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2 An act relating to rulemaking authority with
3 respect to health care professionals (RAB);
4 amending s. 402.48, F.S.; requiring persons who
5 operate health care services pools to make
6 certain reports to the Department of Health;
7 authorizing the department to conduct
8 inspections; providing requirements for an
9 application for renewal of registration with
10 the department; authorizing the department to
11 adopt rules governing recordkeeping, personnel
12 procedures, and disciplinary sanctions;
13 amending s. 455.707, F.S.; requiring that rules
14 of the Department of Health governing treatment
15 programs for impaired practitioners include
16 requirements for the continued care and
17 monitoring of a professional; amending s.
18 466.036, F.S.; authorizing the Department of
19 Health to require that an applicant for a
20 certificate to operate a dental laboratory
21 provide additional information; amending s.
22 467.006, F.S.; specifying a minimum age for
23 licensure as a midwife; amending s. 467.012,
24 F.S.; providing additional requirements for
25 continuing education programs for licensed
26 midwives; providing that a midwife may fulfill
27 a portion of the requirement for continuing
28 education by performing pro bono services;
29 providing recordkeeping requirements; providing
30 requirements for providers of continuing
31 education programs; amending s. 467.013, F.S.;

1 providing requirements for placing a license to
2 practice midwifery on inactive status and for
3 reactivating such a license; amending ss.
4 467.0135, 467.019, F.S.; providing for the
5 Department of Health to adopt rules with
6 respect to the payment of fees by midwives and
7 recordkeeping requirements; amending s.
8 491.007, F.S.; exempting a certified master
9 social worker from certain requirements for
10 continuing education; amending s. 491.0145,
11 F.S.; providing requirements for the
12 examination for designation as a certified
13 master social worker; authorizing the
14 department to adopt rules with respect to
15 certification requirements; providing an
16 effective date.

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

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20 Section 1. Subsections (2), (4), and (9) of section
21 402.48, Florida Statutes, are amended to read:

22 402.48 Health care services pools.--

23 (2) Each person who operates a health care services
24 pool must register each separate business location with the
25 department. The department shall adopt rules and provide
26 forms required for such registration and shall impose a
27 registration fee in an amount sufficient to cover the cost of
28 administering this section. In addition, the registrant must
29 provide the department with any change of information
30 contained on the original registration application within 14
31 days after the change. The department may inspect the offices

1 of any health care services pool at any reasonable time for
2 the purpose of determining compliance with this section or the
3 rules adopted under this section.

4 (4) Each registration shall be for a period of 2
5 years. The application for renewal must be received by the
6 department at least 20 days before the expiration date of the
7 registration. A new registration is required upon the sale of
8 a controlling interest in a health care services pool.

9 (9) The department shall adopt rules to implement this
10 section, including rules providing for the establishment of:

11 (a) Minimum standards for the operation and
12 administration of health care personnel pools, including
13 procedures for recordkeeping and personnel.

14 (b) Fines for the violation of this section in an
15 amount not to exceed \$1,000 and suspension or revocation of
16 registration.

17 (c) Disciplinary sanctions for failure to comply with
18 this section or the rules adopted under this section.

19 Section 2. Subsection (1) of section 455.707, Florida
20 Statutes, is amended to read:

21 455.707 Treatment programs for impaired
22 practitioners.--

23 (1) For professions that do not have impaired
24 practitioner programs provided for in their practice acts, the
25 department shall, by rule, designate approved treatment
26 programs under this section. The department may adopt rules
27 setting forth appropriate criteria for approval of treatment
28 providers based on the policies and guidelines established by
29 the Impaired Practitioners Committee. The rules must specify
30 the manner in which the consultant works with the department
31 in intervention, requirements for evaluating and treating a

1 professional, and requirements for the continued care and
2 monitoring of a professional by the consultant at a
3 department-approved treatment provider. The department shall
4 not compel any impaired practitioner program in existence on
5 October 1, 1992, to serve additional professions.

6 Section 3. Section 466.036, Florida Statutes, is
7 amended to read:

8 466.036 Information and periodic inspections
9 required.--The department may require from the applicant for a
10 registration certificate to operate a dental laboratory any
11 information necessary to carry out the purpose of this
12 chapter, including proof that the applicant has the equipment
13 and supplies necessary to operate as determined by rule of the
14 department, and shall require periodic inspection of all
15 dental laboratories operating in this state. Such inspections
16 shall include, but not be limited to, inspection of sanitary
17 conditions, equipment, supplies, and facilities on the
18 premises. The department shall specify dental equipment and
19 supplies that are not permitted in a registered dental
20 laboratory.

21 Section 4. Subsection (1) of section 467.006, Florida
22 Statutes, is amended to read:

23 467.006 Requirements to practice midwifery.--

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

27 Section 5. Section 467.012, Florida Statutes, is
28 amended to read:

29 467.012 Renewal of license.--

30 (1) The department shall renew a license upon receipt
31 of the renewal application and fee, provided the applicant is

1 in compliance with the provisions of this chapter and rules
2 adopted under this chapter ~~promulgated hereunder~~.

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

5 (3) The department may by rule prescribe continuing
6 education requirements, not to exceed 20 hours biennially, as
7 a condition for renewal of a license. The criteria for
8 continuing education programs shall be approved by the
9 department. Any individual, institution, organization, or
10 agency that is approved by the department to provide
11 continuing education programs to midwives for the purpose of
12 license renewal must demonstrate that such programs comply
13 with the following criteria:

14 (a) The programs have clinical relevance to the
15 practice of midwifery;

16 (b) The programs are at least 1 clock hour in
17 duration;

18 (c) The programs have an organized structure with
19 objectives and expected outcomes; and

20 (d) Each presenter, instructor, or facilitator of
21 programs is a recognized professional, such as a physician,
22 nurse, certified nurse midwife, psychologist, or licensed
23 midwife.

24 (4) The department shall approve, through the adoption
25 of rules, continuing education programs that meet the criteria
26 of this section and have clinical relevance to the practice of
27 midwifery. Each midwife shall be required to affirm that he or
28 she has the applicable number of continuing education hours
29 for the reporting period as specified by the department.

30 (5) A midwife licensed in this state who resides in
31 another state may obtain the continuing education credits

1 required for license renewal by attending a program approved
2 by the agency in the midwife's state of residence which
3 regulates the licensure of health care professionals in that
4 state if such program has clinical relevance to the practice
5 of midwifery.

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

10 (7) In order to authorize continuing education credit
11 for pro bono services, the department shall adopt rules
12 requiring that a licensee notify the department of his or her
13 intention of providing these services; the type, nature, and
14 extent of services to be rendered; the location where the
15 services will be rendered; the number of patients expected to
16 be served; and a statement indicating that the patients to be
17 served are indigent.

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

22 (9) The department shall audit the files of randomly
23 selected licensees to ensure compliance with this section and
24 with rules adopted under this section. The department may take
25 disciplinary action, as established by rule, against a
26 licensee who fails to maintain the required documentation for
27 continuing education, patient records, and pro bono service or
28 who submits false or misleading information or documentation
29 to the department.

30 (10) Any individual, institution, organization, or
31 agency that seeks approval by the department for the purpose

1 of conducting continuing education programs for licensed
2 midwives must apply to the department. The department shall
3 issue a provider number to all approved providers, which
4 number must appear on all documents that relate to each
5 continuing education program conducted by the provider. A
6 provider's approved status remains in effect for the biennium
7 in which such status was granted by the department. The
8 department may renew a provider's approved status if the
9 provider meets the requirements established by the department
10 by rule. An approved provider shall maintain the following
11 records for each continuing education program for 4 years
12 following the licensure biennium during which the program was
13 offered:

14 (a) A program outline that reflects the educational
15 objectives of the program;

16 (b) The instructor's name;

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

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

19 (e) The number of clock hours of credit awarded to
20 each participant; and

21 (f) A roster of participants by name and license
22 number.

23 (11) The approved provider of a continuing education
24 program shall certify the participation of any midwife who
25 completes the program by providing the midwife with a
26 certificate or comparable documentation verifying that the
27 midwife completed the program. The department shall adopt
28 rules that establish what the verification must contain.

29 (12) A presenter of a continuing education program may
30 receive the same amount of credit, on a one-time basis, as the
31 program participants. The presenter must have developed the

1 program, been in attendance for the entire program, and
2 received documentation of completion from the approved
3 provider. A licensee may receive up to three hours of
4 continuing education credit per biennium for presenting
5 programs.

6 (13) The department may audit or monitor programs and
7 review records and program materials given by any approved
8 provider. The department may rescind a provider's approved
9 status or reject an individual program given by a provider if
10 the program does not have clinical relevance to the practice
11 of midwifery, if any false or misleading information is
12 disseminated in connection with the continuing education
13 program, or if the provider fails to conform to and abide by
14 the conditions outlined in the application and rules of the
15 department.

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

18 467.013 Inactive status.--A licensee may request that
19 his or her license be placed in an inactive status by making
20 application to the department and paying a fee.

21 (1) An inactive license may be renewed for one
22 additional biennium upon application to the department and
23 payment of the applicable biennium renewal fee. The department
24 shall establish by rule procedures and fees for applying to
25 place a license on inactive status, renewing an inactive
26 license, and reactivating an inactive license. The fee for any
27 of these procedures may not exceed the biennial renewal fee
28 established by the department.

29 (2) Any license that is not renewed by the end of the
30 biennium established by the department automatically reverts
31 to involuntary inactive status unless the licensee has applied

1 for voluntary inactive status. Such license may be reactivated
2 only if the licensee meets the requirements for reactivating
3 the license established by department rule.

4 (3) A midwife who desires to reactivate an inactive
5 license shall apply to the department, complete the
6 reactivation application, remit the applicable fees, and
7 submit proof of compliance with the requirements for
8 continuing education established by department rule.

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

13 (5) The licensee shall submit to the department
14 evidence of participation in 10 hours of continuing education,
15 approved by the department and clinically related to the
16 practice of midwifery, for each year of the biennium in which
17 the license was inactive. This requirement is in addition to
18 submitting evidence of completing the continuing education
19 required for the most recent biennium in which the licensee
20 held an active license.

21 Section 7. Section 467.0135, Florida Statutes, is
22 amended to read:

23 467.0135 Fees.--The department shall establish fees
24 for application, examination, initial licensure, renewal of
25 licensure, licensure by endorsement, inactive status,
26 delinquent status, and reactivation of an inactive license.
27 The appropriate fee must be paid at the time of application
28 and is payable to the Department of Health, in accordance with
29 rules adopted by the department. A fee is nonrefundable,
30 unless otherwise provided by rule. A fee, ~~which~~ may not
31 exceed:

- 1 (1) Five hundred dollars for examination.
2 (2) Five hundred dollars for initial licensure.
3 (3) Five hundred dollars for renewal of licensure.
4 (4) Two hundred dollars for application, which fee is
5 nonrefundable.
6 (5) Five hundred dollars for reactivation of an
7 inactive license.
8 (6) Five hundred dollars for licensure by endorsement.
9

10 ~~A No~~ fee for inactive status, reactivation of an inactive
11 license, or delinquency may not exceed the fee established by
12 the department for biennial renewal of an active license. All
13 fees collected under this section shall be deposited in the
14 Professional Regulation Trust Fund.

15 Section 8. Subsections (4), (5), (6), and (7) are
16 added to section 467.019, Florida Statutes, to read:

17 467.019 Records and reports.--

18 (4) The department shall adopt rules requiring that a
19 midwife keep a record of each patient served. Such record must
20 document, but need not be limited to, each consultation,
21 referral, transport, transfer of care, and emergency care
22 rendered by the midwife and must include all subsequent
23 updates and copy of the birth certificate. These records shall
24 be kept on file for a minimum of 5 years following the date of
25 the last entry in the records.

26 (5) Within 90 days after the death of a midwife, the
27 estate or agent shall place all patient records of the
28 deceased midwife in the care of another midwife licensed in
29 this state who shall ensure that each patient of the deceased
30 midwife is notified in writing. A midwife who terminates or
31 relocates to private practice outside the local telephone

1 directory service area of the midwife's current practice shall
2 provide notice to all patients as prescribed by department
3 rule.

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

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

12 Section 9. Subsection (2) of section 491.007, Florida
13 Statutes, is amended to read:

14 491.007 Renewal of license, registration, or
15 certificate.--

16 (2) Each applicant for renewal shall present
17 satisfactory evidence that, in the period since the license or
18 certificate was issued, the applicant has completed continuing
19 education requirements set by rule of the board or department.
20 Not more than 25 classroom hours of continuing education per
21 year shall be required. A certified master social worker is
22 exempt from the continuing education requirements for the
23 first renewal of the certificate.

24 Section 10. Subsections (1) and (3) of section
25 491.0145, Florida Statutes, are amended to read:

26 491.0145 Certified master social worker.--The
27 department may certify an applicant for a designation as a
28 certified master social worker upon the following conditions:

29 (1) The applicant completes an application to be
30 provided by the department and pays a fee not to exceed \$250
31 to be established by rule of the department. The completed

1 application must be received by the department at least 60
2 days before the date of the examination in order for the
3 applicant to qualify to take the scheduled exam.

4 (3) The applicant has had at least 3 years'
5 experience, as defined by rule, including, but not limited to,
6 clinical services or administrative activities as defined in
7 subsection (2), 2 years of which must be at the post-master's
8 level under the supervision of a person who meets the
9 education and experience requirements for certification as a
10 certified master social worker, as defined by rule, or
11 licensure as a clinical social worker under this chapter. A
12 doctoral internship may be applied toward the supervision
13 requirement.

14 Section 11. This act shall take effect July 1, 1998.
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