

By the Committee on Business Regulation & Consumer Affairs
and Representatives Ogles, Crist, Chestnut, Brown and Lynn

1 A bill to be entitled
2 An act relating to professional regulation;
3 amending s. 11.62, F.S.; adding criteria for
4 evaluating the need for new regulation;
5 amending ss. 455.201 and 455.517, F.S.;
6 requiring the Department of Business and
7 Professional Regulation and the Department of
8 Health, respectively, to consider the impact on
9 jobs when creating regulation; creating s.
10 455.2035, F.S.; granting the Department of
11 Business and Professional Regulation rulemaking
12 authority to regulate any profession under its
13 jurisdiction for which there is no regulatory
14 board; amending ss. 455.209, 455.213, 455.218,
15 and 455.2285, F.S.; eliminating or revising
16 obsolete references or provisions relating to
17 the Agency for Health Care Administration;
18 amending s. 455.219, F.S.; providing inspection
19 fee authority; creating s. 455.2237, F.S.;
20 providing for inspection and investigative
21 authority by rule; amending s. 455.225, F.S.;
22 revising probable cause provisions and
23 eliminating or revising obsolete references;
24 specifying conditions for issuance of a notice
25 of noncompliance for failure to comply with
26 continuing education requirements; amending s.
27 627.912, F.S., relating to reports by insurers
28 on professional liability claims and actions;
29 revising references to clarify that the
30 Department of Health is the agency responsible
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1 for receiving and acting on reports relating to
2 certain licensees; providing effective dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Effective October 1, 1998, subsections (3)
7 and (4) of section 11.62, Florida Statutes, are amended to
8 read:

9 11.62 Legislative review of proposed regulation of
10 unregulated functions.--

11 (3) In determining whether to regulate a profession or
12 occupation, the Legislature shall consider the following
13 factors:

14 (a) Whether the unregulated practice of the profession
15 or occupation will substantially harm or endanger the public
16 health, safety, or welfare and whether the potential for harm
17 is recognizable and not remote;

18 (b) Whether the practice of the profession or
19 occupation requires specialized skill or training, and whether
20 that skill or training is readily measurable or quantifiable
21 so that examination or training requirements would reasonably
22 ensure ~~assure~~ initial and continuing professional or
23 occupational ability;

24 (c) Whether the regulation will have an unreasonable
25 effect on job creation or job retention in the state or will
26 place unreasonable restrictions on the ability of individuals
27 who seek to practice or who are practicing a given profession
28 or occupation to find employment;

29 (d) ~~(c)~~ Whether the public is or can be effectively
30 protected by other means; and

31

1 (e)~~(d)~~ Whether the overall cost-effectiveness and
2 economic impact of the proposed regulation, including the
3 indirect costs to consumers, will be favorable.

4 (4) The proponents of legislation that provides for
5 the regulation of a profession or occupation not already
6 expressly subject to state regulation shall provide, upon
7 request, the following information in writing to the state
8 agency that is proposed to have jurisdiction over the
9 regulation and to the legislative committees to which the
10 legislation is referred:

11 (a) The number of individuals or businesses that would
12 be subject to the regulation;

13 (b) The name of each association that represents
14 members of the profession or occupation, together with a copy
15 of its codes of ethics or conduct;

16 (c) Documentation of the nature and extent of the harm
17 to the public caused by the unregulated practice of the
18 profession or occupation, including a description of any
19 complaints that have been lodged against persons who have
20 practiced the profession or occupation in this state during
21 the preceding 3 years;

22 (d) A list of states that regulate the profession or
23 occupation, and the dates of enactment of each law providing
24 for such regulation and a copy of each law;

25 (e) A list and description of state and federal laws
26 that have been enacted to protect the public with respect to
27 the profession or occupation and a statement of the reasons
28 why these laws have not proven adequate to protect the public;

29 (f) A description of the voluntary efforts made by
30 members of the profession or occupation to protect the public
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1 and a statement of the reasons why these efforts are not
2 adequate to protect the public;
3 (g) A copy of any federal legislation mandating
4 regulation;
5 (h) An explanation of the reasons why other types of
6 less restrictive regulation would not effectively protect the
7 public;
8 (i) The cost, availability, and appropriateness of
9 training and examination requirements;
10 ~~(j)(i)~~ The cost of regulation, including the indirect
11 cost to consumers, and the method proposed to finance the
12 regulation;
13 (k) The cost imposed on applicants or practitioners or
14 on employers of applicants or practitioners as a result of the
15 regulation;
16 ~~(l)(j)~~ The details of any previous efforts in this
17 state to implement regulation of the profession or occupation;
18 and
19 ~~(m)(k)~~ Any other information the agency or the
20 committee considers relevant to the analysis of the proposed
21 legislation.
22 Section 2. Effective October 1, 1998, subsection (4)
23 of section 455.201, Florida Statutes, is amended to read:
24 455.201 Professions and occupations regulated by
25 department; legislative intent; requirements.--
26 (4)~~(a)~~ Neither the department nor any board may No
27 ~~board, nor the department, shall~~ create unreasonably
28 restrictive and extraordinary standards that deter qualified
29 persons from entering the various professions. Neither the
30 department nor any board may No board, nor the department,
31 ~~shall~~ take any action that ~~which~~ tends to create or maintain

1 an economic condition that unreasonably restricts competition,
2 except as specifically provided by law.

3 (b) Neither the department nor any board may create a
4 regulation that has an unreasonable effect on job creation or
5 job retention in the state or that places unreasonable
6 restrictions on the ability of individuals who seek to
7 practice or who are practicing a given profession or
8 occupation to find employment.

9 (c) The Legislature shall evaluate proposals to
10 increase regulation of already regulated professions or
11 occupations to determine their effect on job creation or
12 retention and employment opportunities.

13 Section 3. Section 455.2035, Florida Statutes, is
14 created to read:

15 455.2035 Rulemaking authority.--The department is
16 authorized to adopt rules pursuant to chapter 120 to implement
17 the regulatory requirements of any profession within the
18 department's jurisdiction which does not have a regulatory
19 board.

20 Section 4. Subsection (2) of section 455.209, Florida
21 Statutes, is amended to read:

22 455.209 Accountability and liability of board
23 members.--

24 (2) Each board member and each former board member
25 serving on a probable cause panel shall be exempt from civil
26 liability for any act or omission when acting in the member's
27 official capacity, and the department, or the Department of
28 Legal Affairs shall defend any such member in any action
29 against any board or member of a board arising from any such
30 act or omission. In addition, the department or the Department
31 of Legal Affairs may defend the member's company or business

1 in any action against the company or business if the
2 department or the Department of Legal Affairs determines that
3 the actions from which the suit arises are actions taken by
4 the member in the member's official capacity and were not
5 beyond the member's statutory authority. In providing such
6 defense, the department, ~~the agency,~~ or the Department of
7 Legal Affairs may employ or utilize the legal services of
8 outside counsel.

9 Section 5. Subsection (1) of section 455.213, Florida
10 Statutes, is amended to read:

11 455.213 General licensing provisions.--

12 (1) Any person desiring to be licensed shall apply to
13 the department in writing. The application for licensure shall
14 be made on a form prepared and furnished by the department and
15 include the applicant's social security number. The
16 application shall be supplemented as needed to reflect any
17 material change in any circumstance or condition stated in the
18 application which takes place between the initial filing of
19 the application and the final grant or denial of the license
20 and which might affect the decision of the department ~~agency~~.
21 In order to further the economic development goals of the
22 state, and notwithstanding any law to the contrary, the
23 department may enter into an agreement with the county tax
24 collector for the purpose of appointing the county tax
25 collector as the department's agent to accept applications for
26 licenses and applications for renewals of licenses. The
27 agreement must specify the time within which the tax collector
28 must forward any applications and accompanying application
29 fees to the department. In cases where a person applies or
30 schedules directly with a national examination organization or
31 examination vendor to take an examination required for

1 licensure, any organization-related or vendor-related fees
2 associated with the examination may be paid directly to the
3 organization or vendor.

4 Section 6. Subsection (6) of section 455.218, Florida
5 Statutes, is amended to read:

6 455.218 Foreign-trained professionals; special
7 examination and license provisions.--

8 (6) The department, for its boards, shall not issue an
9 initial license to, or renew a license of, any applicant or
10 licensee who is under investigation or prosecution in any
11 jurisdiction for an action which would constitute a violation
12 of this part or the professional practice acts administered by
13 the department ~~or agency~~ and the boards until such time as the
14 investigation or prosecution is complete, at which time the
15 provisions of the professional practice acts shall apply.

16 Section 7. Subsection (8) is added to section 455.219,
17 Florida Statutes, to read:

18 455.219 Fees; receipts; disposition; periodic
19 management reports.--

20 (8) Unless otherwise provided by law, the board, or
21 the department if there is no board, may charge an inspection
22 fee for facility inspections required by law to be performed
23 on a periodic basis, which fee shall be set to approximate the
24 estimated average cost of an inspection, but shall not exceed
25 \$50.

26 Section 8. Section 455.2237, Florida Statutes, is
27 created to read:

28 455.2237 Authority to inspect.--Any board, or the
29 department if there is no board, may by rule authorize
30 inspections and investigations of records, offices, or job
31 sites at times when a licensee, or an employee or agent of the

1 licensee, or any person suspected of unlicensed activity is
2 performing an activity regulated by this chapter or the
3 applicable practice act. Such rule may establish more
4 definitively the times and conditions of inspections and
5 investigations and may authorize such inspections and
6 investigations only to the extent necessary to determine
7 whether a person is in compliance with the provisions of this
8 chapter or the applicable practice act or of any rule adopted
9 thereunder, to aid in the enforcement of the provisions of
10 this chapter or the applicable practice act or of any rule
11 adopted thereunder, or to determine if any of the provisions
12 of this chapter or the applicable practice act or of any rule
13 adopted thereunder is being or has been violated.

14 Section 9. Subsections (2), (3), (4), and (9) of
15 section 455.225, Florida Statutes, are amended to read:

16 455.225 Disciplinary proceedings.--Disciplinary
17 proceedings for each board shall be within the jurisdiction of
18 the department.

19 (2) The department shall allocate sufficient and
20 adequately trained staff to expeditiously and thoroughly
21 determine legal sufficiency and investigate all legally
22 sufficient complaints. ~~For purposes of this section, it is the~~
23 ~~intent of the Legislature that the term "expeditiously" means~~
24 ~~that the agency, for disciplinary cases under its~~
25 ~~jurisdiction, shall complete the report of its initial~~
26 ~~investigative findings and recommendations concerning the~~
27 ~~existence of probable cause within 6 months after its receipt~~
28 ~~of the complaint. The failure of the agency, for disciplinary~~
29 ~~cases under its jurisdiction, to comply with the time limits~~
30 ~~of this section while investigating a complaint against a~~
31 ~~licensee constitutes harmless error in any subsequent~~

1 ~~disciplinary action unless a court finds that either the~~
2 ~~fairness of the proceeding or the correctness of the action~~
3 ~~may have been impaired by a material error in procedure or a~~
4 ~~failure to follow prescribed procedure.~~When its investigation
5 is complete and legally sufficient, the department shall
6 prepare and submit to the probable cause panel of the
7 appropriate regulatory board the investigative report of the
8 department. The report shall contain the investigative
9 findings and the recommendations of the department concerning
10 the existence of probable cause. At any time after legal
11 sufficiency is found, the department may dismiss any case, or
12 any part thereof, if the department determines that there is
13 insufficient evidence to support the prosecution of
14 allegations contained therein. The department shall provide a
15 detailed report to the appropriate probable cause panel prior
16 to dismissal of any case or part thereof, and to the subject
17 of the complaint after dismissal of any case or part thereof,
18 under this section. For cases dismissed prior to a finding of
19 probable cause, such report is confidential and exempt from s.
20 119.07(1). The probable cause panel shall have access, upon
21 request, to the investigative files pertaining to a case prior
22 to dismissal of such case. If the department dismisses a case,
23 the probable cause panel may retain independent legal counsel,
24 employ investigators, and continue the investigation and
25 prosecution of the case as it deems necessary.

26 (3)(a) As an alternative to the provisions of
27 subsections (1) and (2), when a complaint is received, the
28 department may provide a licensee with a notice of
29 noncompliance for an initial offense of a minor violation. A
30 violation is a minor violation if it does not demonstrate a
31 serious inability to practice the profession, result in

1 economic or physical harm to a person, or adversely affect the
2 public health, safety, or welfare or create a significant
3 threat of such harm. Each board, or the department if there is
4 no board, shall establish by rule those violations which are
5 minor violations under this provision. Failure of a licensee
6 to take action in correcting the violation within 15 days
7 after notice may result in the institution of regular
8 disciplinary proceedings.

9 (b) The department may issue a notice of noncompliance
10 for an initial offense of a minor violation, notwithstanding a
11 board's failure to designate a particular minor violation by
12 rule as provided in paragraph (a).

13 (c) In any instance in which a licensee is charged
14 with failure to comply with continuing education requirements,
15 the initial response of the department or board, as
16 appropriate, may only be to issue a notice of noncompliance
17 that includes granting the licensee a reasonable time to
18 comply. However, if the department finds that the licensee's
19 failure to comply was done knowingly, the department or board,
20 as appropriate, may levy any other penalty otherwise available
21 to it under the circumstances. This paragraph does not apply
22 to any licensee for whom failure to comply with continuing
23 education requirements is not grounds for discipline but is
24 instead only a prerequisite for license renewal.

25 (4) The determination as to whether probable cause
26 exists shall be made by majority vote of a probable cause
27 panel of the board or the department, as appropriate. Each
28 regulatory board shall provide by rule that the determination
29 of probable cause shall be made by a panel of its members or
30 by the department. Each board may provide by rule for multiple
31 probable cause panels composed of at least two members. Each

1 board may provide by rule that one or more members of the
2 panel or panels may be a former board member. The length of
3 term or repetition of service of any such former board member
4 on a probable cause panel may vary according to the direction
5 of the board when authorized by board rule. Any probable cause
6 panel must include one of the board's former or present
7 consumer members, if one is available, willing to serve, and
8 is authorized to do so by the board chair. Any probable cause
9 panel must include a present board member. Any probable cause
10 panel must include a former or present professional board
11 member. However, any former professional board member serving
12 on the probable cause panel must hold an active valid license
13 for that profession. All proceedings of the panel are exempt
14 from s. 286.011 until 10 days after probable cause has been
15 found to exist by the panel or until the subject of the
16 investigation waives his or her privilege of confidentiality.
17 The probable cause panel may make a reasonable request, and
18 upon such request the department shall provide such additional
19 investigative information as is necessary to the determination
20 of probable cause. A request for additional investigative
21 information shall be made within 15 days from the date of
22 receipt by the probable cause panel of the investigative
23 report of the department. The probable cause panel or the
24 department, as may be appropriate, shall make its
25 determination of probable cause within 30 days after receipt
26 by it of the final investigative report of the department. The
27 secretary may grant extensions of the 15-day and the 30-day
28 time limits. In lieu of a finding of probable cause, the
29 probable cause panel, or the department when there is no
30 board, may issue a letter of guidance to the subject. If,
31 within the 30-day time limit, as may be extended, the probable

1 cause panel does not make a determination regarding the
2 existence of probable cause or does not issue a letter of
3 guidance in lieu of a finding of probable cause, the
4 department ~~agency~~, for disciplinary cases under its
5 jurisdiction, must make a determination regarding the
6 existence of probable cause within 10 days after the
7 expiration of the time limit. In addition, if the probable
8 cause panel finds no probable cause, the department may
9 determine within 10 days thereafter that probable cause
10 exists. If the probable cause panel finds that probable cause
11 exists, it shall direct the department to file a formal
12 complaint against the licensee. The department shall follow
13 the directions of the probable cause panel regarding the
14 filing of a formal complaint. If directed to do so, the
15 department shall file a formal complaint against the subject
16 of the investigation and prosecute that complaint pursuant to
17 chapter 120. However, the department may decide not to
18 prosecute the complaint if it finds that probable cause had
19 been improvidently found by the panel. In such cases, the
20 department shall refer the matter to the board. The board may
21 then file a formal complaint and prosecute the complaint
22 pursuant to chapter 120. The department shall also refer to
23 the board any investigation or disciplinary proceeding not
24 before the Division of Administrative Hearings pursuant to
25 chapter 120 or otherwise completed by the department within 1
26 year after the filing of a complaint. The department ~~agency~~,
27 for disciplinary cases under its jurisdiction, must establish
28 a uniform reporting system to quarterly refer to each board
29 the status of any investigation or disciplinary proceeding
30 that is not before the Division of Administrative Hearings or
31 otherwise completed by the department ~~or agency~~ within 1 year

1 after the filing of the complaint. ~~Annually, the agency, for~~
2 ~~disciplinary cases under its jurisdiction if there is no~~
3 ~~board, or each board must establish a plan to reduce or~~
4 ~~otherwise close any investigation or disciplinary proceeding~~
5 ~~that is not before the Division of Administrative Hearings or~~
6 ~~otherwise completed by the agency within 1 year after the~~
7 ~~filing of the complaint.~~ A probable cause panel or a board may
8 retain independent legal counsel, employ investigators, and
9 continue the investigation as it deems necessary; all costs
10 thereof shall be paid from the Professional Regulation Trust
11 Fund. All proceedings of the probable cause panel are exempt
12 from s. 120.525.

13 (9)(a) The department shall periodically notify the
14 person who filed the complaint of the status of the
15 investigation, whether probable cause has been found, and the
16 status of any civil action or administrative proceeding or
17 appeal.

18 (b) ~~In any disciplinary case under the jurisdiction of~~
19 ~~the Agency for Health Care Administration for which probable~~
20 ~~cause has been found, the Agency for Health Care~~
21 ~~Administration shall provide to the person who filed the~~
22 ~~complaint a copy of the administrative complaint, including:~~

23 1. ~~A written explanation of how an administrative~~
24 ~~complaint is resolved by the disciplinary process.~~

25 2. ~~A written explanation of how and when the person~~
26 ~~may participate in the disciplinary process.~~

27 3. ~~A written notice of any hearing before the Division~~
28 ~~of Administrative Hearings or the regulatory board at which~~
29 ~~final agency action is taken.~~

30 (c) ~~In any disciplinary case for which probable cause~~
31 ~~is not found, the Agency for Health Care Administration shall~~

1 ~~so inform the person who filed the complaint and notify that~~
2 ~~person that he or she may, within 60 days, provide any~~
3 ~~additional information to the probable cause panel which may~~
4 ~~be relevant to the decision. In any administrative proceeding~~
5 ~~under s. 120.57, the person who filed the disciplinary~~
6 ~~complaint shall have the right to present oral or written~~
7 ~~communication relating to the alleged disciplinary violations~~
8 ~~or to the appropriate penalty.~~

9 Section 10. Subsection (8) of section 455.2285,
10 Florida Statutes, is amended to read:

11 455.2285 Annual report concerning finances,
12 administrative complaints, disciplinary actions, and
13 recommendations.--The department is directed to prepare and
14 submit a report to the President of the Senate and Speaker of
15 the House of Representatives by November 1 of each year. In
16 addition to finances and any other information the Legislature
17 may require, the report shall include statistics and relevant
18 information, profession by profession, detailing:

19 (8) A description of any effort by the department
20 ~~agency~~, for any disciplinary cases under its jurisdiction, to
21 reduce or otherwise close any investigation or disciplinary
22 proceeding not before the Division of Administrative Hearings
23 under chapter 120 or otherwise not completed within 1 year
24 after the initial filing of a complaint under this chapter.

25 Section 11. Effective October 1, 1998, subsection (4)
26 of section 455.517, Florida Statutes, is amended to read:

27 455.517 Professions and occupations regulated by
28 department; legislative intent; requirements.--

29 (4)(a) Neither the department nor any board may ~~Ne~~
30 ~~board, nor the department, shall~~ create unreasonably
31 restrictive and extraordinary standards that deter qualified

1 persons from entering the various professions. Neither the
2 department nor any board may ~~No board, nor the department,~~
3 ~~shall~~ take any action that ~~which~~ tends to create or maintain
4 an economic condition that unreasonably restricts competition,
5 except as specifically provided by law.

6 (b) Neither the department nor any board may create a
7 regulation that has an unreasonable effect on job creation or
8 job retention in the state or that places unreasonable
9 restrictions on the ability of individuals who seek to
10 practice or who are practicing a given profession or
11 occupation to find employment.

12 (c) The Legislature shall evaluate proposals to
13 increase the regulation of already regulated professions or
14 occupations to determine the effect of increased regulation on
15 job creation or retention and employment opportunities.

16 Section 12. Section 627.912, Florida Statutes, is
17 amended to read:

18 627.912 Professional liability claims and actions;
19 reports by insurers.--

20 (1) Each self-insurer authorized under s. 627.357 and
21 each insurer or joint underwriting association providing
22 professional liability insurance to a practitioner of medicine
23 licensed under chapter 458, to a practitioner of osteopathic
24 medicine licensed under chapter 459, to a podiatrist licensed
25 under chapter 461, to a dentist licensed under chapter 466, to
26 a hospital licensed under chapter 395, to a crisis
27 stabilization unit licensed under part IV of chapter 394, to a
28 health maintenance organization certificated under part I of
29 chapter 641, to clinics included in chapter 390, to an
30 ambulatory surgical center as defined in s. 395.002, or to a
31 member of The Florida Bar shall report in duplicate to the

1 Department of Insurance any claim or action for damages for
2 personal injuries claimed to have been caused by error,
3 omission, or negligence in the performance of such insured's
4 professional services or based on a claimed performance of
5 professional services without consent, if the claim resulted
6 in:

- 7 (a) A final judgment in any amount.
8 (b) A settlement in any amount.
9 (c) A final disposition not resulting in payment on
10 behalf of the insured.

11
12 Reports shall be filed with the department and, if the insured
13 party is licensed under chapter 458, chapter 459, chapter 461,
14 or chapter 466, with the Department of Health ~~Agency for~~
15 ~~Health Care Administration~~, no later than 30 days following
16 the occurrence of any event listed in paragraph (a), paragraph
17 (b), or paragraph (c). The Department of Health ~~Agency for~~
18 ~~Health Care Administration~~ shall review each report and
19 determine whether any of the incidents that resulted in the
20 claim potentially involved conduct by the licensee that is
21 subject to disciplinary action, in which case the provisions
22 of s. 455.621 ~~455.225~~ shall apply. The Department of Health
23 ~~Agency for Health Care Administration~~, as part of the annual
24 report required by s. 455.644 ~~455.2285~~, shall publish annual
25 statistics, without identifying licensees, on the reports it
26 receives, including final action taken on such reports by the
27 Department of Health ~~agency~~ or the appropriate regulatory
28 board.

29 (2) The reports required by subsection (1) shall
30 contain:

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- 1 (a) The name, address, and specialty coverage of the
2 insured.
- 3 (b) The insured's policy number.
- 4 (c) The date of the occurrence which created the
5 claim.
- 6 (d) The date the claim was reported to the insurer or
7 self-insurer.
- 8 (e) The name and address of the injured person. This
9 information is confidential and exempt from the provisions of
10 s. 119.07(1), and must not be disclosed by the department
11 without the injured person's consent, except for disclosure by
12 the department to the Department of Health ~~Agency for Health~~
13 ~~Care Administration~~. This information may be used by the
14 department for purposes of identifying multiple or duplicate
15 claims arising out of the same occurrence.
- 16 (f) The date of suit, if filed.
- 17 (g) The injured person's age and sex.
- 18 (h) The total number and names of all defendants
19 involved in the claim.
- 20 (i) The date and amount of judgment or settlement, if
21 any, including the itemization of the verdict, together with a
22 copy of the settlement or judgment.
- 23 (j) In the case of a settlement, such information as
24 the department may require with regard to the injured person's
25 incurred and anticipated medical expense, wage loss, and other
26 expenses.
- 27 (k) The loss adjustment expense paid to defense
28 counsel, and all other allocated loss adjustment expense paid.
- 29 (l) The date and reason for final disposition, if no
30 judgment or settlement.
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1 (m) A summary of the occurrence which created the
2 claim, which shall include:
3 1. The name of the institution, if any, and the
4 location within the institution at which the injury occurred.
5 2. The final diagnosis for which treatment was sought
6 or rendered, including the patient's actual condition.
7 3. A description of the misdiagnosis made, if any, of
8 the patient's actual condition.
9 4. The operation, diagnostic, or treatment procedure
10 causing the injury.
11 5. A description of the principal injury giving rise
12 to the claim.
13 6. The safety management steps that have been taken by
14 the insured to make similar occurrences or injuries less
15 likely in the future.
16 (n) Any other information required by the department
17 to analyze and evaluate the nature, causes, location, cost,
18 and damages involved in professional liability cases.
19 (3) Upon request by the Department of Health Agency
20 ~~for Health Care Administration~~, the department shall provide
21 the Department of Health agency with any information received
22 under this section related to persons licensed under chapter
23 458, chapter 459, chapter 461, or chapter 466. For purposes of
24 safety management, the department shall annually provide the
25 Department of Health with copies of the reports in cases
26 resulting in an indemnity being paid to the claimants.
27 (4) There shall be no liability on the part of, and no
28 cause of action of any nature shall arise against, any insurer
29 reporting hereunder or its agents or employees or the
30 department or its employees for any action taken by them under
31 this section. The department may impose a fine of \$250 per day

1 per case, but not to exceed a total of \$1,000 per case,
2 against an insurer that violates the requirements of this
3 section. This subsection applies to claims accruing on or
4 after October 1, 1997.

5 Section 13. Except as otherwise provided herein, this
6 act shall take effect upon becoming a law.

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9 HOUSE SUMMARY

10 Adds criteria for evaluating the need for new regulation
11 of any profession or occupation. Requires the Department
12 of Business and Professional Regulation and the
13 Department of Health to consider the impact on jobs when
14 creating regulation. Grants the Department of Business
15 and Professional Regulation rulemaking authority to
16 regulate any profession under its jurisdiction for which
17 there is no regulatory board. Revises various provisions
18 of law regulating professions and occupations under the
19 jurisdiction of the Department of Business and
20 Professional Regulation to eliminate or revise obsolete
21 references or provisions relating to the Agency for
22 Health Care Administration, to provide inspection fee
23 authority, to provide for inspection and investigative
24 authority by rule, and to revise probable cause
25 provisions. Specifies conditions for issuance of a notice
26 of noncompliance for failure to comply with continuing
27 education requirements. Clarifies that the Department of
28 Health is the agency responsible for receiving and acting
29 on reports by insurers on professional liability claims
30 and actions that relate to certain licensees. See bill
31 for details.