

Bill No. CS for SB 2128

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Silver moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 187, between lines 2 and 3,		
15			
16	insert:		
17	Section 242. Paragraph (g) of subsection (3) of		
18	section 20.43, Florida Statutes, is amended to read:		
19	20.43 Department of Health.--There is created a		
20	Department of Health.		
21	(3) The following divisions of the Department of		
22	Health are established:		
23	(g) Division of Medical Quality Assurance, which is		
24	responsible for the following boards and professions		
25	established within the division:		
26	1. Nursing assistants, as provided under s. 400.211.		
27	2. Health care services pools, as provided under s.		
28	402.48.		
29	3. The Board of Acupuncture, created under chapter		
30	457.		
31	4. The Board of Medicine, created under chapter 458.		

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- 1 5. The Board of Osteopathic Medicine, created under
- 2 chapter 459.
- 3 6. The Board of Chiropractic Medicine, created under
- 4 chapter 460.
- 5 7. The Board of Podiatric Medicine, created under
- 6 chapter 461.
- 7 8. Naturopathy, as provided under chapter 462.
- 8 9. The Board of Optometry, created under chapter 463.
- 9 10. The Board of Nursing, created under chapter 464.
- 10 11. The Board of Pharmacy, created under chapter 465.
- 11 12. The Board of Dentistry, created under chapter 466.
- 12 13. Midwifery, as provided under chapter 467.
- 13 14. The Board of Speech-Language Pathology and
- 14 Audiology, created under part I of chapter 468.
- 15 15. The Board of Nursing Home Administrators, created
- 16 under part II of chapter 468.
- 17 16. Occupational therapy, as provided under part III
- 18 of chapter 468.
- 19 17. Respiratory therapy, as provided under part V of
- 20 chapter 468.
- 21 18. Dietetics and nutrition practice, as provided
- 22 under part X of chapter 468.
- 23 19. Athletic trainers, as provided under part XIII ~~XIV~~
- 24 of chapter 468.
- 25 20. Electrolysis, as provided under chapter 478.
- 26 21. The Board of Massage Therapy, created under
- 27 chapter 480.
- 28 22. The Board of Clinical Laboratory Personnel,
- 29 created under part III of chapter 483.
- 30 23. Medical physicists, as provided under part IV of
- 31 chapter 483.

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1 24. The Board of Opticianry, created under part I of
2 chapter 484.

3 25. The Board of Hearing Aid Specialists, created
4 under part II of chapter 484.

5 26. The Board of Physical Therapy Practice, created
6 under chapter 486.

7 27. The Board of Psychology, created under chapter
8 490.

9 28. The Board of Clinical Social Work, Marriage and
10 Family Therapy, and Mental Health Counseling, created under
11 chapter 491.

12
13 The department may contract with the Agency for Health Care
14 Administration who shall provide consumer complaint,
15 investigative, and prosecutorial services required by the
16 Division of Medical Quality Assurance, councils, or boards, as
17 appropriate.

18 Section 243. Subsection (1) of section 322.125,
19 Florida Statutes, is amended to read:

20 322.125 Medical Advisory Board.--

21 (1) There shall be a Medical Advisory Board composed
22 of not fewer than 12 or more than 25 members, at least one of
23 whom must be 60 years of age or older and all but one of whose
24 medical and other specialties must relate to driving
25 abilities, which number must include a doctor of medicine who
26 is employed by the Department of Highway Safety and Motor
27 Vehicles in Tallahassee, who shall serve as administrative
28 officer for the board. The executive director of the
29 Department of Highway Safety and Motor Vehicles shall
30 recommend persons to serve as board members. Every member but
31 two must be a doctor of medicine licensed to practice medicine

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1 in this or any other state and must be a member in good
 2 standing of the Florida Medical Association or the Florida
 3 Osteopathic Association. One member must be an optometrist
 4 licensed to practice optometry in this state and must be a
 5 member in good standing of the Florida Optometric Association.
 6 One member must be a chiropractic physician ~~chiropractor~~
 7 licensed to practice chiropractic medicine in this state.
 8 Members shall be approved by the Cabinet and shall serve
 9 4-year staggered terms. The board membership must, to the
 10 maximum extent possible, consist of equal representation of
 11 the disciplines of the medical community treating the mental
 12 or physical disabilities that could affect the safe operation
 13 of motor vehicles.

14 Section 244. Subsection (1) of section 381.0031,
 15 Florida Statutes, is amended to read:

16 381.0031 Report of diseases of public health
 17 significance to department.--

18 (1) Any practitioner, licensed in Florida to practice
 19 medicine, osteopathic medicine, chiropractic medicine,
 20 naturopathy, or veterinary medicine, who diagnoses or suspects
 21 the existence of a disease of public health significance shall
 22 immediately report the fact to the Department of Health.

23 Section 245. Paragraph (b) of subsection (2) and
 24 subsection (5) of section 381.0302, Florida Statutes, are
 25 amended to read:

26 381.0302 Florida Health Services Corps.--

27 (2) As used in this section, the term:

28 (b) "Florida Health Services Corps" means a program
 29 authorized by this section which:

30 1. Offers scholarships to allopathic, osteopathic,
 31 chiropractic, podiatric, dental, physician assistant, and

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1 nursing students, and loan repayment assistance and travel and
2 relocation expenses to allopathic and osteopathic residents
3 and physicians, chiropractic physicians ~~chiropractors~~,
4 podiatrists, nurse practitioners, dentists, and physician
5 assistants, in return for service in a public health care
6 program or in a medically underserved area.

7 2. Offers membership on a voluntary basis to
8 physicians and other health care personnel who provide
9 uncompensated care.

10 (5) The department may award scholarships to students
11 studying medicine, osteopathic medicine, chiropractic
12 medicine, podiatric, nursing, or dentistry.

13 (a) The program shall require a student who receives a
14 scholarship to accept an assignment in a public health care
15 program or work in a specific community located in a medically
16 underserved area upon completion of primary care training.
17 The department shall determine assignments. If a practitioner
18 is assigned to a medically underserved area, the practitioner
19 must treat Medicaid patients and other patients with low
20 incomes.

21 (b) An eligible student must be pursuing a full-time
22 course of study in:

23 1. Allopathic or osteopathic medicine, including
24 physician assistants;

25 2. Dentistry;

26 3. Podiatric medicine;

27 4. Nursing, including registered nurses, nurse
28 midwives, and other nurse practitioners; or

29 5. Chiropractic medicine.

30 (c) In selecting students to participate in the
31 scholarship program, priority shall be given to students who

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1 indicate a desire to practice a primary care specialty in a
2 medically underserved area after their obligation is completed
3 and who indicate an intent to practice medical specialties for
4 which the department has a need.

5 (d) Scholarship assistance shall consist of
6 reimbursement for tuition and other educational costs such as
7 books, supplies, equipment, transportation, and monthly living
8 expense stipends. The department shall pay the same amount for
9 living expense stipends as is paid by the National Health
10 Services Corps. Each monthly living expense stipend shall be
11 for a 12-month period beginning with the first month of each
12 school year in which the student is a participant. The
13 department may reimburse a participant for books, supplies,
14 and equipment based on average costs incurred by participants
15 for these items. The department shall prescribe, by rule,
16 eligible expenses for reimbursement and allowable amounts.

17 (e) For an allopathic or osteopathic medical student,
18 enrollment in the corps may begin in the second year of
19 medical school or in any year thereafter. For a nursing
20 student or other student, enrollment may occur in any year.

21 (f) For a student who receives scholarship assistance,
22 participation in the corps after completion of training shall
23 be 1 year for each school year of scholarship assistance, up
24 to a maximum of 3 years. The period of obligated service
25 shall begin when the participant is assigned by the department
26 to a public health program or to a medically underserved area.

27 Section 246. Subsection (11) of section 382.002,
28 Florida Statutes, is amended to read:

29 382.002 Definitions.--As used in this chapter, the
30 term:

31 (11) "Physician" means a person authorized to practice

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1 medicine, osteopathic medicine, or chiropractic medicine
2 pursuant to chapter 458, chapter 459, or chapter 460.

3 Section 247. Section 395.0195, Florida Statutes, is
4 amended to read:

5 395.0195 Access of chiropractic physicians
6 ~~chiropractors~~ to diagnostic reports.--Each hospital shall set
7 standards and procedures which provide for reasonable access
8 by licensed chiropractic physicians ~~chiropractors~~ to the
9 reports of diagnostic X rays and laboratory tests of licensed
10 facilities, subject to the same standards and procedures as
11 other licensed physicians. However, this section does not
12 require a licensed facility to grant staff privileges to a
13 chiropractic physician ~~chiropractor~~.

14 Section 248. Paragraph (a) of subsection (1) of
15 section 415.1034, Florida Statutes, is amended to read:

16 415.1034 Mandatory reporting of abuse, neglect, or
17 exploitation of disabled adults or elderly persons; mandatory
18 reports of death.--

19 (1) MANDATORY REPORTING.--

20 (a) Any person, including, but not limited to, any:

21 1. Physician, osteopathic physician, medical examiner,
22 chiropractic physician ~~chiropractor~~, nurse, or hospital
23 personnel engaged in the admission, examination, care, or
24 treatment of disabled adults or elderly persons;

25 2. Health professional or mental health professional
26 other than one listed in subparagraph 1.;

27 3. Practitioner who relies solely on spiritual means
28 for healing;

29 4. Nursing home staff; assisted living facility staff;
30 adult day care center staff; adult family-care home staff;
31 social worker; or other professional adult care, residential,

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1 or institutional staff;

2 5. State, county, or municipal criminal justice
3 employee or law enforcement officer;

4 6. Human rights advocacy committee or long-term care
5 ombudsman council member; or

6 7. Bank, savings and loan, or credit union officer,
7 trustee, or employee,

8
9 who knows, or has reasonable cause to suspect, that a disabled
10 adult or an elderly person has been or is being abused,
11 neglected, or exploited shall immediately report such
12 knowledge or suspicion to the central abuse registry and
13 tracking system on the single statewide toll-free telephone
14 number.

15 Section 249. Paragraph (a) of subsection (1) of
16 section 415.504, Florida Statutes, is amended to read:

17 415.504 Mandatory reports of child abuse or neglect;
18 mandatory reports of death; central abuse hotline.--

19 (1) Any person, including, but not limited to, any:

20 (a) Physician, osteopathic physician, medical
21 examiner, chiropractic physician ~~chiropractor~~, nurse, or
22 hospital personnel engaged in the admission, examination,
23 care, or treatment of persons;

24
25 who knows, or has reasonable cause to suspect, that a child is
26 an abused, abandoned, or neglected child shall report such
27 knowledge or suspicion to the department in the manner
28 prescribed in subsection (2).

29 Section 250. Subsection (2) of section 440.106,
30 Florida Statutes, is amended to read:

31 440.106 Civil remedies; administrative penalties.--

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1 (2) Whenever a physician, osteopathic physician,
 2 chiropractic physician ~~chiropractor~~, podiatrist, or other
 3 practitioner is determined to have violated s. 440.105, the
 4 Board of Medicine as set forth in chapter 458, the Board of
 5 Osteopathic Medicine as set forth in chapter 459, the Board of
 6 Chiropractic Medicine as set forth in chapter 460, the Board
 7 of Podiatric Medicine as set forth in chapter 461, or other
 8 appropriate licensing authority, shall hold an administrative
 9 hearing to consider the imposition of administrative sanctions
 10 as provided by law against said physician, osteopathic
 11 physician, chiropractic physician ~~chiropractor~~, or other
 12 practitioner.

13 Section 251. Paragraph (r) of subsection (1) of
 14 section 440.13, Florida Statutes, is amended to read:

15 440.13 Medical services and supplies; penalty for
 16 violations; limitations.--

17 (1) DEFINITIONS.--As used in this section, the term:

18 (r) "Physician" or "doctor" means a physician licensed
 19 under chapter 458, an osteopathic physician licensed under
 20 chapter 459, a chiropractic physician ~~chiropractor~~ licensed
 21 under chapter 460, a podiatrist licensed under chapter 461, an
 22 optometrist licensed under chapter 463, or a dentist licensed
 23 under chapter 466, each of whom must be certified by the
 24 division as a health care provider.

25 Section 252. Paragraph (k) of subsection (1) of
 26 section 440.134, Florida Statutes, is amended to read:

27 440.134 Workers' compensation managed care
 28 arrangement.--

29 (1) As used in this section, the term:

30 (k) "Primary care provider" means, except in the case
 31 of emergency treatment, the initial treating physician and,

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1 when appropriate, continuing treating physician, who may be a
2 family practitioner, general practitioner, or internist
3 physician licensed under chapter 458; a family practitioner,
4 general practitioner, or internist osteopathic physician
5 licensed under chapter 459; a chiropractic physician
6 ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed
7 under chapter 461; an optometrist licensed under chapter 463;
8 or a dentist licensed under chapter 466.

9 Section 253. Paragraph (a) of subsection (3) of
10 section 440.15, Florida Statutes, is amended to read:

11 440.15 Compensation for disability.--Compensation for
12 disability shall be paid to the employee, subject to the
13 limits provided in s. 440.12(2), as follows:

14 (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

15 (a) Impairment benefits.--

16 1. Once the employee has reached the date of maximum
17 medical improvement, impairment benefits are due and payable
18 within 20 days after the carrier has knowledge of the
19 impairment.

20 2. The three-member panel, in cooperation with the
21 division, shall establish and use a uniform permanent
22 impairment rating schedule. This schedule must be based on
23 medically or scientifically demonstrable findings as well as
24 the systems and criteria set forth in the American Medical
25 Association's Guides to the Evaluation of Permanent
26 Impairment; the Snellen Charts, published by American Medical
27 Association Committee for Eye Injuries; and the Minnesota
28 Department of Labor and Industry Disability Schedules. The
29 schedule should be based upon objective findings. The schedule
30 shall be more comprehensive than the AMA Guides to the
31 Evaluation of Permanent Impairment and shall expand the areas

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1 already addressed and address additional areas not currently
2 contained in the guides. On August 1, 1979, and pending the
3 adoption, by rule, of a permanent schedule, Guides to the
4 Evaluation of Permanent Impairment, copyright 1977, 1971,
5 1988, by the American Medical Association, shall be the
6 temporary schedule and shall be used for the purposes hereof.
7 For injuries after July 1, 1990, pending the adoption by
8 division rule of a uniform disability rating schedule, the
9 Minnesota Department of Labor and Industry Disability Schedule
10 shall be used unless that schedule does not address an injury.
11 In such case, the Guides to the Evaluation of Permanent
12 Impairment by the American Medical Association shall be used.
13 Determination of permanent impairment under this schedule must
14 be made by a physician licensed under chapter 458, a doctor of
15 osteopathic medicine licensed under chapters 458 and 459, a
16 chiropractic physician ~~chiropractor~~ licensed under chapter
17 460, a podiatrist licensed under chapter 461, an optometrist
18 licensed under chapter 463, or a dentist licensed under
19 chapter 466, as appropriate considering the nature of the
20 injury. No other persons are authorized to render opinions
21 regarding the existence of or the extent of permanent
22 impairment.

23 3. All impairment income benefits shall be based on an
24 impairment rating using the impairment schedule referred to in
25 subparagraph 2. Impairment income benefits are paid weekly at
26 the rate of 50 percent of the employee's average weekly
27 temporary total disability benefit not to exceed the maximum
28 weekly benefit under s. 440.12. An employee's entitlement to
29 impairment income benefits begins the day after the employee
30 reaches maximum medical improvement or the expiration of
31 temporary benefits, whichever occurs earlier, and continues

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1 until the earlier of:

2 a. The expiration of a period computed at the rate of
3 3 weeks for each percentage point of impairment; or

4 b. The death of the employee.

5 4. After the employee has been certified by a doctor
6 as having reached maximum medical improvement or 6 weeks
7 before the expiration of temporary benefits, whichever occurs
8 earlier, the certifying doctor shall evaluate the condition of
9 the employee and assign an impairment rating, using the
10 impairment schedule referred to in subparagraph 2.

11 Compensation is not payable for the mental, psychological, or
12 emotional injury arising out of depression from being out of
13 work. If the certification and evaluation are performed by a
14 doctor other than the employee's treating doctor, the
15 certification and evaluation must be submitted to the treating
16 doctor, and the treating doctor must indicate agreement or
17 disagreement with the certification and evaluation. The
18 certifying doctor shall issue a written report to the
19 division, the employee, and the carrier certifying that
20 maximum medical improvement has been reached, stating the
21 impairment rating, and providing any other information
22 required by the division. If the employee has not been
23 certified as having reached maximum medical improvement before
24 the expiration of 102 weeks after the date temporary total
25 disability benefits begin to accrue, the carrier shall notify
26 the treating doctor of the requirements of this section.

27 5. The carrier shall pay the employee impairment
28 income benefits for a period based on the impairment rating.

29 Section 254. Subsections (2) and (5) of section
30 455.564, Florida Statutes, are amended to read:

31 455.564 Department; general licensing provisions.--

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1 (2) Before the issuance of any license, the department
2 may charge an initial license fee as determined by rule of the
3 applicable board or, if no such board exists, by rule of the
4 department. Upon receipt of the appropriate license fee, the
5 department shall issue a license to any person certified by
6 the appropriate board, or its designee, as having met the
7 licensure requirements imposed by law or rule. The licensee
8 shall be issued a wallet-size identification card and a wall
9 certificate suitable for conspicuous display, which shall be
10 no smaller than 8 1/2 inches by 14 inches.

11 (5) As a condition of renewal of a license, the Board
12 of Medicine, the Board of Osteopathic Medicine, the Board of
13 Chiropractic Medicine, and the Board of Podiatric Medicine
14 shall each require licensees which they respectively regulate
15 to periodically demonstrate their professional competency by
16 completing at least 40 hours of continuing education every 2
17 years, which may include up to 1 hour of risk management or
18 cost containment and up to 2 hours of other topics related to
19 the applicable medical specialty, if required by board rule.
20 Each of such boards shall determine whether any specific
21 course requirements not otherwise mandated by law shall be
22 mandated and shall approve criteria for, and the content of,
23 any course mandated by such board.

24 Section 255. Paragraph (a) of subsection (3) of
25 section 455.654, Florida Statutes, is amended to read:

26 455.654 Financial arrangements between referring
27 health care providers and providers of health care services.--

28 (3) DEFINITIONS.--For the purpose of this section, the
29 word, phrase, or term:

30 (a) "Board" means any of the following boards relating
31 to the respective professions: the Board of Medicine as

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1 created in s. 458.307; the Board of Osteopathic Medicine as
2 created in s. 459.004; the Board of Chiropractic Medicine as
3 created in s. 460.404; the Board of Podiatric Medicine as
4 created in s. 461.004; the Board of Optometry as created in s.
5 463.003; the Board of Pharmacy as created in s. 465.004; and
6 the Board of Dentistry as created in s. 466.004.

7 Section 256. Section 455.684, Florida Statutes, is
8 amended to read:

9 455.684 Chiropractic and podiatric health care; denial
10 of payment; limitation.--A chiropractic physician licensed
11 under chapter 460 or a podiatrist licensed under chapter 461
12 shall not be denied payment for treatment rendered solely on
13 the basis that the chiropractic physician ~~chiropractor~~ or
14 podiatrist is not a member of a particular preferred provider
15 organization or exclusive provider organization which is
16 composed only of physicians licensed under the same chapter.

17 Section 257. Paragraph (a) of subsection (1) of
18 section 455.691, Florida Statutes, is amended to read:

19 455.691 Treatment of Medicare beneficiaries; refusal,
20 emergencies, consulting physicians.--

21 (1) Effective as of January 1, 1993, as used in this
22 section, the term:

23 (a) "Physician" means a physician licensed under
24 chapter 458, an osteopathic physician licensed under chapter
25 459, a chiropractic physician ~~chiropractor~~ licensed under
26 chapter 460, a podiatrist licensed under chapter 461, or an
27 optometrist licensed under chapter 463.

28 Section 258. Subsection (1) of section 455.694,
29 Florida Statutes, is amended to read:

30 455.694 Boards regulating certain health care
31 practitioners.--

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1 (1) As a prerequisite for licensure or license
2 renewal, the Board of Acupuncture, the Board of Chiropractic
3 Medicine, the Board of Podiatric Medicine, and the Board of
4 Dentistry shall, by rule, require that all health care
5 practitioners licensed under the respective board, and the
6 Board of Nursing shall, by rule, require that advanced
7 registered nurse practitioners certified under s. 464.012,
8 maintain medical malpractice insurance or provide proof of
9 financial responsibility in an amount and in a manner
10 determined by the board to be sufficient to cover claims
11 arising out of the rendering of or failure to render
12 professional care and services in this state.

13 Section 259. Subsection (2) of section 456.31, Florida
14 Statutes, is amended to read:

15 456.31 Legislative intent.--

16 (2) It is the intent of the Legislature to provide for
17 certain practitioners of the healing arts, such as a trained
18 and qualified dentist, to use hypnosis for hypnoanesthesia or
19 for the allaying of anxiety in relation to dental work;
20 however, under no circumstances shall it be legal or proper
21 for the dentist or the individual to whom the dentist may
22 refer the patient, to use hypnosis for the treatment of the
23 neurotic difficulties of a patient. The same applies to the
24 optometrist, podiatrist, chiropractic physician ~~chiropractor~~,
25 osteopathic physician, or physician of medicine.

26 Section 260. Subsections (2) and (3) of section
27 456.32, Florida Statutes, are amended to read:

28 456.32 Definitions.--In construing this chapter, the
29 words, phrases, or terms, unless the context otherwise
30 indicates, shall have the following meanings:

31 (2) "Healing arts" shall mean the practice of

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1 medicine, surgery, psychiatry, dentistry, osteopathic
2 medicine, chiropractic medicine, naturopathy, podiatry,
3 chiropody, psychology, clinical social work, marriage and
4 family therapy, mental health counseling, and optometry.

5 (3) "Practitioner of the healing arts" shall mean a
6 person licensed under the laws of the state to practice
7 medicine, surgery, psychiatry, dentistry, osteopathic
8 medicine, chiropractic medicine, naturopathy, podiatry,
9 chiropody, psychology, clinical social work, marriage and
10 family therapy, mental health counseling, or optometry within
11 the scope of his or her professional training and competence
12 and within the purview of the statutes applicable to his or
13 her respective profession, and who may refer a patient for
14 treatment by a qualified person, who shall employ hypnotic
15 techniques under the supervision, direction, prescription, and
16 responsibility of such referring practitioner.

17 Section 261. The catchline of section 459.002, Florida
18 Statutes, is amended to read:

19 459.002 Chapter not applicable to practice of
20 medicine, surgery, chiropractic medicine, etc.--

21 Section 262. Chapter 460, Florida Statutes, entitled
22 "Chiropractic," is retitled "Chiropractic Medicine."

23 Section 263. Subsections (2) and (4) and paragraphs
24 (a) and (e) of subsection (8) of section 460.403, Florida
25 Statutes, are amended to read:

26 460.403 Definitions.--As used in this chapter, the
27 term:

28 (2) "Board" means the Board of Chiropractic Medicine.

29 (4) "Chiropractic physician" means any person licensed
30 to practice chiropractic medicine pursuant to this chapter.

31 (8)(a) "Practice of chiropractic medicine" means a

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1 noncombative principle and practice consisting of the science,
2 philosophy, and art of the adjustment, manipulation, and
3 treatment of the human body in which vertebral subluxations
4 and other malpositioned articulations and structures that are
5 interfering with the normal generation, transmission, and
6 expression of nerve impulse between the brain, organs, and
7 tissue cells of the body, thereby causing disease, are
8 adjusted, manipulated, or treated, thus restoring the normal
9 flow of nerve impulse which produces normal function and
10 consequent health by chiropractic physicians using specific
11 chiropractic adjustment or manipulation techniques taught in
12 chiropractic colleges accredited by the Council on
13 Chiropractic Education. No person other than a licensed
14 chiropractic physician may render chiropractic services,
15 chiropractic adjustments, or chiropractic manipulations.

16 (e) The term "chiropractic medicine," "chiropractic,"
17 "doctor of chiropractic," or "chiropractor" shall be
18 synonymous with "chiropractic physician," and each term shall
19 be construed to mean a practitioner of chiropractic medicine
20 as the same has been defined herein. Chiropractic physicians
21 may analyze and diagnose the physical conditions of the human
22 body to determine the abnormal functions of the human organism
23 and to determine such functions as are abnormally expressed
24 and the cause of such abnormal expression.

25 Section 264. Section 460.404, Florida Statutes, is
26 amended to read:

27 460.404 Board of Chiropractic Medicine; membership;
28 appointment; terms.--

29 (1) The Board of Chiropractic Medicine is created
30 within the department and shall consist of seven members to be
31 appointed by the Governor and confirmed by the Senate.

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1 (2) Five members of the board must be licensed
2 chiropractic physicians who are residents of the state and who
3 have been licensed chiropractic physicians engaged in the
4 practice of chiropractic medicine for at least 4 years. The
5 remaining two members must be residents of the state who are
6 not, and have never been, licensed as chiropractic physicians
7 or members of any closely related profession. At least one
8 member of the board must be 60 years of age or older.

9 (3) As the terms of the members expire, the Governor
10 shall appoint successors for terms of 4 years, and such
11 members shall serve until their successors are appointed.

12 (4) All provisions of part II of chapter 455 relating
13 to the board shall apply.

14 Section 265. Section 460.405, Florida Statutes, is
15 amended to read:

16 460.405 Authority to make rules.--The Board of
17 Chiropractic Medicine is authorized to make such rules not
18 inconsistent with law as are necessary to carry out the duties
19 and authority conferred upon the board by this chapter.

20 Section 266. Paragraphs (c) and (e) of subsection (1)
21 and subsection (3) of section 460.406, Florida Statutes, are
22 amended to read:

23 460.406 Licensure by examination.--

24 (1) Any person desiring to be licensed as a
25 chiropractic physician shall apply to the department to take
26 the licensure examination. There shall be an application fee
27 set by the board not to exceed \$100 which shall be
28 nonrefundable. There shall also be an examination fee not to
29 exceed \$500 plus the actual per applicant cost to the
30 department for purchase of portions of the examination from
31 the National Board of Chiropractic Examiners or a similar

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1 national organization, which may be refundable if the
2 applicant is found ineligible to take the examination. The
3 department shall examine each applicant who the board
4 certifies has:

5 (c) Submitted proof satisfactory to the department
6 that he or she is a graduate of a chiropractic college which
7 is accredited by or has status with the Council on
8 Chiropractic Education or its predecessor agency. However, any
9 applicant who is a graduate of a chiropractic college that was
10 initially accredited by the Council on Chiropractic Education
11 in 1995, who graduated from such college within the 4 years
12 immediately preceding such accreditation, and who is otherwise
13 qualified shall be eligible to take the examination. No
14 application for a license to practice chiropractic medicine
15 shall be denied solely because the applicant is a graduate of
16 a chiropractic college that subscribes to one philosophy of
17 chiropractic medicine as distinguished from another.

18 (e) Completed not less than a 3-month training program
19 in this state of not less than 300 hours with a chiropractic
20 physician licensed in this state. The chiropractic physician
21 candidate may perform all services offered by the licensed
22 chiropractic physician, but must be under the supervision of
23 the licensed chiropractic physician until the results of the
24 first licensure examination for which the candidate has
25 qualified have been received, at which time the candidate's
26 training program shall be terminated. However, an applicant
27 who has practiced chiropractic medicine in any other state,
28 territory, or jurisdiction of the United States or any foreign
29 national jurisdiction for at least 5 years as a licensed
30 chiropractic physician need not be required to complete the
31 3-month training program as a requirement for licensure.

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1 (3) An applicant for the licensure examination may
2 elect not to take the certification examination to use
3 acupuncture. The department shall, in addition to the
4 licensing exam, offer an examination for certification to use
5 acupuncture. An applicant may elect to take the certification
6 examination at the time of taking the licensure examination.
7 Passage of the certification examination shall not grant any
8 applicant the right to practice chiropractic medicine absent
9 the passage of the licensing examination.

10 Section 267. Paragraph (b) of subsection (1) of
11 section 460.408, Florida Statutes, is amended to read:

12 460.408 Continuing chiropractic education.--

13 (1) The board shall require licensees to periodically
14 demonstrate their professional competence as a condition of
15 renewal of a license by completing up to 40 hours of
16 continuing education.

17 (b) The board shall approve those courses that build
18 upon the basic courses required for the practice of
19 chiropractic medicine, and the board may also approve courses
20 in adjunctive modalities.

21 Section 268. Subsection (1) and paragraph (c) of
22 subsection (2) of section 460.411, Florida Statutes, are
23 amended to read:

24 460.411 Violations and penalties.--

25 (1) Each of the following acts constitutes a violation
26 of this chapter and is a felony of the third degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084:

29 (a) Practicing or attempting to practice chiropractic
30 medicine without an active license or with a license
31 fraudulently obtained.

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1 (b) Using or attempting to use a license to practice
2 chiropractic medicine which has been suspended or revoked.

3 (2) Each of the following acts constitutes a violation
4 of this chapter and is a misdemeanor of the first degree,
5 punishable as provided in s. 775.082 or s. 775.083:

6 (c) Using the name or title "chiropractic physician,"
7 "doctor of chiropractic," "chiropractic medicine," or any
8 other name or title which would lead the public to believe
9 that such person is engaging in the practice of chiropractic
10 medicine, unless such person is licensed as a chiropractic
11 physician in this state.

12 Section 269. Section 460.412, Florida Statutes, is
13 amended to read:

14 460.412 Sexual misconduct in the practice of
15 chiropractic medicine.--The chiropractic physician-patient
16 relationship is founded on mutual trust. Sexual misconduct in
17 the practice of chiropractic medicine means violation of the
18 chiropractic physician-patient relationship through which the
19 chiropractic physician uses said relationship to induce or
20 attempt to induce the patient to engage, or to engage or
21 attempt to engage the patient, in sexual activity outside the
22 scope of practice or the scope of generally accepted
23 examination or treatment of the patient. Sexual misconduct in
24 the practice of chiropractic medicine is prohibited.

25 Section 270. Paragraphs (a), (b), (c), (h), (k), (m),
26 (q), (r), and (s) of subsection (1) and subsection (3) of
27 section 460.413, Florida Statutes, are amended to read:

28 460.413 Grounds for disciplinary action; action by the
29 board.--

30 (1) The following acts shall constitute grounds for
31 which the disciplinary actions specified in subsection (2) may

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1 be taken:

2 (a) Attempting to obtain, obtaining, or renewing a
3 license to practice chiropractic medicine by bribery, by
4 fraudulent misrepresentations, or through an error of the
5 department or the board.

6 (b) Having a license to practice chiropractic medicine
7 revoked, suspended, or otherwise acted against, including the
8 denial of licensure, by the licensing authority of another
9 state, territory, or country.

10 (c) Being convicted or found guilty, regardless of
11 adjudication, of a crime in any jurisdiction which directly
12 relates to the practice of chiropractic medicine or to the
13 ability to practice chiropractic medicine. Any plea of nolo
14 contendere shall be considered a conviction for purposes of
15 this chapter.

16 (h) Aiding, assisting, procuring, or advising any
17 unlicensed person to practice chiropractic medicine contrary
18 to this chapter or to a rule of the department or the board.

19 (k) Making misleading, deceptive, untrue, or
20 fraudulent representations in the practice of chiropractic
21 medicine or employing a trick or scheme in the practice of
22 chiropractic medicine when such trick or scheme fails to
23 conform to the generally prevailing standards of treatment in
24 the chiropractic medical community.

25 (m) Failing to keep legibly written chiropractic
26 medical records that identify clearly by name and credentials
27 the licensed chiropractic physician rendering, ordering,
28 supervising, or billing for each examination or treatment
29 procedure and that justify the course of treatment of the
30 patient, including, but not limited to, patient histories,
31 examination results, test results, X rays, and diagnosis of a

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1 disease, condition, or injury. X rays need not be retained
2 for more than 4 years.

3 (q) Being unable to practice chiropractic medicine
4 with reasonable skill and safety to patients by reason of
5 illness or use of alcohol, drugs, narcotics, chemicals, or any
6 other type of material or as a result of any mental or
7 physical condition. In enforcing this paragraph, upon a
8 finding by the secretary of the department, or his or her
9 designee, or the probable cause panel of the board that
10 probable cause exists to believe that the licensee is unable
11 to practice the profession because of reasons stated in this
12 paragraph, the department shall have the authority to compel a
13 licensee to submit to a mental or physical examination by a
14 physician designated by the department. If the licensee
15 refuses to comply with the department's order, the department
16 may file a petition for enforcement in the circuit court of
17 the circuit in which the licensee resides or does business.
18 The department shall be entitled to the summary procedure
19 provided in s. 51.011. The record of proceedings to obtain a
20 compelled mental or physical examination shall not be used
21 against a licensee in any other proceedings. A chiropractic
22 physician affected under this paragraph shall at reasonable
23 intervals be afforded an opportunity to demonstrate that she
24 or he can resume the competent practice of chiropractic
25 medicine with reasonable skill and safety to patients.

26 (r) Gross or repeated malpractice or the failure to
27 practice chiropractic medicine at a level of care, skill, and
28 treatment which is recognized by a reasonably prudent
29 chiropractic physician as being acceptable under similar
30 conditions and circumstances. The board shall give great
31 weight to the standards for malpractice in s. 766.102 in

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1 interpreting this provision. A recommended order by an
2 administrative law judge, or a final order of the board
3 finding a violation under this section shall specify whether
4 the licensee was found to have committed "gross malpractice,"
5 "repeated malpractice," or "failure to practice chiropractic
6 medicine with that level of care, skill, and treatment which
7 is recognized as being acceptable under similar conditions and
8 circumstances" or any combination thereof, and any publication
9 by the board shall so specify.

10 (s) Performing any procedure or prescribing any
11 therapy which, by the prevailing standards of chiropractic
12 medical practice in the community, would constitute
13 experimentation on human subjects, without first obtaining
14 full, informed, and written consent.

15 (3) The department shall not reinstate the license of
16 a chiropractic physician, or cause a license to be issued to a
17 person the board has deemed unqualified, until such time as
18 the board is satisfied that she or he has complied with all
19 the terms and conditions set forth in the final order and that
20 such person is capable of safely engaging in the practice of
21 chiropractic medicine.

22 Section 271. Subsection (1) of section 460.4166,
23 Florida Statutes, is amended to read:

24 460.4166 Registered chiropractic assistants.--

25 (1) DEFINITION.--As used in this section, "registered
26 chiropractic assistant" means a professional, multiskilled
27 person dedicated to assisting in all aspects of chiropractic
28 medical practice under the direct supervision and
29 responsibility of a chiropractic physician. A registered
30 chiropractic assistant assists with patient care management,
31 executes administrative and clinical procedures, and often

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1 performs managerial and supervisory functions. Competence in
2 the field also requires that a registered chiropractic
3 assistant adhere to ethical and legal standards of
4 professional practice, recognize and respond to emergencies,
5 and demonstrate professional characteristics.

6 Section 272. Subsection (1) of section 462.01, Florida
7 Statutes, is amended to read:

8 462.01 Definitions.--As used in this chapter:

9 (1) "Natureopathy" and "Naturopathy" shall be
10 construed as synonymous terms and mean the use and practice of
11 psychological, mechanical, and material health sciences to aid
12 in purifying, cleansing, and normalizing human tissues for the
13 preservation or restoration of health, according to the
14 fundamental principles of anatomy, physiology, and applied
15 psychology, as may be required. Naturopathic practice
16 employs, among other agencies, phytotherapy, dietetics,
17 psychotherapy, suggestotherapy, hydrotherapy, zone therapy,
18 biochemistry, external applications, electrotherapy,
19 mechanotherapy, mechanical and electrical appliances, hygiene,
20 first aid, sanitation, and heliotherapy; provided, however,
21 that nothing in this chapter shall be held or construed to
22 authorize any naturopathic physician licensed hereunder to
23 practice materia medica or surgery or chiropractic medicine,
24 nor shall the provisions of this law in any manner apply to or
25 affect the practice of osteopathic medicine, chiropractic
26 medicine, Christian Science, or any other treatment authorized
27 and provided for by law for the cure or prevention of disease
28 and ailments.

29 Section 273. Subsection (10) of section 468.301,
30 Florida Statutes, is amended to read:

31 468.301 Definitions.--As used in this part, the term:

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1 (10) "Licensed practitioner" means a person who is
2 licensed or otherwise authorized by law to practice medicine,
3 podiatry, chiropody, osteopathic medicine, naturopathy, or
4 chiropractic medicine in this state.

5 Section 274. Paragraph (a) of subsection (6) of
6 section 468.302, Florida Statutes, is amended to read:

7 468.302 Use of radiation; identification of certified
8 persons; limitations; exceptions.--

9 (6) Requirement for certification does not apply to:

10 (a) A hospital resident who is not a licensed
11 practitioner in this state or a student enrolled in and
12 attending a school or college of medicine, osteopathic
13 medicine, chiropody, podiatry, or chiropractic medicine or a
14 radiologic technology educational program and who applies
15 radiation to a human being while under the direct supervision
16 of a licensed practitioner.

17 Section 275. Paragraph (j) of subsection (2) of
18 section 468.314, Florida Statutes, is amended to read:

19 468.314 Advisory Council on Radiation Protection;
20 appointment; terms; powers; duties.--

21 (2) The council shall be comprised of:

22 (j) A ~~board-certified~~ chiropractic radiologist.

23 Section 276. Subsection (1) of section 476.044,
24 Florida Statutes, is amended to read:

25 476.044 Exemptions.--This chapter does not apply to
26 the following persons when practicing pursuant to their
27 professional responsibilities and duties:

28 (1) Persons authorized under the laws of this state to
29 practice medicine, surgery, osteopathic medicine, chiropractic
30 medicine, naturopathy, or podiatry;

31 Section 277. Paragraph (a) of subsection (1) of

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1 section 477.0135, Florida Statutes, is amended to read:

2 477.0135 Exemptions.--

3 (1) This chapter does not apply to the following
4 persons when practicing pursuant to their professional or
5 occupational responsibilities and duties:

6 (a) Persons authorized under the laws of this state to
7 practice medicine, surgery, osteopathic medicine, chiropractic
8 medicine, massage, naturopathy, or podiatry.

9 Section 278. Paragraph (i) of subsection (3),
10 paragraph (a) of subsection (4), and paragraph (j) of
11 subsection (6) of section 483.901, Florida Statutes, are
12 amended to read:

13 483.901 Medical physicists; definitions; licensure.--

14 (3) DEFINITIONS.--As used in this section, the term:

15 (i) "Physician" means a doctor of medicine,
16 osteopathic medicine, podiatry, dentistry, or chiropractic
17 medicine who is licensed in this state and who prescribes a
18 radiological procedure.

19 (4) COUNCIL.--The Advisory Council of Medical
20 Physicists is created in the Department of Health to advise
21 the department in regulating the practice of medical physics
22 in this state.

23 (a) The council shall be composed of nine members
24 appointed by the secretary of the department as follows:

25 1. A licensed medical physicist who specializes in
26 diagnostic radiological physics.

27 2. A licensed medical physicist who specializes in
28 therapeutic radiological physics.

29 3. A licensed medical physicist who specializes in
30 medical nuclear radiological physics.

31 4. A physician who is board certified by the American

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1 Board of Radiology or its equivalent.

2 5. A physician who is board certified by the American
3 Osteopathic Board of Radiology or its equivalent.

4 6. A chiropractic physician who practices radiology ~~is~~
5 ~~board certified by the American Chiropractic Radiology Board~~
6 ~~or its equivalent.~~

7 7. Three consumer members who are not, and have never
8 been, licensed as a medical physicist or licensed in any
9 closely related profession.

10 (6) LICENSE REQUIRED.--An individual may not engage in
11 the practice of medical physics, including the specialties of
12 diagnostic radiological physics, therapeutic radiological
13 physics, medical nuclear radiological physics, or medical
14 health physics, without a license issued by the department for
15 the appropriate specialty.

16 (j) The department may issue a temporary license to an
17 applicant pending completion of the application process for
18 board certification.

19 Section 279. Subsection (11) of section 486.021,
20 Florida Statutes, is amended to read:

21 486.021 Definitions.--In this chapter, unless the
22 context otherwise requires, the term:

23 (11) "Practice of physical therapy" means the
24 performance of physical therapy assessments and the treatment
25 of any disability, injury, disease, or other health condition
26 of human beings, or the prevention of such disability, injury,
27 disease, or other condition of health, and rehabilitation as
28 related thereto by the use of the physical, chemical, and
29 other properties of air; electricity; exercise; massage; the
30 performance of acupuncture only upon compliance with the
31 criteria set forth by the Board of Medicine, when no

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1 penetration of the skin occurs; the use of radiant energy,
2 including ultraviolet, visible, and infrared rays; ultrasound;
3 water; the use of apparatus and equipment in the application
4 of the foregoing or related thereto; the performance of tests
5 of neuromuscular functions as an aid to the diagnosis or
6 treatment of any human condition; or the performance of
7 electromyography as an aid to the diagnosis of any human
8 condition only upon compliance with the criteria set forth by
9 the Board of Medicine. A physical therapist may implement a
10 plan of treatment for a patient. The physical therapist shall
11 refer the patient to or consult with a health care
12 practitioner licensed under chapter 458, chapter 459, chapter
13 460, chapter 461, or chapter 466, if the patient's condition
14 is found to be outside the scope of physical therapy. If
15 physical therapy treatment for a patient is required beyond 21
16 days for a condition not previously assessed by a practitioner
17 of record, the physical therapist shall obtain a practitioner
18 of record who will review and sign the plan. A health care
19 practitioner licensed under chapter 458, chapter 459, chapter
20 460, chapter 461, or chapter 466 and engaged in active
21 practice is eligible to serve as a practitioner of record. The
22 use of roentgen rays and radium for diagnostic and therapeutic
23 purposes and the use of electricity for surgical purposes,
24 including cauterization, are not authorized under the term
25 "physical therapy" as used in this chapter. The practice of
26 physical therapy as defined in this chapter does not authorize
27 a physical therapy practitioner to practice chiropractic
28 medicine as defined in chapter 460, including specific spinal
29 manipulation. For the performance of specific chiropractic
30 spinal manipulation, a physical therapist shall refer the
31 patient to a health care practitioner licensed under chapter

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1 460. Nothing in this subsection authorizes a physical
2 therapist to implement a plan of treatment for a patient
3 currently being treated in a facility licensed pursuant to
4 chapter 395.

5 Section 280. Subsection (1) of section 486.161,
6 Florida Statutes, is amended to read:

7 486.161 Exemptions.--

8 (1) No provision of this chapter shall be construed to
9 prohibit any person licensed in this state from using any
10 physical agent as a part of, or incidental to, the lawful
11 practice of her or his profession under the statutes
12 applicable to the profession of chiropractic physician
13 ~~chiropractor~~, podiatrist, doctor of medicine, massage
14 therapist, nurse, osteopathic physician or surgeon,
15 occupational therapist, or naturopath.

16 Section 281. Subsection (1) of section 621.03, Florida
17 Statutes, is amended to read:

18 621.03 Definitions.--As used in this act the following
19 words shall have the meaning indicated:

20 (1) The term "professional service" means any type of
21 personal service to the public which requires as a condition
22 precedent to the rendering of such service the obtaining of a
23 license or other legal authorization. By way of example and
24 without limiting the generality thereof, the personal services
25 which come within the provisions of this act are the personal
26 services rendered by certified public accountants, public
27 accountants, chiropractic physicians ~~chiropractors~~, dentists,
28 osteopathic physicians, physicians and surgeons, doctors of
29 medicine, doctors of dentistry, podiatrists, chiropodists,
30 architects, veterinarians, attorneys at law, and life
31 insurance agents.

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1 Section 282. Paragraph (h) of subsection (4) of
2 section 627.351, Florida Statutes, is amended to read:

3 627.351 Insurance risk apportionment plans.--

4 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

5 (h) As used in this subsection:

6 1. "Health care provider" means hospitals licensed
7 under chapter 395; physicians licensed under chapter 458;
8 osteopathic physicians licensed under chapter 459; podiatrists
9 licensed under chapter 461; dentists licensed under chapter
10 466; chiropractic physicians ~~chiropractors~~ licensed under
11 chapter 460; naturopaths licensed under chapter 462; nurses
12 licensed under chapter 464; midwives licensed under chapter
13 467; clinical laboratories registered under chapter 483;
14 physician assistants certified under chapter 458; physical
15 therapists and physical therapist assistants licensed under
16 chapter 486; health maintenance organizations certificated
17 under part I of chapter 641; ambulatory surgical centers
18 licensed under chapter 395; other medical facilities as
19 defined in subparagraph 2.; blood banks, plasma centers,
20 industrial clinics, and renal dialysis facilities; or
21 professional associations, partnerships, corporations, joint
22 ventures, or other associations for professional activity by
23 health care providers.

24 2. "Other medical facility" means a facility the
25 primary purpose of which is to provide human medical
26 diagnostic services or a facility providing nonsurgical human
27 medical treatment, to which facility the patient is admitted
28 and from which facility the patient is discharged within the
29 same working day, and which facility is not part of a
30 hospital. However, a facility existing for the primary
31 purpose of performing terminations of pregnancy or an office

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1 maintained by a physician or dentist for the practice of
2 medicine shall not be construed to be an "other medical
3 facility."

4 3. "Health care facility" means any hospital licensed
5 under chapter 395, health maintenance organization
6 certificated under part I of chapter 641, ambulatory surgical
7 center licensed under chapter 395, or other medical facility
8 as defined in subparagraph 2.

9 Section 283. Paragraph (b) of subsection (1) of
10 section 627.357, Florida Statutes, is amended to read:

11 627.357 Medical malpractice self-insurance.--

12 (1) DEFINITIONS.--As used in this section, the term:

13 (b) "Health care provider" means any:

14 1. Hospital licensed under chapter 395.

15 2. Physician licensed, or physician assistant
16 certified, under chapter 458.

17 3. Osteopathic physician licensed under chapter 459.

18 4. Podiatrist licensed under chapter 461.

19 5. Health maintenance organization certificated under
20 part I of chapter 641.

21 6. Ambulatory surgical center licensed under chapter
22 395.

23 7. Chiropractic physician ~~Chiropractor~~ licensed under
24 chapter 460.

25 8. Psychologist licensed under chapter 490.

26 9. Optometrist licensed under chapter 463.

27 10. Dentist licensed under chapter 466.

28 11. Pharmacist licensed under chapter 465.

29 12. Registered nurse, licensed practical nurse, or
30 advanced registered nurse practitioner licensed or registered
31 under chapter 464.

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1 13. Other medical facility.

2 14. Professional association, partnership,
3 corporation, joint venture, or other association established
4 by the individuals set forth in subparagraphs 2., 3., 4., 7.,
5 8., 9., 10., 11., and 12. for professional activity.

6 Section 284. Subsection (10) of section 627.6482,
7 Florida Statutes, is amended to read:

8 627.6482 Definitions.--As used in ss.
9 627.648-627.6498, the term:

10 (10) "Physician" means a physician licensed under
11 chapter 458; an osteopathic physician licensed under chapter
12 459; a chiropractic physician ~~chiropractor~~ licensed under
13 chapter 460; a podiatrist licensed under chapter 461; or, for
14 purposes of oral surgery only, a dental surgeon licensed under
15 chapter 466.

16 Section 285. Subsection (1) of section 641.316,
17 Florida Statutes, is amended to read:

18 641.316 Fiscal intermediary services.--

19 (1) It is the intent of the Legislature, through the
20 adoption of this section, to ensure the financial soundness of
21 fiscal intermediary services organizations established to
22 develop, manage, and administer the business affairs of health
23 care professional providers such as medical doctors, doctors
24 of osteopathy, doctors of chiropractic medicine, doctors of
25 podiatric medicine, doctors of dentistry, or other health
26 professionals regulated by the Department of Health.

27 Section 286. Section 725.01, Florida Statutes, is
28 amended to read:

29 725.01 Promise to pay another's debt, etc.--No action
30 shall be brought whereby to charge any executor or
31 administrator upon any special promise to answer or pay any

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1 debt or damages out of her or his own estate, or whereby to
2 charge the defendant upon any special promise to answer for
3 the debt, default or miscarriage of another person or to
4 charge any person upon any agreement made upon consideration
5 of marriage, or upon any contract for the sale of lands,
6 tenements or hereditaments, or of any uncertain interest in or
7 concerning them, or for any lease thereof for a period longer
8 than 1 year, or upon any agreement that is not to be performed
9 within the space of 1 year from the making thereof, or whereby
10 to charge any health care provider upon any guarantee,
11 warranty, or assurance as to the results of any medical,
12 surgical, or diagnostic procedure performed by any physician
13 licensed under chapter 458, osteopathic physician licensed
14 under chapter 459, chiropractic physician ~~chiropractor~~
15 licensed under chapter 460, podiatrist licensed under chapter
16 461, or dentist licensed under chapter 466, unless the
17 agreement or promise upon which such action shall be brought,
18 or some note or memorandum thereof shall be in writing and
19 signed by the party to be charged therewith or by some other
20 person by her or him thereunto lawfully authorized.

21 Section 287. Paragraph (b) of subsection (1) of
22 section 766.101, Florida Statutes, is amended to read:

23 766.101 Medical review committee, immunity from
24 liability.--

25 (1) As used in this section:

26 (b) The term "health care providers" means physicians
27 licensed under chapter 458, osteopathic physicians licensed
28 under chapter 459, podiatrists licensed under chapter 461,
29 optometrists licensed under chapter 463, dentists licensed
30 under chapter 466, chiropractic physicians ~~chiropractors~~
31 licensed under chapter 460, pharmacists licensed under chapter

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1 465, or hospitals or ambulatory surgical centers licensed
2 under chapter 395.

3 Section 288. Paragraph (a) of subsection (6) of
4 section 766.102, Florida Statutes, is amended to read:

5 766.102 Medical negligence; standards of recovery.--

6 (6)(a) In any action for damages involving a claim of
7 negligence against a physician licensed under chapter 458,
8 osteopathic physician licensed under chapter 459, podiatrist
9 licensed under chapter 461, or chiropractic physician
10 ~~chiropractor~~ licensed under chapter 460 providing emergency
11 medical services in a hospital emergency department, the court
12 shall admit expert medical testimony only from physicians,
13 osteopathic physicians, podiatrists, and chiropractic
14 physicians ~~chiropractors~~ who have had substantial professional
15 experience within the preceding 5 years while assigned to
16 provide emergency medical services in a hospital emergency
17 department.

18 Section 289. Subsection (3) of section 766.103,
19 Florida Statutes, is amended to read:

20 766.103 Florida Medical Consent Law.--

21 (3) No recovery shall be allowed in any court in this
22 state against any physician licensed under chapter 458,
23 osteopathic physician licensed under chapter 459, chiropractic
24 physician ~~chiropractor~~ licensed under chapter 460, podiatrist
25 licensed under chapter 461, or dentist licensed under chapter
26 466 in an action brought for treating, examining, or operating
27 on a patient without his or her informed consent when:

28 (a)1. The action of the physician, osteopathic
29 physician, chiropractic physician ~~chiropractor~~, podiatrist, or
30 dentist in obtaining the consent of the patient or another
31 person authorized to give consent for the patient was in

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1 accordance with an accepted standard of medical practice among
2 members of the medical profession with similar training and
3 experience in the same or similar medical community; and

4 2. A reasonable individual, from the information
5 provided by the physician, osteopathic physician, chiropractic
6 physician ~~chiropractor~~, podiatrist, or dentist, under the
7 circumstances, would have a general understanding of the
8 procedure, the medically acceptable alternative procedures or
9 treatments, and the substantial risks and hazards inherent in
10 the proposed treatment or procedures, which are recognized
11 among other physicians, osteopathic physicians, chiropractic
12 physicians ~~chiropractors~~, podiatrists, or dentists in the same
13 or similar community who perform similar treatments or
14 procedures; or

15 (b) The patient would reasonably, under all the
16 surrounding circumstances, have undergone such treatment or
17 procedure had he or she been advised by the physician,
18 osteopathic physician, chiropractic physician ~~chiropractor~~,
19 podiatrist, or dentist in accordance with the provisions of
20 paragraph (a).

21 Section 290. Subsection (2) of section 817.234,
22 Florida Statutes, is amended to read:

23 817.234 False and fraudulent insurance claims.--

24 (2) Any physician licensed under chapter 458,
25 osteopathic physician licensed under chapter 459, chiropractic
26 physician ~~chiropractor~~ licensed under chapter 460, or other
27 practitioner licensed under the laws of this state who
28 knowingly and willfully assists, conspires with, or urges any
29 insured party to fraudulently violate any of the provisions of
30 this section or part XI of chapter 627, or any person who, due
31 to such assistance, conspiracy, or urging by said physician,

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1 osteopathic physician, chiropractic physician ~~chiropractor~~, or
2 practitioner, knowingly and willfully benefits from the
3 proceeds derived from the use of such fraud, is guilty of a
4 felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084. In the event that a
6 physician, osteopathic physician, chiropractic physician
7 ~~chiropractor~~, or practitioner is adjudicated guilty of a
8 violation of this section, the Board of Medicine as set forth
9 in chapter 458, the Board of Osteopathic Medicine as set forth
10 in chapter 459, the Board of Chiropractic Medicine as set
11 forth in chapter 460, or other appropriate licensing authority
12 shall hold an administrative hearing to consider the
13 imposition of administrative sanctions as provided by law
14 against said physician, osteopathic physician, chiropractic
15 physician ~~chiropractor~~, or practitioner.

16 Section 291. The catchline and subsection (1) of
17 section 945.047, Florida Statutes, are amended to read:

18 945.047 Licensing requirements for physicians,
19 osteopathic physicians, and chiropractic physicians
20 ~~chiropractors~~ employed by the department.--

21 (1) The Department of Corrections shall employ only
22 physicians, osteopathic physicians, or chiropractic physicians
23 holding licenses in good standing to practice medicine in this
24 state, except that, by October 1, 1980, no more than 10
25 percent of the total number of such physicians employed by the
26 department may be exempted from the provisions of this
27 subsection. Each such exempted physician shall hold a valid
28 license to practice medicine, osteopathic medicine, or
29 chiropractic medicine in another state and shall have been
30 certified by the appropriate board as eligible for admission
31 for examination in this state under chapter 458, chapter 459,

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1 or chapter 460, as applicable. The appropriate board shall not
2 certify as eligible for admission for examination any person
3 who has been adjudged unqualified or guilty of any of the acts
4 enumerated in the disciplinary provisions contained in chapter
5 458, chapter 459, or chapter 460, as applicable.

6

7 (Redesignate subsequent sections.)

8

9

10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 4, line 21, after the semicolon

13

14 insert:

15 amending ss. 20.43, 322.125, 381.0031,
16 381.0302, 382.002, 395.0195, 415.1034, 415.504,
17 440.106, 440.13, 440.134, 440.15, 455.564,
18 455.654, 455.684, 455.691, 455.694, 456.31,
19 456.32, 459.002, 460.403, 460.404, 460.405,
20 460.406, 460.408, 460.411, 460.412, 460.413,
21 460.4166, 462.01, 468.301, 468.302, 468.314,
22 476.044, 477.0135, 483.901, 486.021, 486.161,
23 621.03, 627.351, 627.357, 627.6482, 641.316,
24 725.01, 766.101, 766.102, 766.103, 817.234, and
25 945.047, F.S.; revising terminology relating to
26 chiropractic medicine; retitling chapter 460,
27 F.S., to conform; providing form of
28 professional licenses;

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