify the department of his or her
2 intention of providing these services; the type, nature, and
3 extent of services to be rendered; the location where the
4 services will be rendered; the number of patients expected to
5 be served; and a statement indicating that the patients to be
6 served are indigent.

7 (8) Each midwife shall maintain documentation of pro
8 bono service for 4 years after the date the credits are used
9 as a basis for license renewal and shall submit a certified
10 copy of such documentation to the department upon request.

11 (9) The department shall audit the files of randomly
12 selected licensees to ensure compliance with this section and
13 with rules adopted under this section. The department may take
14 disciplinary action, as established by rule, against a
15 licensee who fails to maintain the required documentation or
16 who submits false or misleading information or documentation
17 to the department.

18 (10) Any individual, institution, organization, or
19 agency that seeks approval by the department for the purpose
20 of conducting continuing education programs for licensed
21 midwives must apply to the department. The department shall
22 issue a provider number to all approved providers, which
23 number must appear on all documents that relate to each
24 continuing education program conducted by the provider. A
25 provider's approved status remains in effect for the biennium
26 in which such status was granted by the department. The
27 department may renew a provider's approved status if the
28 provider meets the requirements established by the department
29 by rule. An approved provider shall maintain the following
30 records for each continuing education program for 4 years
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1 following the licensure biennium during which the program was
2 offered:

3 (a) A program outline that reflects the educational
4 objectives of the program;

5 (b) The instructor's name;

6 (c) The date and location of the program;

7 (d) The participants' evaluations of the program;

8 (e) The number of clock hours of credit awarded to
9 each participant; and

10 (f) A roster of participants by name and license
11 number.

12 (11) The approved provider of a continuing education
13 program shall certify the participation of any midwife who
14 completes the program by providing the midwife with a
15 certificate or comparable documentation verifying that the
16 midwife completed the program. The department shall adopt
17 rules that establish what the verification must contain.

18 (12) A presenter of a continuing education program may
19 receive the same amount of credit, on a one-time basis, as the
20 program participants. The presenter must have developed the
21 program, been in attendance for the entire program, and
22 received documentation of completion from the approved
23 provider. A licensee may receive up to three hours of
24 continuing education credit per biennium for presenting
25 programs.

26 (13) The department may audit or monitor programs and
27 review records and program materials given by any approved
28 provider. The department may rescind a provider's approved
29 status or reject an individual program given by a provider if
30 the program does not have clinical relevance to the practice
31 of midwifery, if any false or misleading information is

1 disseminated in connection with the continuing education
2 program, or if the provider fails to conform to and abide by
3 the conditions outlined in the application and rules of the
4 department.

5 Section 5. Section 467.013, Florida Statutes, is
6 amended to read:

7 467.013 Inactive status.--A licensee may request that
8 his or her license be placed in an inactive status by making
9 application to the department and paying a fee.

10 (1) An inactive license may be renewed for one
11 additional biennium upon application to the department and
12 payment of the applicable biennium renewal fee. The department
13 shall establish by rule procedures and fees for applying to
14 place a license on inactive status, renewing an inactive
15 license, and reactivating an inactive license. The fee for any
16 of these procedures may not exceed the biennial renewal fee
17 established by the department.

18 (2) Any license that is not renewed by the end of the
19 biennium established by the department automatically becomes
20 delinquent unless the licensee has applied for inactive
21 status. Such license may be reactivated only if the licensee
22 meets the requirements for reactivating the license
23 established by department rule.

24 (3) A midwife who desires to reactivate an inactive
25 license shall apply to the department, complete the
26 reactivation application, remit the applicable fees, and
27 submit proof of compliance with the requirements for
28 continuing education established by department rule.

29 (4) Each licensed midwife whose license has been
30 placed on inactive status for more than 1 year must complete
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1 continuing education hours as a condition of reactivating the
2 inactive license.

3 (5) The licensee shall submit to the department
4 evidence of participation in 10 hours of continuing education,
5 approved by the department and clinically related to the
6 practice of midwifery, for each year of the biennium in which
7 the license was inactive. This requirement is in addition to
8 submitting evidence of completing the continuing education
9 required for the most recent biennium in which the licensee
10 held an active license.

11 Section 6. Section 467.0135, Florida Statutes, is
12 amended to read:

13 467.0135 Fees.--The department shall establish fees
14 for application, examination, initial licensure, renewal of
15 licensure, licensure by endorsement, inactive status,
16 delinquent status, and reactivation of an inactive license.
17 The appropriate fee must be paid at the time of application
18 and is payable to the Department of Health, in accordance with
19 rules adopted by the department. A fee is nonrefundable,
20 unless otherwise provided by rule. A fee, ~~which~~ may not
21 exceed:

22 (1) Five hundred dollars for examination.

23 (2) Five hundred dollars for initial licensure.

24 (3) Five hundred dollars for renewal of licensure.

25 (4) Two hundred dollars for application, which fee is
26 nonrefundable.

27 (5) Five hundred dollars for reactivation of an
28 inactive license.

29 (6) Five hundred dollars for licensure by endorsement.
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1 A ~~No~~ fee for inactive status, reactivation of an inactive
2 license, or delinquency may not exceed the fee established by
3 the department for biennial renewal of an active license. All
4 fees collected under this section shall be deposited in the
5 Professional Regulation Trust Fund.

6 Section 7. Subsections (4), (5), (6), and (7) are
7 added to section 467.019, Florida Statutes, to read:

8 467.019 Records and reports.--

9 (4) The department shall adopt rules requiring that a
10 midwife keep a record of each patient served. Such record must
11 document, but need not be limited to, each consultation,
12 referral, transport, transfer of care, and emergency care
13 rendered by the midwife and must include all subsequent
14 updates and copy of the birth certificate. These records shall
15 be kept on file for a minimum of 5 years following the date of
16 the last entry in the records.

17 (5) Within 90 days after the death of a midwife, the
18 estate or agent shall place all patient records of the
19 deceased midwife in the care of another midwife licensed in
20 this state who shall ensure that each patient of the deceased
21 midwife is notified in writing.

22 (6) The department shall adopt rules to provide for
23 maintaining patient records of a deceased midwife or a midwife
24 who terminates or relocates a private practice.

25 (7) A licensed midwife who is or has been employed by
26 a practice or facility, such as a birth center, which
27 maintains patient records as records belonging to the facility
28 may review patient records on the premises of the practice or
29 facility as necessary for statistical purposes.

30 Section 8. Subsection (2) of section 491.007, Florida
31 Statutes, is amended to read:

1 491.007 Renewal of license, registration, or
2 certificate.--

3 (2) Each applicant for renewal shall present
4 satisfactory evidence that, in the period since the license or
5 certificate was issued, the applicant has completed continuing
6 education requirements set by rule of the board or department.
7 Not more than 25 classroom hours of continuing education per
8 year shall be required. A certified master social worker is
9 exempt from the continuing education requirements for the
10 first renewal of the certificate.

11 Section 9. Subsections (1) and (3) of section
12 491.0145, Florida Statutes, are amended to read:

13 491.0145 Certified master social worker.--The
14 department may certify an applicant for a designation as a
15 certified master social worker upon the following conditions:

16 (1) The applicant completes an application to be
17 provided by the department and pays a fee not to exceed \$250
18 to be established by rule of the department. The completed
19 application must be received by the department at least 60
20 days before the date of the examination in order for the
21 applicant to qualify to take the scheduled exam.

22 (3) The applicant has had at least 3 years'
23 experience, as defined by rule,including, but not limited to,
24 clinical services or administrative activities as defined in
25 subsection (2), 2 years of which must be at the post-master's
26 level under the supervision of a person who meets the
27 education and experience requirements for certification as a
28 certified master social worker, as defined by rule,or
29 licensure as a clinical social worker under this chapter. A
30 doctoral internship may be applied toward the supervision
31 requirement.

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Section 10. This act shall take effect July 1, 1998.

SENATE SUMMARY

Provides additional rulemaking authority to the Department of Health and various boards under its jurisdiction. Provides additional requirements for the rules governing the treatment programs for impaired practitioners. Provides additional requirements for licensed midwives. Provides for pro bono services by a licensed midwife to fulfill certain requirements for continuing education. Provides additional recordkeeping requirements for midwives. Authorizes the Department of Health to adopt rules governing the certification requirements for master social workers. (See bill for details.)