

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Fasano offered the following:

13 **Amendment (with title amendment)**

14 Delete everything after the enacting clause

16 and insert:

17 Section 1. Paragraph (b) of subsection (3) of
18 section 232.435, Florida Statutes, is amended to read:

19 232.435 Extracurricular athletic activities; athletic
20 trainers.--

21 (3)

22 (b) If a school district uses the services of an
23 athletic trainer who is not a teacher athletic trainer or a
24 teacher apprentice trainer within the requirements of this
25 section, such athletic trainer must be licensed as required by
26 part XIII ~~XIV~~ of chapter 468.

27 Section 2. Subsection (2) of section 381.026, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 381.026 Florida Patient's Bill of Rights and
30 Responsibilities.--

31 (2) DEFINITIONS.--As used in this section and s.

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1 381.0261, the term:

2 (a) "Department" means the Department of Health.

3 (b)(a) "Health care facility" means a facility
4 licensed under chapter 395.

5 (c)(b) "Health care provider" means a physician
6 licensed under chapter 458, an osteopathic physician licensed
7 under chapter 459, or a podiatric physician licensed under
8 chapter 461.

9 (d)(c) "Responsible provider" means a health care
10 provider who is primarily responsible for patient care in a
11 health care facility or provider's office.

12 Section 3. Subsection (4) of section 381.0261, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 381.0261 Summary of patient's bill of rights;
15 distribution; penalty.--

16 (4)(a) An administrative fine may be imposed by the
17 Agency for Health Care Administration when any ~~health care~~
18 ~~provider or~~ health care facility fails to make available to
19 patients a summary of their rights, pursuant to s. 381.026 and
20 this section. Initial nonwillful violations shall be subject
21 to corrective action and shall not be subject to an
22 administrative fine. The Agency for Health Care Administration
23 may levy a fine against a health care facility of up to \$5,000
24 for nonwillful violations, and up to \$25,000 for intentional
25 and willful violations. Each intentional and willful violation
26 constitutes a separate violation and is subject to a separate
27 fine.

28 (b) An administrative fine may be imposed by the
29 appropriate regulatory board, or the department if there is no
30 board, when any health care provider fails to make available
31 to patients a summary of their rights, pursuant to s. 381.026

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1 and this section. Initial nonwillful violations shall be
2 subject to corrective action and shall not be subject to an
3 administrative fine. The appropriate regulatory board or
4 department agency may levy a fine against a health care
5 provider of up to \$100 for nonwillful violations and up to
6 \$500 for willful violations. Each intentional and willful
7 violation constitutes a separate violation and is subject to a
8 separate fine.

9 Section 4. Subsections (4) and (6) of section 455.501,
10 Florida Statutes, are amended to read:

11 455.501 Definitions.--As used in this part, the term:

12 (4) "Health care practitioner" means any person
13 licensed under s. 400.211; chapter 457; chapter 458; chapter
14 459; chapter 460; chapter 461; chapter 462; chapter 463;
15 chapter 464; chapter 465; chapter 466; chapter 467; part I,
16 part II, part III, part V, or part X, part XIII, or part XIV
17 of chapter 468; chapter 478; chapter 480; part III or part IV
18 of chapter 483; chapter 484; chapter 486; chapter 490; or
19 chapter 491.

20 (6) "Licensee" means any person or entity issued a
21 permit, registration, certificate, or license by the
22 department.

23 Section 5. Section 455.507, Florida Statutes, is
24 amended to read:

25 455.507 Members of Armed Forces in good standing with
26 administrative boards or department.--

27 (1) Any member of the Armed Forces of the United
28 States now or hereafter on active duty who, at the time of ~~his~~
29 becoming such a member, was in good standing with any
30 administrative board of the state, or the department when
31 there is no board, and was entitled to practice or engage in

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1 his or her profession or vocation in the state shall be kept
2 in good standing by such administrative board, or the
3 department when there is no board, without registering, paying
4 dues or fees, or performing any other act on his or her part
5 to be performed, as long as he or she is a member of the Armed
6 Forces of the United States on active duty and for a period of
7 6 months after ~~his~~ discharge from active duty as a member of
8 the Armed Forces of the United States, provided he or she is
9 not engaged in his or her licensed profession or vocation in
10 the private sector for profit.

11 (2) The boards listed in s. ss. ~~20.165~~ and 20.43, or
12 the department when there is no board, shall adopt rules
13 exempting the spouses of members of the Armed Forces of the
14 United States from licensure renewal provisions, but only in
15 cases of absence from the state because of their spouses'
16 duties with the Armed Forces.

17 Section 6. Section 455.521, Florida Statutes, 1998
18 Supplement, is amended to read:

19 455.521 Department; powers and duties.--The
20 department, for the professions boards under its jurisdiction,
21 shall:

22 (1) Adopt rules establishing a procedure for the
23 biennial renewal of licenses; however, the department may
24 issue up to a 4-year license to selected licensees
25 notwithstanding any other provisions of law to the contrary.
26 Fees for such renewal shall not exceed the fee caps for
27 individual professions on an annualized basis as authorized by
28 law.

29 (2) Appoint the executive director of each board,
30 subject to the approval of the board.

31 (3) Submit an annual budget to the Legislature at a

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1 time and in the manner provided by law.

2 (4) Develop a training program for persons newly
3 appointed to membership on any board. The program shall
4 familiarize such persons with the substantive and procedural
5 laws and rules and fiscal information relating to the
6 regulation of the appropriate profession and with the
7 structure of the department.

8 (5) Adopt rules pursuant to ss. 120.536(1) and 120.54
9 to implement the provisions of this part.

10 (6) Establish by rules procedures by which the
11 department shall use the expert or technical advice of the
12 appropriate board for the purposes of investigation,
13 inspection, evaluation of applications, other duties of the
14 department, or any other areas the department may deem
15 appropriate.

16 (7) Require all proceedings of any board or panel
17 thereof and all formal or informal proceedings conducted by
18 the department, an administrative law judge, or a hearing
19 officer with respect to licensing or discipline to be
20 electronically recorded in a manner sufficient to assure the
21 accurate transcription of all matters so recorded.

22 (8) Select only those investigators, or consultants
23 who undertake investigations, who meet criteria established
24 with the advice of the respective boards.

25 (9) Allow applicants for new or renewal licenses and
26 current licensees to be screened by the Title IV-D child
27 support agency pursuant to s. 409.2598 to assure compliance
28 with a support obligation. The purpose of this subsection is
29 to promote the public policy of this state as established in
30 s. 409.2551. The department shall, when directed by the court,
31 suspend or deny the license of any licensee found to have a

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1 delinquent support obligation. The department shall issue or
2 reinstate the license without additional charge to the
3 licensee when notified by the court that the licensee has
4 complied with the terms of the court order. The department
5 shall not be held liable for any license denial or suspension
6 resulting from the discharge of its duties under this
7 subsection.

8 Section 7.

9 Section 8. Paragraph (k) of subsection (2) of section
10 455.557, Florida Statutes, 1998 Supplement, is amended to
11 read:

12 455.557 Standardized credentialing for health care
13 practitioners.--

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

15 (k) "Health care practitioner" means any person
16 licensed, or, for credentialing purposes only, any person
17 applying for licensure, under chapter 458, chapter 459,
18 chapter 460, or chapter 461 or any person licensed under a
19 chapter subsequently made subject to this section by the
20 department with the approval of the applicable board, except a
21 person registered or applying for registration pursuant to s.
22 458.345 or 459.021.

23 Section 9. Subsections (1), (2), (6), (7), (8), and
24 (9) of section 455.564, Florida Statutes, 1998 Supplement, are
25 amended to read:

26 455.564 Department; general licensing provisions.--

27 (1) Any person desiring to be licensed in a profession
28 within the jurisdiction of the department shall apply to the
29 department in writing to take the licensure examination. The
30 application shall be made on a form prepared and furnished by
31 the department and shall require the social security number of

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1 the applicant. The form shall be supplemented as needed to
2 reflect any material change in any circumstance or condition
3 stated in the application which takes place between the
4 initial filing of the application and the final grant or
5 denial of the license and which might affect the decision of
6 the department. An incomplete application shall expire 1 year
7 after initial filing.In order to further the economic
8 development goals of the state, and notwithstanding any law to
9 the contrary, the department may enter into an agreement with
10 the county tax collector for the purpose of appointing the
11 county tax collector as the department's agent to accept
12 applications for licenses and applications for renewals of
13 licenses. The agreement must specify the time within which the
14 tax collector must forward any applications and accompanying
15 application fees to the department.

16 (2) Before the issuance of any license, the department
17 may charge an initial license fee as determined by rule of the
18 applicable board or, if no such board exists, by rule of the
19 department. Upon receipt of the appropriate license fee, the
20 department shall issue a license to any person certified by
21 the appropriate board, or its designee, as having met the
22 licensure requirements imposed by law or rule. The license
23 licensee shall consist of ~~be issued~~ a wallet-size
24 identification card and a wall card measuring 6 1/2 inches by
25 5 inches. In addition to the two-part license, the department,
26 at the time of initial licensure, shall issue a wall
27 certificate suitable for conspicuous display, which shall be
28 no smaller than 8 1/2 inches by 14 inches. The licensee shall
29 surrender to the department the wallet-size identification
30 card, the wall card, and the wall certificate, if one has been
31 issued by the department, if the licensee's license is

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1 ~~suspended or revoked. The department shall promptly return the~~
2 ~~wallet-size identification card and the wall certificate to~~
3 ~~the licensee upon reinstatement of a suspended or revoked~~
4 ~~license.~~

5 (6) As a condition of renewal of a license, the Board
6 of Medicine, the Board of Osteopathic Medicine, the Board of
7 Chiropractic Medicine, and the Board of Podiatric Medicine
8 shall each require licensees which they respectively regulate
9 to periodically demonstrate their professional competency by
10 completing at least 40 hours of continuing education every 2
11 years, ~~which may include up to 1 hour of risk management or~~
12 ~~cost containment and up to 2 hours of other topics related to~~
13 ~~the applicable medical specialty, if required by board rule.~~
14 The boards may require by rule that up to 1 hour of the
15 required 40 or more hours be in the area of risk management or
16 cost containment. This provision shall not be construed to
17 limit the number of hours that a licensee may obtain in risk
18 management or cost containment to be credited toward
19 satisfying the 40 or more required hours. This provision shall
20 not be construed to require the boards to impose any
21 requirement on licensees except for the completion of at least
22 40 hours of continuing education every 2 years.Each of such
23 boards shall determine whether any specific continuing
24 education course requirements not otherwise mandated by law
25 shall be mandated and shall approve criteria for, and the
26 content of, any continuing education course mandated by such
27 board. Notwithstanding any other provision of law, the board,
28 or the department when there is no board, may approve by rule
29 alternative methods of obtaining continuing education credits
30 in risk management. The alternative methods may include
31 attending a board meeting at which another a licensee is

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1 disciplined, serving as a volunteer expert witness for the
2 department in a disciplinary case, or serving as a member of a
3 probable cause panel following the expiration of a board
4 member's term. Other boards within the Division of Medical
5 Quality Assurance, or the department if there is no board, may
6 adopt rules granting continuing education hours in risk
7 management for attending a board meeting at which another
8 licensee is disciplined, serving as a volunteer expert witness
9 for the department in a disciplinary case, or serving as a
10 member of a probable cause panel following the expiration of a
11 board member's term.

12 (7) The respective boards within the jurisdiction of
13 the department, or the department when there is no board, may
14 adopt rules to provide for the use of approved videocassette
15 courses, not to exceed 5 hours per subject, to fulfill the
16 continuing education requirements of the professions they
17 regulate. Such rules shall provide for prior ~~board~~ approval of
18 the board, or the department when there is no board, of the
19 criteria for and content of such courses and shall provide for
20 a videocassette course validation form to be signed by the
21 vendor and the licensee and submitted to the department, along
22 with the license renewal application, for continuing education
23 credit.

24 (8) Any board that currently requires continuing
25 education for renewal of a license, or the department if there
26 is no board, shall adopt rules to establish the criteria for
27 continuing education courses. The rules may provide that up
28 to a maximum of 25 percent of the required continuing
29 education hours can be fulfilled by the performance of pro
30 bono services to the indigent or to underserved populations or
31 in areas of critical need within the state where the licensee

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1 practices. The board, or the department if there is no board,
2 must require that any pro bono services be approved in advance
3 in order to receive credit for continuing education under this
4 subsection. The standard for determining indigency shall be
5 that recognized by the Federal Poverty Income Guidelines
6 produced by the United States Department of Health and Human
7 Services. The rules may provide for approval by the board, or
8 the department if there is no board, that a part of the
9 continuing education hours can be fulfilled by performing
10 research in critical need areas or for training leading to
11 advanced professional certification. The board, or the
12 department if there is no board, may make rules to define
13 underserved and critical need areas. The department shall
14 adopt rules for administering continuing education
15 requirements adopted by the boards or the department if there
16 is no board.

17 (9) Notwithstanding any law to the contrary, an
18 elected official who is licensed under a practice act
19 administered by the Division of Medical Health Quality
20 Assurance may hold employment for compensation with any public
21 agency concurrent with such public service. Such dual service
22 must be disclosed according to any disclosure required by
23 applicable law.

24 Section 10. Subsections (1) and (4) of section
25 455.565, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 455.565 Designated health care professionals;
28 information required for licensure.--

29 (1) Each person who applies for initial licensure as a
30 physician under chapter 458, chapter 459, chapter 460, or
31 chapter 461, except a person applying for registration

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1 pursuant to s. 458.345 or s. 459.021, must, at the time of
2 application, and each physician who applies for license
3 renewal under chapter 458, chapter 459, chapter 460, or
4 chapter 461, except a person registered pursuant to s. 458.345
5 or s. 459.021, must, in conjunction with the renewal of such
6 license and under procedures adopted by the Department of
7 Health, and in addition to any other information that may be
8 required from the applicant, furnish the following information
9 to the Department of Health:

10 (a)1. The name of each medical school that the
11 applicant has attended, with the dates of attendance and the
12 date of graduation, and a description of all graduate medical
13 education completed by the applicant, excluding any coursework
14 taken to satisfy medical licensure continuing education
15 requirements.

16 2. The name of each hospital at which the applicant
17 has privileges.

18 3. The address at which the applicant will primarily
19 conduct his or her practice.

20 4. Any certification that the applicant has received
21 from a specialty board that is recognized by the board to
22 which the applicant is applying.

23 5. The year that the applicant began practicing
24 medicine in any jurisdiction.

25 6. Any appointment to the faculty of a medical school
26 which the applicant currently holds and an indication as to
27 whether the applicant has had the responsibility for graduate
28 medical education within the most recent 10 years.

29 7. A description of any criminal offense of which the
30 applicant has been found guilty, regardless of whether
31 adjudication of guilt was withheld, or to which the applicant

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1 has pled guilty or nolo contendere. A criminal offense
2 committed in another jurisdiction which would have been a
3 felony or misdemeanor if committed in this state must be
4 reported. If the applicant indicates that a criminal offense
5 is under appeal and submits a copy of the notice for appeal of
6 that criminal offense, the department must state that the
7 criminal offense is under appeal if the criminal offense is
8 reported in the applicant's profile. If the applicant
9 indicates to the department that a criminal offense is under
10 appeal, the applicant must, upon disposition of the appeal,
11 submit to the department a copy of the final written order of
12 disposition.

13 8. A description of any final disciplinary action
14 taken within the previous 10 years against the applicant by
15 the agency regulating the profession that the applicant is or
16 has been licensed to practice, whether in this state or in any
17 other jurisdiction, by a specialty board that is recognized by
18 the American Board of Medical Specialities, the American
19 Osteopathic Association, or a similar national organization,
20 or by a licensed hospital, health maintenance organization,
21 prepaid health clinic, ambulatory surgical center, or nursing
22 home. Disciplinary action includes resignation from or
23 nonrenewal of medical staff membership or the restriction of
24 privileges at a licensed hospital, health maintenance
25 organization, prepaid health clinic, ambulatory surgical
26 center, or nursing home taken in lieu of or in settlement of a
27 pending disciplinary case related to competence or character.
28 If the applicant indicates that the disciplinary action is
29 under appeal and submits a copy of the document initiating an
30 appeal of the disciplinary action, the department must state
31 that the disciplinary action is under appeal if the

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1 disciplinary action is reported in the applicant's profile.

2 (b) In addition to the information required under
3 paragraph (a), each applicant who seeks licensure under
4 chapter 458, chapter 459, or chapter 461, and who has
5 practiced previously in this state or in another jurisdiction
6 or a foreign country must provide the information required of
7 licensees under those chapters pursuant to s. 455.697. An
8 applicant for licensure under chapter 460 who has practiced
9 previously in this state or in another jurisdiction or a
10 foreign country must provide the same information as is
11 required of licensees under chapter 458, pursuant to s.
12 455.697.

13 (4)(a) An applicant for initial licensure must submit
14 a set of fingerprints to the Department of Health in
15 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.
16 458.313, s. 459.0055, s. 460.406, or s. 461.006.

17 (b) An applicant for renewed licensure who received an
18 initial license in this state after January 1, 1992, must
19 submit a set of fingerprints for the initial renewal of his or
20 her license after January 1, 2000, to the agency regulating
21 that profession in accordance with procedures established
22 under s. 458.319, s. 459.008, s. 460.407, or s. 461.007.

23 (c) The Department of Health shall submit the
24 fingerprints provided by an applicant for initial licensure to
25 the Florida Department of Law Enforcement for a statewide
26 criminal history check, and the Florida Department of Law
27 Enforcement shall forward the fingerprints to the Federal
28 Bureau of Investigation for a national criminal history check
29 of the applicant. The department shall submit the fingerprints
30 provided by an applicant for a renewed license who received an
31 initial license in this state after January 1, 1992, to the

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1 Florida Department of Law Enforcement for a statewide criminal
2 history check, and the Florida Department of Law Enforcement
3 shall forward the fingerprints to the Federal Bureau of
4 Investigation for a national criminal history check for the
5 initial renewal of the applicant's license after January 1,
6 2000. For any subsequent renewal of the applicant's license
7 and of any applicant who received an initial license in this
8 state on or before January 1, 1992, the department shall
9 submit the required information for a statewide criminal
10 history check of the applicant.

11 Section 11. Present subsections (5), (6), and (7) of
12 section 455.5651, Florida Statutes, 1998 Supplement, are
13 renumbered as subsections (6), (7), and (8), respectively, and
14 a new subsection (5) is added to that section, to read:

15 455.5651 Practitioner profile; creation.--

16 (5) The Department of Health may not include
17 disciplinary action taken by a licensed hospital or an
18 ambulatory surgical center in the practitioner profile.

19 Section 12. Section 455.567, Florida Statutes, is
20 amended to read:

21 455.567 Sexual misconduct; disqualification for
22 license, certificate, or registration.--

23 (1) Sexual misconduct in the practice of a health care
24 profession means violation of the professional relationship
25 through which the health care practitioner uses such
26 relationship to engage or attempt to engage the patient or
27 client, or an immediate family member of the patient or client
28 in, or to induce or attempt to induce such person to engage
29 in, verbal or physical sexual activity outside the scope of
30 the professional practice of such health care profession.

31 Sexual misconduct in the practice of a health care profession

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1 is prohibited.

2 (2) Each board within the jurisdiction of the
3 department, or the department if there is no board, shall
4 refuse to admit a candidate to any examination and refuse to
5 issue a license, certificate, or registration to any applicant
6 if the candidate or applicant has:

7 (a)~~(1)~~ Had any license, certificate, or registration
8 to practice any profession or occupation revoked or
9 surrendered based on a violation of sexual misconduct in the
10 practice of that profession under the laws of any other state
11 or any territory or possession of the United States and has
12 not had that license, certificate, or registration reinstated
13 by the licensing authority of the jurisdiction that revoked
14 the license, certificate, or registration; or

15 (b)~~(2)~~ Committed any act in any other state or any
16 territory or possession of the United States which if
17 committed in this state would constitute sexual misconduct.
18

19 For purposes of this subsection, a licensing authority's
20 acceptance of a candidate's relinquishment of a license which
21 is offered in response to or in anticipation of the filing of
22 administrative charges against the candidate's license
23 constitutes the surrender of the license.

24 Section 13. Subsection (2) of section 455.574, Florida
25 Statutes, 1998 Supplement, is amended to read:

26 455.574 Department of Health; examinations.--

27 (2) For each examination developed by the department
28 or a contracted vendor, the board, or the department when
29 there is no board, shall adopt rules providing for
30 reexamination of any applicants who failed an examination
31 developed by the department or a contracted vendor. If both a

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1 written and a practical examination are given, an applicant
2 shall be required to retake only the portion of the
3 examination on which the applicant failed to achieve a passing
4 grade, if the applicant successfully passes that portion
5 within a reasonable time, as determined by rule of the board,
6 or the department when there is no board, of passing the other
7 portion. Except for national examinations approved and
8 administered pursuant to this section, the department shall
9 provide procedures for applicants who fail an examination
10 developed by the department or a contracted vendor to review
11 their examination questions, answers, papers, grades, and
12 grading key for the questions the candidate answered
13 incorrectly or, if not feasible, the parts of the examination
14 failed. Applicants shall bear the actual cost for the
15 department to provide examination review pursuant to this
16 subsection. An applicant may waive in writing the
17 confidentiality of the applicant's examination grades.

18 Section 14. Subsection (1) of section 455.587, Florida
19 Statutes, is amended, present subsections (2) through (7) are
20 renumbered as subsections (3) through (8), respectively, and a
21 new subsection (2) is added to that section, to read:

22 455.587 Fees; receipts; disposition for boards within
23 the department.--

24 (1) Each board within the jurisdiction of the
25 department, or the department when there is no board, shall
26 determine by rule the amount of license fees for the its
27 profession it regulates, based upon long-range estimates
28 prepared by the department of the revenue required to
29 implement laws relating to the regulation of professions by
30 the department and the board. Each board, or the department
31 if there is no board, shall ensure that license fees are

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1 adequate to cover all anticipated costs and to maintain a
2 reasonable cash balance, as determined by rule of the agency,
3 with advice of the applicable board. If sufficient action is
4 not taken by a board within 1 year after notification by the
5 department that license fees are projected to be inadequate,
6 the department shall set license fees on behalf of the
7 applicable board to cover anticipated costs and to maintain
8 the required cash balance. The department shall include
9 recommended fee cap increases in its annual report to the
10 Legislature. Further, it is the legislative intent that no
11 regulated profession operate with a negative cash balance. The
12 department may provide by rule for advancing sufficient funds
13 to any profession operating with a negative cash balance. The
14 advancement may be for a period not to exceed 2 consecutive
15 years, and the regulated profession must pay interest.
16 Interest shall be calculated at the current rate earned on
17 investments of a trust fund used by the department to
18 implement this part. Interest earned shall be allocated to the
19 various funds in accordance with the allocation of investment
20 earnings during the period of the advance.

21 (2) Each board, or the department if there is no
22 board, may charge a fee not to exceed \$25, as determined by
23 rule, for the issuance of a wall certificate pursuant to s.
24 455.564(2) requested by a licensee who was licensed prior to
25 July 1, 1998, or for the issuance of a duplicate wall
26 certificate requested by any licensee.

27 Section 15. Subsections (1) and (6) of section
28 455.604, Florida Statutes, 1998 Supplement, are amended to
29 read:

30 455.604 Requirement for instruction for certain
31 licensees on human immunodeficiency virus and acquired immune

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1 deficiency syndrome.--

2 (1) The appropriate board shall require each person
3 licensed or certified under chapter 457; chapter 458; chapter
4 459; chapter 460; chapter 461; chapter 463; chapter 464;
5 chapter 465; chapter 466; part II, part III, ~~or~~ part V, or
6 part X of chapter 468; or chapter 486 to complete a continuing
7 educational course, approved by the board, on human
8 immunodeficiency virus and acquired immune deficiency syndrome
9 as part of biennial relicensure or recertification. The course
10 shall consist of education on the modes of transmission,
11 infection control procedures, clinical management, and
12 prevention of human immunodeficiency virus and acquired immune
13 deficiency syndrome. Such course shall include information on
14 current Florida law on acquired immune deficiency syndrome and
15 its impact on testing, confidentiality of test results,
16 treatment of patients, and any protocols and procedures
17 applicable to human immunodeficiency virus counseling and
18 testing, reporting, the offering of HIV testing to pregnant
19 women, and partner notification issues pursuant to ss. 381.004
20 and 384.25.

21 (6) The board shall require as a condition of granting
22 a license under the chapters and parts specified in subsection
23 (1) that an applicant making initial application for licensure
24 complete an educational course acceptable to the board on
25 human immunodeficiency virus and acquired immune deficiency
26 syndrome. An applicant who has not taken a course at the time
27 of licensure shall, upon an affidavit showing good cause, be
28 allowed 6 months to complete this requirement.

29 Section 16. Subsection (1) of section 455.607, Florida
30 Statutes, is amended to read:

31 455.607 Athletic trainers and massage therapists;

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1 requirement for instruction on human immunodeficiency virus
2 and acquired immune deficiency syndrome.--

3 (1) The board, or the department where there is no
4 board, shall require each person licensed or certified under
5 part XIII ~~XIV~~ of chapter 468 or chapter 480 to complete a
6 continuing educational course approved by the board, or the
7 department where there is no board, on human immunodeficiency
8 virus and acquired immune deficiency syndrome as part of
9 biennial relicensure or recertification. The course shall
10 consist of education on modes of transmission, infection
11 control procedures, clinical management, and prevention of
12 human immunodeficiency virus and acquired immune deficiency
13 syndrome, with an emphasis on appropriate behavior and
14 attitude change.

15 Section 17. Paragraphs (t), (u), (v), (w), and (x) are
16 added to subsection (1) of section 455.624, Florida Statutes,
17 subsection (2) of that section is amended, present subsection
18 (3) of that section is renumbered as subsection (4) and
19 amended, present subsections (4) and (5) of that subsection
20 are renumbered as subsections (5) and (6), respectively, and a
21 new subsection (3) is added to that section, to read:

22 455.624 Grounds for discipline; penalties;
23 enforcement.--

24 (1) The following acts shall constitute grounds for
25 which the disciplinary actions specified in subsection (2) may
26 be taken:

27 (t) Failing to comply with the requirements of ss.
28 381.026 and 381.0261 to provide patients with information
29 about their patient rights and how to file a patient
30 complaint.

31 (u) Engaging or attempting to engage a patient or

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1 client in verbal or physical sexual activity. For the purposes
2 of this section, a patient or client shall be presumed to be
3 incapable of giving free, full, and informed consent to verbal
4 or physical sexual activity.

5 (v) Failing to comply with the requirements for
6 profiling and credentialing, including, but not limited to,
7 failing to provide initial information, failing to timely
8 provide updated information, or making misleading, untrue,
9 deceptive, or fraudulent representations on a profile,
10 credentialing, or initial or renewal licensure application.

11 (w) Failing to report to the board, or the department
12 if there is no board, in writing within 30 days after the
13 licensee has been convicted or found guilty of, or entered a
14 plea of nolo contendere to, regardless of adjudication, a
15 crime in any jurisdiction. Convictions, findings,
16 adjudications, and pleas entered into prior to the enactment
17 of this paragraph must be reported in writing to the board, or
18 department if there is no board, on or before October 1, 1999.

19 (x) Using information about people involved in motor
20 vehicle accidents which has been derived from accident reports
21 made by law enforcement officers or persons involved in
22 accidents pursuant to s. 316.066, or using information
23 published in a newspaper or other news publication or through
24 a radio or television broadcast that has used information
25 gained from such reports, for the purposes of commercial or
26 any other solicitation whatsoever of the people involved in
27 such accidents.

28 (2) When the board, or the department when there is no
29 board, finds any person guilty of the grounds set forth in
30 subsection (1) or of any grounds set forth in the applicable
31 practice act, including conduct constituting a substantial

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1 violation of subsection (1) or a violation of the applicable
2 practice act which occurred prior to obtaining a license, it
3 may enter an order imposing one or more of the following
4 penalties:

- 5 (a) Refusal to certify, or to certify with
- 6 restrictions, an application for a license.
- 7 (b) Suspension or permanent revocation of a license.
- 8 (c) Restriction of practice.
- 9 (d) Imposition of an administrative fine not to exceed
- 10 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.
- 11 (e) Issuance of a reprimand.
- 12 (f) Placement of the licensee on probation for a
- 13 period of time and subject to such conditions as the board, or
- 14 the department when there is no board, may specify. Those
- 15 conditions may include, but are not limited to, requiring the
- 16 licensee to undergo treatment, attend continuing education
- 17 courses, submit to be reexamined, work under the supervision
- 18 of another licensee, or satisfy any terms which are reasonably
- 19 tailored to the violations found.
- 20 (g) Corrective action.
- 21 (h) Imposition of an administrative fine in accordance
- 22 with s. 381.0261 for violations regarding patient rights.

23

24 In determining what action is appropriate, the board, or
25 department when there is no board, must first consider what
26 sanctions are necessary to protect the public or to compensate
27 the patient. Only after those sanctions have been imposed may
28 the disciplining authority consider and include in the order
29 requirements designed to rehabilitate the practitioner. All
30 costs associated with compliance with orders issued under this
31 subsection are the obligation of the practitioner.

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1 (3) Notwithstanding subsection (2), if the ground for
2 disciplinary action is the first-time failure of the licensee
3 to satisfy continuing education requirements established by
4 the board, or by the department if there is no board, the
5 board or department, as applicable, shall issue a citation in
6 accordance with s. 455.617 and assess a fine, as determined by
7 the board or department by rule. In addition, for each hour of
8 continuing education not completed or completed late, the
9 board or department, as applicable, may require the licensee
10 to take 1 additional hour of continuing education for each
11 hour not completed or completed late.

12 (4)(3) In addition to any other discipline imposed
13 pursuant to this section or discipline imposed for a violation
14 of any practice act, the board, or the department when there
15 is no board, may assess costs related to the investigation and
16 prosecution of the case ~~excluding costs associated with an~~
17 ~~attorney's time~~. In any case where the board or the department
18 imposes a fine or assessment and the fine or assessment is not
19 paid within a reasonable time, such reasonable time to be
20 prescribed in the rules of the board, or the department when
21 there is no board, or in the order assessing such fines or
22 costs, the department or the Department of Legal Affairs may
23 contract for the collection of, or bring a civil action to
24 recover, the fine or assessment.

25 Section 18. Section 455.664, Florida Statutes, is
26 amended to read:

27 455.664 Advertisement by a health care practitioner
28 ~~provider~~ of free or discounted services; required
29 statement.--In any advertisement for a free, discounted fee,
30 or reduced fee service, examination, or treatment by a health
31 care practitioner ~~provider~~ licensed under chapter 458, chapter

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1 459, chapter 460, chapter 461, chapter 462, chapter 463,
2 chapter 464, chapter 465, chapter 466, chapter 467, chapter
3 478, chapter 483, chapter 484, ~~or~~ chapter 486, chapter 490, or
4 chapter 491, the following statement shall appear in capital
5 letters clearly distinguishable from the rest of the text:
6 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A
7 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR
8 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT
9 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING
10 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED
11 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required
12 statement shall not be necessary as an accompaniment to an
13 advertisement of a licensed health care practitioner ~~provider~~
14 defined by this section if the advertisement appears in a
15 classified directory the primary purpose of which is to
16 provide products and services at free, reduced, or discounted
17 prices to consumers and in which the statement prominently
18 appears in at least one place.

19 Section 19. Subsection (7) of section 455.667, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 455.667 Ownership and control of patient records;
22 report or copies of records to be furnished.--

23 ~~(7)(a)1. The department may obtain patient records and~~
24 ~~insurance information, if the complaint being investigated~~
25 ~~alleges inadequate medical care based on termination of~~
26 ~~insurance. The department may obtain patient ~~access these~~~~

27 records pursuant to a subpoena without written authorization
28 from the patient if the department and the probable cause
29 panel of the appropriate board, if any, find reasonable cause
30 to believe that a health care practitioner has excessively or
31 inappropriately prescribed any controlled substance specified

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1 in chapter 893 in violation of this part or any professional
2 practice act or that a health care practitioner has practiced
3 his or her profession below that level of care, skill, and
4 treatment required as defined by this part or any professional
5 practice act; ~~provided, however, the~~ and also find that
6 appropriate, reasonable attempts were made to obtain a patient
7 release.

8 2. The department may obtain patient records and
9 insurance information pursuant to a subpoena without written
10 authorization from the patient if the department and the
11 probable cause panel of the appropriate board, if any, find
12 reasonable cause to believe that a health care practitioner
13 has provided inadequate medical care based on termination of
14 insurance and also find that appropriate, reasonable attempts
15 were made to obtain a patient release.

16 3. The department may obtain patient records, billing
17 records, insurance information, provider contracts, and all
18 attachments thereto pursuant to a subpoena without written
19 authorization from the patient if the department and probable
20 cause panel of the appropriate board, if any, find reasonable
21 cause to believe that a health care practitioner has submitted
22 a claim, statement, or bill using a billing code that would
23 result in payment greater in amount than would be paid using a
24 billing code that accurately describes the services performed,
25 requested payment for services that were not performed by that
26 health care practitioner, used information derived from a
27 written report of an automobile accident generated pursuant to
28 chapter 316 to solicit or obtain patients personally or
29 through an agent regardless of whether the information is
30 derived directly from the report or a summary of that report
31 or from another person, solicited patients fraudulently,

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1 received a kickback as defined in s. 455.657, violated the
2 patient brokering provisions of s. 817.505, or presented or
3 caused to be presented a false or fraudulent insurance claim
4 within the meaning of s. 817.234(1)(a), and also find that,
5 within the meaning of s. 817.234(1)(a), patient authorization
6 cannot be obtained because the patient cannot be located or is
7 deceased, incapacitated, or suspected of being a participant
8 in the fraud or scheme, and if the subpoena is issued for
9 specific and relevant records.

10 (b) Patient records, billing records, insurance
11 information, provider contracts, and all attachments thereto
12 record obtained by the department pursuant to this subsection
13 shall be used solely for the purpose of the department and the
14 appropriate regulatory board in disciplinary proceedings. ~~The~~
15 ~~records shall otherwise be confidential and exempt from s.~~
16 ~~119.07(1).~~ This section does not limit the assertion of the
17 psychotherapist-patient privilege under s. 90.503 in regard to
18 records of treatment for mental or nervous disorders by a
19 medical practitioner licensed pursuant to chapter 458 or
20 chapter 459 who has primarily diagnosed and treated mental and
21 nervous disorders for a period of not less than 3 years,
22 inclusive of psychiatric residency. However, the health care
23 practitioner shall release records of treatment for medical
24 conditions even if the health care practitioner has also
25 treated the patient for mental or nervous disorders. If the
26 department has found reasonable cause under this section and
27 the psychotherapist-patient privilege is asserted, the
28 department may petition the circuit court for an in camera
29 review of the records by expert medical practitioners
30 appointed by the court to determine if the records or any part
31 thereof are protected under the psychotherapist-patient

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1 privilege.

2 Section 20. Subsection (16) of section 455.667,
3 Florida Statutes, is amended to read:

4 455.667 Ownership and control of patient records;
5 report or copies of records to be furnished.--

6 (16) A health care practitioner or records owner
7 furnishing copies of reports or records or making the reports
8 or records available for digital scanning pursuant to this
9 section shall charge no more than the actual cost of copying,
10 including reasonable staff time, or the amount specified in
11 administrative rule by the appropriate board, or the
12 department when there is no board.

13 Section 21. Subsection (3) is added to section
14 455.687, Florida Statutes, to read:

15 455.687 Certain health care practitioners; immediate
16 suspension of license.--

17 (3) The department may issue an emergency order
18 suspending or restricting the license of any health care
19 practitioner as defined in s. 455.501(4) who tests positive
20 for any drug on any government or private-sector preemployment
21 or employer-ordered confirmed drug test, as defined in s.
22 112.0455, when the practitioner does not have a lawful
23 prescription and legitimate medical reason for using such
24 drug. The practitioner shall be given 48 hours from the time
25 of notification to the practitioner of the confirmed test
26 result to produce a lawful prescription for the drug before an
27 emergency order is issued.

28 Section 22. Section 455.694, Florida Statutes, 1998
29 Supplement, is amended to read:

30 455.694 Financial responsibility requirements for
31 ~~Boards regulating~~ certain health care 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, and
8 the department shall, by rule, require that midwives maintain
9 medical malpractice insurance or provide proof of financial
10 responsibility in an amount and in a manner determined by the
11 board or department to be sufficient to cover claims arising
12 out of the rendering of or failure to render professional care
13 and services in this state.

14 (2) The board or department may grant exemptions upon
15 application by practitioners meeting any of the following
16 criteria:

17 (a) Any person licensed under chapter 457, chapter
18 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467
19 who practices exclusively as an officer, employee, or agent of
20 the Federal Government or of the state or its agencies or its
21 subdivisions. For the purposes of this subsection, an agent
22 of the state, its agencies, or its subdivisions is a person
23 who is eligible for coverage under any self-insurance or
24 insurance program authorized by the provisions of s.
25 768.28(15) or who is a volunteer under s. 110.501(1).

26 (b) Any person whose license or certification has
27 become inactive under chapter 457, chapter 460, chapter 461,
28 chapter 464, ~~or~~ chapter 466, or chapter 467 and who is not
29 practicing in this state. Any person applying for
30 reactivation of a license must show either that such licensee
31 maintained tail insurance coverage which provided liability

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1 coverage for incidents that occurred on or after October 1,
2 1993, or the initial date of licensure in this state,
3 whichever is later, and incidents that occurred before the
4 date on which the license became inactive; or such licensee
5 must submit an affidavit stating that such licensee has no
6 unsatisfied medical malpractice judgments or settlements at
7 the time of application for reactivation.

8 (c) Any person holding a limited license pursuant to
9 s. 455.561, and practicing under the scope of such limited
10 license.

11 (d) Any person licensed or certified under chapter
12 457, chapter 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or
13 chapter 467 who practices only in conjunction with his or her
14 teaching duties at an accredited school or in its main
15 teaching hospitals. Such person may engage in the practice of
16 medicine to the extent that such practice is incidental to and
17 a necessary part of duties in connection with the teaching
18 position in the school.

19 (e) Any person holding an active license or
20 certification under chapter 457, chapter 460, chapter 461, s.
21 464.012, ~~or~~ chapter 466, or chapter 467 who is not practicing
22 in this state. If such person initiates or resumes practice
23 in this state, he or she must notify the department of such
24 activity.

25 (f) Any person who can demonstrate to the board or
26 department that he or she has no malpractice exposure in the
27 state.

28 (3) Notwithstanding the provisions of this section,
29 the financial responsibility requirements of ss. 458.320 and
30 459.0085 shall continue to apply to practitioners licensed
31 under those chapters.

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1 Section 23. Section 455.712, Florida Statutes, is
2 created to read:

3 455.712 Business establishments; requirements for
4 active status licenses.--

5 (1) A business establishment regulated by the Division
6 of Medical Quality Assurance pursuant to this part may provide
7 regulated services only if the business establishment has an
8 active status license. A business establishment that provides
9 regulated services without an active status license is in
10 violation of this section and s. 455.624, and the board, or
11 the department if there is no board, may impose discipline on
12 the business establishment.

13 (2) A business establishment must apply with a
14 complete application, as defined by rule of the board, or the
15 department if there is no board, to renew an active status
16 license before the license expires. If a business
17 establishment fails to renew before the license expires, the
18 license becomes delinquent, except as otherwise provided in
19 statute, in the license cycle following expiration.

20 (3) A delinquent business establishment must apply
21 with a complete application, as defined by rule of the board,
22 or the department if there is no board, for active status
23 within 6 months after becoming delinquent. Failure of a
24 delinquent business establishment to renew the license within
25 the 6 months after the expiration date of the license renders
26 the license null without any further action by the board or
27 the department. Any subsequent licensure shall be as a result
28 of applying for and meeting all requirements imposed on a
29 business establishment for new licensure.

30 (4) The status or a change in status of a business
31 establishment license does not alter in any way the right of

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1 the board, or of the department if there is no board, to
2 impose discipline or to enforce discipline previously imposed
3 on a business establishment for acts or omissions committed by
4 the business establishment while holding a license, whether
5 active or null.

6 (5) This section applies to any a business
7 establishment registered, permitted, or licensed by the
8 department to do business. Business establishments include,
9 but are not limited to, dental laboratories, electrology
10 facilities, massage establishments, pharmacies, and health
11 care services pools.

12 Section 24. Subsection (7) is added to section
13 457.102, Florida Statutes, 1998 Supplement, to read:

14 457.102 Definitions.--As used in this chapter:

15 (7) "Prescriptive rights" means the prescription,
16 administration, and use of needles and devices, restricted
17 devices, and prescription devices that are used in the
18 practice of acupuncture and oriental medicine.

19 Section 25. Subsections (2) and (4) of section
20 458.307, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 458.307 Board of Medicine.--

23 (2) Twelve members of the board must be licensed
24 physicians in good standing in this state who are residents of
25 the state and who have been engaged in the active practice or
26 teaching of medicine for at least 4 years immediately
27 preceding their appointment. One of the physicians must be on
28 the full-time faculty of a medical school in this state, and
29 one of the physicians must be in private practice and on the
30 full-time staff of a statutory teaching hospital in this state
31 as defined in s. 408.07. At least one of the physicians must

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1 be a graduate of a foreign medical school. The remaining
2 three members must be residents of the state who are not, and
3 never have been, licensed health care practitioners. One
4 member must be a health care hospital risk manager licensed
5 ~~certified~~ under s. 395.10974 ~~part IX of chapter 626~~. At least
6 one member of the board must be 60 years of age or older.

7 (4) The board, in conjunction with the department,
8 shall establish a disciplinary training program for board
9 members. The program shall provide for initial and periodic
10 training in the grounds for disciplinary action, the actions
11 which may be taken by the board and the department, changes in
12 relevant statutes and rules, and any relevant judicial and
13 administrative decisions. ~~After January 1, 1989,~~No member of
14 the board shall participate on probable cause panels or in
15 disciplinary decisions of the board unless he or she has
16 completed the disciplinary training program.

17 Section 26. Subsection (3) is added to section
18 458.309, Florida Statutes, 1998 Supplement, to read:

19 458.309 Authority to make rules.--

20 (3) All physicians which perform level 2 procedures
21 lasting more than 5 minutes and all level 3 surgical
22 procedures in an office setting must register the office with
23 the department unless that office is licensed as a facility
24 pursuant to chapter 395. The department shall inspect the
25 physician's office annually unless the office is accredited
26 by a nationally recognized accrediting agency or an
27 accrediting organization subsequently approved by the Board of
28 Medicine. The actual costs for registration and inspection or
29 accreditation shall be paid by the person seeking to register
30 and operate the office setting in which office surgery is
31 performed.

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1 Section 27. Section 458.311, Florida Statutes, 1998
2 Supplement, is amended to read:

3 458.311 Licensure by examination; requirements;
4 fees.--

5 (1) Any person desiring to be licensed as a physician,
6 who does not hold a valid license in any state, shall apply to
7 the department on forms furnished by the department to take
8 the licensure examination. The department shall license
9 examine each applicant who ~~whom~~ the board certifies:

10 (a) Has completed the application form and remitted a
11 nonrefundable application fee not to exceed \$500 ~~and an~~
12 ~~examination fee not to exceed \$300 plus the actual per~~
13 ~~applicant cost to the department for purchase of the~~
14 ~~examination from the Federation of State Medical Boards of the~~
15 ~~United States or a similar national organization, which is~~
16 ~~refundable if the applicant is found to be ineligible to take~~
17 ~~the examination.~~

18 (b) Is at least 21 years of age.

19 (c) Is of good moral character.

20 (d) Has not committed any act or offense in this or
21 any other jurisdiction which would constitute the basis for
22 disciplining a physician pursuant to s. 458.331.

23 (e) For any applicant who has graduated from medical
24 school after October 1, 1992, has completed the equivalent of
25 2 academic years of preprofessional, postsecondary education,
26 as determined by rule of the board, which shall include, at a
27 minimum, courses in such fields as anatomy, biology, and
28 chemistry prior to entering medical school.

29 (f) Meets one of the following medical education and
30 postgraduate training requirements:

31 1.a. Is a graduate of an allopathic medical school or

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1 allopathic college recognized and approved by an accrediting
2 agency recognized by the United States Office of Education or
3 is a graduate of an allopathic medical school or allopathic
4 college within a territorial jurisdiction of the United States
5 recognized by the accrediting agency of the governmental body
6 of that jurisdiction;

7 b. If the language of instruction of the medical
8 school is other than English, has demonstrated competency in
9 English through presentation of a satisfactory grade on the
10 Test of Spoken English of the Educational Testing Service or a
11 similar test approved by rule of the board; and

12 c. Has completed an approved residency of at least 1
13 year.

14 2.a. Is a graduate of an allopathic a foreign medical
15 school registered with the World Health Organization and
16 certified pursuant to s. 458.314 as having met the standards
17 required to accredit medical schools in the United States or
18 reasonably comparable standards;

19 b. If the language of instruction of the foreign
20 medical school is other than English, has demonstrated
21 competency in English through presentation of the Educational
22 Commission for Foreign Medical Graduates English proficiency
23 certificate or by a satisfactory grade on the Test of Spoken
24 English of the Educational Testing Service or a similar test
25 approved by rule of the board; and

26 c. Has completed an approved residency of at least 1
27 year.

28 3.a. Is a graduate of an allopathic a foreign medical
29 school which has not been certified pursuant to s. 458.314;

30 b. Has had his or her medical credentials evaluated by
31 the Educational Commission for Foreign Medical Graduates,

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1 holds an active, valid certificate issued by that commission,
2 and has passed the examination utilized by that commission;
3 and

4 c. Has completed an approved residency of at least 1
5 year; however, after October 1, 1992, the applicant shall have
6 completed an approved residency or fellowship of at least 2
7 years in one specialty area. However, to be acceptable, the
8 fellowship experience and training must be counted toward
9 regular or subspecialty certification by a board recognized
10 and certified by the American Board of Medical Specialties.

11 (g) Has submitted to the department a set of
12 fingerprints on a form and under procedures specified by the
13 department, along with a payment in an amount equal to the
14 costs incurred by the Department of Health for the criminal
15 background check of the applicant.

16 (h) Has obtained a passing score, as established by
17 rule of the board, on the licensure examination of the United
18 States Medical Licensing Examination (USMLE); or a combination
19 of the United States Medical Licensing Examination (USMLE),
20 the examination of the Federation of State Medical Boards of
21 the United States, Inc. (FLEX), or the examination of the
22 National Board of Medical Examiners up to the year 2000; or
23 for the purpose of examination of any applicant who was
24 licensed on the basis of a state board examination and who is
25 currently licensed in at least one other jurisdiction of the
26 United States or Canada, and who has practiced pursuant to
27 such licensure for a period of at least 10 years, use of the
28 Special Purpose Examination of the Federation of State Medical
29 Boards of the United States (SPEX) upon receipt of a passing
30 score as established by rule of the board.

31 (2) As prescribed by board rule, the board may require

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1 an applicant who does not pass the national licensing
2 examination after five attempts to complete additional
3 remedial education or training. The board shall prescribe the
4 additional requirements in a manner that permits the applicant
5 to complete the requirements and be reexamined within 2 years
6 after the date the applicant petitions the board to retake the
7 examination a sixth or subsequent time.

8 (3) Notwithstanding the provisions of subparagraph
9 (1)(f)3., a graduate of a foreign medical school need not
10 present the certificate issued by the Educational Commission
11 for Foreign Medical Graduates or pass the examination utilized
12 by that commission if the graduate:

13 (a) Has received a bachelor's degree from an
14 accredited United States college or university.

15 (b) Has studied at a medical school which is
16 recognized by the World Health Organization.

17 (c) Has completed all of the formal requirements of
18 the foreign medical school, except the internship or social
19 service requirements, and has passed part I of the National
20 Board of Medical Examiners examination or the Educational
21 Commission for Foreign Medical Graduates examination
22 equivalent.

23 (d) Has completed an academic year of supervised
24 clinical training in a hospital affiliated with a medical
25 school approved by the Council on Medical Education of the
26 American Medical Association and upon completion has passed
27 part II of the National Board of Medical Examiners examination
28 or the Educational Commission for Foreign Medical Graduates
29 examination equivalent.

30 (4) The department and the board shall assure that
31 applicants for licensure meet the criteria in subsection (1)

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1 through an investigative process. When the investigative
2 process is not completed within the time set out in s.
3 120.60(1) and the department or board has reason to believe
4 that the applicant does not meet the criteria, the secretary
5 or the secretary's designee may issue a 90-day licensure delay
6 which shall be in writing and sufficient to notify the
7 applicant of the reason for the delay. The provisions of this
8 subsection shall control over any conflicting provisions of s.
9 120.60(1).

10 (5) The board may not certify to the department for
11 licensure any applicant who is under investigation in another
12 jurisdiction for an offense which would constitute a violation
13 of this chapter until such investigation is completed. Upon
14 completion of the investigation, the provisions of s. 458.331
15 shall apply. Furthermore, the department may not issue an
16 unrestricted license to any individual who has committed any
17 act or offense in any jurisdiction which would constitute the
18 basis for disciplining a physician pursuant to s. 458.331.
19 When the board finds that an individual has committed an act
20 or offense in any jurisdiction which would constitute the
21 basis for disciplining a physician pursuant to s. 458.331,
22 then the board may enter an order imposing one or more of the
23 terms set forth in subsection (9).

24 (6) Each applicant who ~~passes the examination and~~
25 meets the requirements of this chapter shall be licensed as a
26 physician, with rights as defined by law.

27 (7) Upon certification by the board, the department
28 shall impose conditions, limitations, or restrictions on a
29 license ~~by examination~~ if the applicant is on probation in
30 another jurisdiction for an act which would constitute a
31 violation of this chapter.

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1 (8) When the board determines that any applicant for
2 licensure ~~by examination~~ has failed to meet, to the board's
3 satisfaction, each of the appropriate requirements set forth
4 in this section, it may enter an order requiring one or more
5 of the following terms:

6 (a) Refusal to certify to the department an
7 application for licensure, certification, or registration;

8 (b) Certification to the department of an application
9 for licensure, certification, or registration with
10 restrictions on the scope of practice of the licensee; or

11 (c) Certification to the department of an application
12 for licensure, certification, or registration with placement
13 of the physician on probation for a period of time and subject
14 to such conditions as the board may specify, including, but
15 not limited to, requiring the physician to submit to
16 treatment, attend continuing education courses, submit to
17 reexamination, or work under the supervision of another
18 physician.

19 ~~(9)(a) Notwithstanding any of the provisions of this~~
20 ~~section, an applicant who, at the time of his or her medical~~
21 ~~education, was a citizen of the country of Nicaragua and, at~~
22 ~~the time of application for licensure under this subsection,~~
23 ~~is either a citizen of the country of Nicaragua or a citizen~~
24 ~~of the United States may make initial application to the~~
25 ~~department on or before July 1, 1992, for licensure subject to~~
26 ~~this subsection and may reapply pursuant to board rule. Upon~~
27 ~~receipt of such application, the department shall issue a~~
28 ~~2-year restricted license to any applicant therefor upon the~~
29 ~~applicant's successful completion of the licensure examination~~
30 ~~as described in paragraph (1)(a) and who the board certifies~~
31 ~~has met the following requirements:~~

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- 1 ~~1. Is a graduate of a World Health Organization~~
2 ~~recognized foreign medical institution located in a country in~~
3 ~~the Western Hemisphere.~~
- 4 ~~2. Received a medical education which has been~~
5 ~~determined by the board to be substantially similar, at the~~
6 ~~time of the applicant's graduation, to approved United States~~
7 ~~medical programs.~~
- 8 ~~3. Practiced medicine in the country of Nicaragua for~~
9 ~~a period of 1 year prior to residing in the United States and~~
10 ~~has lawful employment authority in the United States.~~
- 11 ~~4. Has had his or her medical education verified by~~
12 ~~the Florida Board of Medicine.~~
- 13 ~~5. Successfully completed the Educational Commission~~
14 ~~for Foreign Medical Graduates Examination or Foreign Medical~~
15 ~~Graduate Examination in the Medical Sciences or successfully~~
16 ~~completed a course developed for the University of Miami for~~
17 ~~physician training equivalent to the course developed for such~~
18 ~~purposes pursuant to chapter 74-105, Laws of Florida. No~~
19 ~~person shall be permitted to enroll in the physician training~~
20 ~~course until he or she has been certified by the board as~~
21 ~~having met the requirements of this paragraph or conditionally~~
22 ~~certified by the board as having substantially complied with~~
23 ~~the requirements of this paragraph. Any person conditionally~~
24 ~~certified by the board shall be required to establish, to the~~
25 ~~board's satisfaction, full compliance with all the~~
26 ~~requirements of this paragraph prior to completion of the~~
27 ~~physician training course and shall not be permitted to sit~~
28 ~~for the licensure examination unless the board certifies that~~
29 ~~all of the requirements of this paragraph have been met.~~
30
- 31 ~~However, applicants eligible for licensure under s. 455.581 or~~

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1 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~
2 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~
3 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~
4 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~
5 ~~not be eligible to apply under this subsection.~~

6 ~~(b) The holder of a restricted license issued pursuant~~
7 ~~to this subsection may practice medicine for the first year~~
8 ~~only under the direct supervision, as defined by board rule,~~
9 ~~of a board-approved physician.~~

10 ~~(c) Upon recommendation of the supervising physician~~
11 ~~and demonstration of clinical competency to the satisfaction~~
12 ~~of the board that the holder of a restricted license issued~~
13 ~~pursuant to this subsection has practiced for 1 year under~~
14 ~~direct supervision, such licenseholder shall work for 1 year~~
15 ~~under general supervision, as defined by board rule, of a~~
16 ~~Florida-licensed physician in an area of critical need as~~
17 ~~determined by the board. Prior to commencing such~~
18 ~~supervision, the supervising physician shall notify the board.~~

19 ~~(d) Upon completion of the 1 year of work under~~
20 ~~general supervision and demonstration to the board that the~~
21 ~~holder of the restricted license has satisfactorily completed~~
22 ~~the requirements of this subsection, and has not committed any~~
23 ~~act or is not under investigation for any act which would~~
24 ~~constitute a violation of this chapter, the department shall~~
25 ~~issue an unrestricted license to such licenseholder.~~

26 ~~(e) Rules necessary to implement and carry out the~~
27 ~~provisions of this subsection shall be promulgated by the~~
28 ~~board.~~

29 ~~(10) Notwithstanding any other provision of this~~
30 ~~section, the department shall examine any person who meets the~~
31 ~~criteria set forth in sub-subparagraph (1)(f)1.a.,~~

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1 ~~sub-subparagraphs (1)(f)3.a. and b., or subsection (3), if the~~
2 ~~person:~~

3 ~~(a) Submits proof of successful completion of Steps I~~
4 ~~and II of the United States Medical Licensing Examination or~~
5 ~~the equivalent, as defined by rule of the board;~~

6 ~~(b) Is participating in an allocated slot in an~~
7 ~~allopathic training program in this state on a full-time basis~~
8 ~~at the time of examination;~~

9 ~~(c) Makes a written request to the department that he~~
10 ~~or she be administered the examination without applying for a~~
11 ~~license as a physician in this state; and~~

12 ~~(d) Remits a nonrefundable administration fee, not to~~
13 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~
14 ~~the actual cost per person to the department for the purchase~~
15 ~~of the examination from the Federation of State Medical Boards~~
16 ~~of the United States or a similar national organization. The~~
17 ~~examination fee is refundable if the person is found to be~~
18 ~~ineligible to take the examination.~~

19 Section 28. Section 458.3115, Florida Statutes, 1998
20 Supplement, is amended to read:

21 458.3115 Restricted license; certain foreign-licensed
22 physicians; ~~United States Medical Licensing Examination~~
23 ~~(USMLE) or agency-developed examination; restrictions on~~
24 ~~practice; full licensure.--~~

25 (1)(a) Notwithstanding any other provision of law, the
26 department ~~agency~~ shall provide procedures under which certain
27 physicians who are or were foreign-licensed and have practiced
28 medicine no less than 2 years may take the USMLE or an
29 ~~agency-developed~~ examination developed by the department, in
30 consultation with the board, to qualify for a restricted
31 license to practice medicine in this state. The

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1 department-developed ~~agency and board-developed~~ examination
2 shall test the same areas of medical knowledge as the
3 Federation of State Medical Boards of the United States, Inc.
4 (FLEX) previously administered by the Florida Board of
5 Medicine to grant medical licensure in Florida. The
6 department-developed ~~agency-developed~~ examination must be made
7 available no later than December 31, 1998, to a physician who
8 qualifies for licensure. A person who is eligible to take and
9 elects to take the department-developed ~~agency and~~
10 ~~board-developed~~ examination, who has previously passed part 1
11 or part 2 of the previously administered FLEX shall not be
12 required to retake or pass the equivalent parts of the
13 department-developed ~~agency-developed~~ examination, and may sit
14 for the department-developed ~~agency and board-developed~~
15 examination five times within 5 years.

16 (b) A person who is eligible to take and elects to
17 take the USMLE who has previously passed part 1 or part 2 of
18 the previously administered FLEX shall not be required to
19 retake or pass the equivalent parts of the USMLE up to the
20 year 2000.

21 (c) A person shall be eligible to take such
22 examination for restricted licensure if the person:

23 1. Has taken, upon approval by the board, and
24 completed, in November 1990 or November 1992, one of the
25 special preparatory medical update courses authorized by the
26 board and the University of Miami Medical School and
27 subsequently passed the final course examination; upon
28 approval by the board to take the course completed in 1990 or
29 in 1992, has a certificate of successful completion of that
30 course from the University of Miami or the Stanley H. Kaplan
31 course; or can document to the department that he or she was

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1 one of the persons who took and successfully completed the
2 Stanley H. Kaplan course that was approved by the board of
3 ~~Medicine~~ and supervised by the University of Miami. At a
4 minimum, the documentation must include class attendance
5 records and the test score on the final course examination;
6 2. Applies to the department ~~agency~~ and submits an
7 application fee that is nonrefundable and equivalent to the
8 fee required for full licensure;
9 3. Documents no less than 2 years of the active
10 practice of medicine ~~in another jurisdiction~~;
11 4. Submits an examination fee that is nonrefundable
12 and equivalent to the fee required for full licensure plus the
13 actual per-applicant cost to the department ~~agency~~ to provide
14 either examination described in this section;
15 5. Has not committed any act or offense in this or any
16 other jurisdiction that would constitute a substantial basis
17 for disciplining a physician under this chapter or part II of
18 chapter 455; and
19 6. Is not under discipline, investigation, or
20 prosecution in this or any other jurisdiction for an act that
21 would constitute a violation of this chapter or part II of
22 chapter 455 and that substantially threatened or threatens the
23 public health, safety, or welfare.
24 (d) Every person eligible for restricted licensure
25 under this section may sit for the USMLE or the
26 department-developed ~~agency and board-developed~~ examination
27 five times within 5 calendar years. Applicants desiring to
28 use portions of the FLEX and the USMLE may do so up to the
29 year 2000. However, notwithstanding subparagraph (c)3.,
30 applicants applying under this section who fail the
31 examination up to a total of five times will only be required

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1 to pay the examination fee required for full licensure for the
2 second and subsequent times they take the examination.

3 (e) The department ~~Agency for Health Care~~
4 ~~Administration~~ and the board shall be responsible for working
5 with one or more organizations to offer a medical refresher
6 course designed to prepare applicants to take either licensure
7 examination described in this section. The organizations may
8 develop the medical refresher course, purchase such a course,
9 or contract for such a course from a private organization that
10 specializes in developing such courses.

11 (f) The course shall require no less than two 16-week
12 semesters of 16 contact hours per week for a total of 256
13 contact hours per student for each semester. The cost is to be
14 paid by the students taking the course.

15 (2)(a) Before the department ~~agency~~ may issue a
16 restricted license to an applicant under this section, the
17 applicant must have passed either of the two examinations
18 described in this section. However, the board may impose
19 reasonable restrictions on the applicant's license to
20 practice. These restrictions may include, but are not limited
21 to:

22 1. Periodic and random department ~~agency~~ audits of the
23 licensee's patient records and review of those records by the
24 board or the department ~~agency~~.

25 2. Periodic appearances of the licensee before the
26 board or the department ~~agency~~.

27 3. Submission of written reports to the board or the
28 department ~~agency~~.

29 (b) A restricted licensee under this section shall
30 practice under the supervision of a full licensee approved by
31 the board with the first year of the licensure period being

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1 under direct supervision as defined by board rule and the
2 second year being under indirect supervision as defined by
3 board rule.

4 (c) The board may adopt rules necessary to implement
5 this subsection.

6 (3)(a) A restricted license issued by the department
7 ~~agency~~ under this section is valid for 2 years unless sooner
8 revoked or suspended, and a restricted licensee is subject to
9 the requirements of this chapter, part II of chapter 455, and
10 any other provision of law not in conflict with this section.
11 Upon expiration of such restricted license, a restricted
12 licensee shall become a full licensee if the restricted
13 licensee:

- 14 1. Is not under discipline, investigation, or
15 prosecution for a violation which poses a substantial threat
16 to the public health, safety, or welfare; and
17 2. Pays all renewal fees required of a full licensee.

18 (b) The department ~~agency~~ shall renew a restricted
19 license under this section upon payment of the same fees
20 required for renewal for a full license if the restricted
21 licensee is under discipline, investigation, or prosecution
22 for a violation which posed or poses a substantial threat to
23 the public health, safety, or welfare and the board has not
24 permanently revoked the restricted license. A restricted
25 licensee who has renewed such restricted license shall become
26 eligible for full licensure when the licensee is no longer
27 under discipline, investigation, or prosecution.

28 (4) The board shall adopt rules necessary to carry out
29 the provisions of this section.

30 Section 29. Subsections (1), (2), and (8) of section
31 458.313, Florida Statutes, are amended to read:

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1 458.313 Licensure by endorsement; requirements;
2 fees.--

3 (1) The department shall issue a license by
4 endorsement to any applicant who, upon applying to the
5 department on forms furnished by the department and remitting
6 a fee set by the board not to exceed \$500 ~~set by the board~~,
7 the board certifies:

8 (a) Has met the qualifications for licensure in s.
9 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

10 (b) Prior to January 1, 2000,has obtained a passing
11 score, as established by rule of the board, on the licensure
12 examination of the Federation of State Medical Boards of the
13 United States, Inc. (FLEX), on ~~or of~~ the United States Medical
14 Licensing Examination (USMLE), or on the examination of the
15 National Board of Medical Examiners, or on a combination
16 thereof, and on or after January 1, 2000, has obtained a
17 passing score on the United States Medical Licensing
18 Examination (USMLE)~~provided the board certifies as eligible~~
19 ~~for licensure by endorsement any applicant who took the~~
20 ~~required examinations more than 10 years prior to application;~~
21 and

22 (c) Has submitted evidence of the active licensed
23 practice of medicine in another jurisdiction, for at least 2
24 of the immediately preceding 4 years, or evidence of
25 successful completion of either a board-approved postgraduate
26 training program within 2 years preceding filing of an
27 application~~7~~or a board-approved clinical competency
28 examination~~7~~within the year preceding the filing of an
29 application for licensure. For purposes of this paragraph,
30 "active licensed practice of medicine" means that practice of
31 medicine by physicians, including those employed by any

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1 governmental entity in community or public health, as defined
2 by this chapter, medical directors under s. 641.495(11) who
3 are practicing medicine, and those on the active teaching
4 faculty of an accredited medical school.

5 ~~(2)(a) As prescribed by board rule, the board may~~
6 ~~require an applicant who does not pass the licensing~~
7 ~~examination after five attempts to complete additional~~
8 ~~remedial education or training. The board shall prescribe the~~
9 ~~additional requirements in a manner that permits the applicant~~
10 ~~to complete the requirements and be reexamined within 2 years~~
11 ~~after the date the applicant petitions the board to retake the~~
12 ~~examination a sixth or subsequent time.~~

13 ~~(b) The board may require an applicant for licensure~~
14 ~~by endorsement to take and pass the appropriate licensure~~
15 ~~examination prior to certifying the applicant as eligible for~~
16 ~~licensure.~~

17 ~~(8) The department shall reactivate the license of any~~
18 ~~physician whose license has become void by failure to practice~~
19 ~~in Florida for a period of 1 year within 3 years after~~
20 ~~issuance of the license by endorsement, if the physician was~~
21 ~~issued a license by endorsement prior to 1989, has actively~~
22 ~~practiced medicine in another state for the last 4 years,~~
23 ~~applies for licensure before October 1, 1998, pays the~~
24 ~~applicable fees, and otherwise meets any continuing education~~
25 ~~requirements for reactivation of the license as determined by~~
26 ~~the board.~~

27 Section 30. Subsection (1) of section 458.315, Florida
28 Statutes, is amended to read:

29 458.315 Temporary certificate for practice in areas of
30 critical need.--Any physician who is licensed to practice in
31 any other state, whose license is currently valid, and who

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1 pays an application fee of \$300 may be issued a temporary
2 certificate to practice in communities of Florida where there
3 is a critical need for physicians. A certificate may be
4 issued to a physician who will be employed by a county health
5 department, correctional facility, community health center
6 funded by s. 329, s. 330, or s. 340 of the United States
7 Public Health Services Act, or other entity that provides
8 health care to indigents and that is approved by the State
9 Health Officer. The Board of Medicine may issue this
10 temporary certificate with the following restrictions:

11 (1) The board shall determine the areas of critical
12 need, and the physician so certified may practice in any of
13 those areas ~~only in that specific area~~ for a time to be
14 determined by the board. Such areas shall include, but not be
15 limited to, health professional shortage areas designated by
16 the United States Department of Health and Human Services.

17 (a) A recipient of a temporary certificate for
18 practice in areas of critical need may use the license to work
19 for any approved employer in any area of critical need
20 approved by the board.

21 (b) The recipient of a temporary certificate for
22 practice in areas of critical need shall, within 30 days after
23 accepting employment, notify the board of all approved
24 institutions in which the licensee practices and of all
25 approved institutions where practice privileges have been
26 denied.

27 Section 31. Section 458.3165, Florida Statutes, is
28 amended to read:

29 458.3165 Public psychiatry certificate.--The board
30 shall issue a public psychiatry certificate to an individual
31 who remits an application fee not to exceed \$300, as set by

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1 the board, who is a board-certified psychiatrist, who is
2 licensed to practice medicine without restriction in another
3 state, and who meets the requirements in s. 458.311(1)(a)-(g)
4 and (5). A recipient of a public psychiatry certificate may
5 use the certificate to work at any public mental health
6 facility or program funded in part or entirely by state funds.

7 (1) Such certificate shall:

8 (a) Authorize the holder to practice only in a public
9 mental health facility or program funded in part or entirely
10 by state funds.

11 (b) Be issued and renewable biennially if the
12 secretary of the Department of Health ~~and Rehabilitative~~
13 ~~Services~~ and the chair of the department of psychiatry at one
14 of the public medical schools or the chair of the department
15 of psychiatry at the accredited medical school at the
16 University of Miami recommend in writing that the certificate
17 be issued or renewed.

18 (c) Automatically expire if the holder's relationship
19 with a public mental health facility or program expires.

20 (d) Not be issued to a person who has been adjudged
21 unqualified or guilty of any of the prohibited acts in this
22 chapter.

23 (2) The board may take disciplinary action against a
24 certificateholder for noncompliance with any part of this
25 section or for any reason for which a regular licensee may be
26 subject to discipline.

27 Section 32. Subsection (4) is added to section
28 458.317, Florida Statutes, 1998 Supplement, to read:

29 458.317 Limited licenses.--

30 (4) Any person holding an active license to practice
31 medicine in the state may convert that license to a limited

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1 license for the purpose of providing volunteer, uncompensated
2 care for low-income Floridians. The applicant must submit a
3 statement from the employing agency or institution stating
4 that he or she will not receive compensation for any service
5 involving the practice of medicine. The application and all
6 licensure fees, including neurological injury compensation
7 assessments, shall be waived.

8 Section 33. Subsection (1) of section 458.319, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 458.319 Renewal of license.--

11 (1) The department shall renew a license upon receipt
12 of the renewal application, evidence that the applicant has
13 actively practiced medicine or has been on the active teaching
14 faculty of an accredited medical school for at least 2 years
15 of the immediately preceding 4 years, and a fee not to exceed
16 \$500; provided, however, that if the licensee is either a
17 resident physician, assistant resident physician, fellow,
18 house physician, or intern in an approved postgraduate
19 training program, as defined by the board by rule, the fee
20 shall not exceed \$100 per annum. If the licensee has not
21 actively practiced medicine for at least 2 years of the
22 immediately preceding 4 years, the board shall require that
23 the licensee successfully complete a board-approved clinical
24 competency examination prior to renewal of the license.

25 "Actively practiced medicine" means that practice of medicine
26 by physicians, including those employed by any governmental
27 entity in community or public health, as defined by this
28 chapter, including physicians practicing administrative
29 medicine. An applicant for a renewed license must also submit
30 the information required under s. 455.565 to the department on
31 a form and under procedures specified by the department, along

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1 with payment in an amount equal to the costs incurred by the
2 Department of Health for the statewide criminal background
3 check of the applicant. An ~~The~~ applicant for a renewed license
4 who received an initial license in this state after January 1,
5 1992, must submit a set of fingerprints to the Department of
6 Health on a form and under procedures specified by the
7 department, along with payment in an amount equal to the costs
8 incurred by the department for a national criminal background
9 check of the applicant for the initial renewal of his or her
10 license after January 1, 2000. If the applicant fails to
11 submit either the information required under s. 455.565 or a
12 set of fingerprints to the department as required by this
13 section, the department shall issue a notice of noncompliance,
14 and the applicant will be given 30 additional days to comply.
15 If the applicant fails to comply within 30 days after the
16 notice of noncompliance is issued, the department or board, as
17 appropriate, may issue a citation to the applicant and may
18 fine the applicant up to \$50 for each day that the applicant
19 is not in compliance with the requirements of s. 455.565. The
20 citation must clearly state that the applicant may choose, in
21 lieu of accepting the citation, to follow the procedure under
22 s. 455.621. If the applicant disputes the matter in the
23 citation, the procedures set forth in s. 455.621 must be
24 followed. However, if the applicant does not dispute the
25 matter in the citation with the department within 30 days
26 after the citation is served, the citation becomes a final
27 order and constitutes discipline. Service of a citation may be
28 made by personal service or certified mail, restricted
29 delivery, to the subject at the applicant's last known
30 address. The department may not delay renewing a license due
31 to the processing of a statewide criminal history check or a

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1 national criminal background check. If an applicant has
2 received an initial license to practice in this state after
3 January 1, 1992, and has submitted fingerprints to the
4 department for a national criminal history check ~~upon initial~~
5 ~~licensure~~ and is renewing his or her license ~~for the first~~
6 ~~time~~, then the applicant need only submit the information and
7 fee required for a statewide criminal history check.

8 Section 34. Paragraph (mm) is added to subsection (1)
9 of section 458.331, Florida Statutes, 1998 Supplement, and
10 subsection (2) of that section is amended to read:

11 458.331 Grounds for disciplinary action; action by the
12 board and department.--

13 (1) The following acts shall constitute grounds for
14 which the disciplinary actions specified in subsection (2) may
15 be taken:

16 (mm) Failing to comply with the requirements of ss.
17 381.026 and 381.0261 to provide patients with information
18 about their patient rights and how to file a patient
19 complaint.

20 (2) When the board finds any person guilty of any of
21 the grounds set forth in subsection (1), including conduct
22 that would constitute a substantial violation of subsection
23 (1) which occurred prior to licensure, it may enter an order
24 imposing one or more of the following penalties:

25 (a) Refusal to certify, or certification with
26 restrictions, to the department an application for licensure,
27 certification, or registration.

28 (b) Revocation or suspension of a license.

29 (c) Restriction of practice.

30 (d) Imposition of an administrative fine not to exceed
31 ~~\$10,000~~\$5,000 for each count or separate offense.

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- 1 (e) Issuance of a reprimand.
2 (f) Placement of the physician on probation for a
3 period of time and subject to such conditions as the board may
4 specify, including, but not limited to, requiring the
5 physician to submit to treatment, to attend continuing
6 education courses, to submit to reexamination, or to work
7 under the supervision of another physician.
8 (g) Issuance of a letter of concern.
9 (h) Corrective action.
10 (i) Refund of fees billed to and collected from the
11 patient.
12 (j) Imposition of an administrative fine in accordance
13 with s. 381.0261 for violations regarding patient rights.

14
15 In determining what action is appropriate, the board must
16 first consider what sanctions are necessary to protect the
17 public or to compensate the patient. Only after those
18 sanctions have been imposed may the disciplining authority
19 consider and include in the order requirements designed to
20 rehabilitate the physician. All costs associated with
21 compliance with orders issued under this subsection are the
22 obligation of the physician.

23 Section 35. Subsection (7) of section 458.347, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 458.347 Physician assistants.--

26 (7) PHYSICIAN ASSISTANT LICENSURE.--

27 (a) Any person desiring to be licensed as a physician
28 assistant must apply to the department. The department shall
29 issue a license to any person certified by the council as
30 having met the following requirements:

31 1. Is at least 18 years of age.

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1 2. Has satisfactorily passed a proficiency examination
2 by an acceptable score established by the National Commission
3 on Certification of Physician Assistants. If an applicant
4 does not hold a current certificate issued by the National
5 Commission on Certification of Physician Assistants and has
6 not actively practiced as a physician assistant within the
7 immediately preceding 4 years, the applicant must retake and
8 successfully complete the entry-level examination of the
9 National Commission on Certification of Physician Assistants
10 to be eligible for licensure.

11 3. Has completed the application form and remitted an
12 application fee not to exceed \$300 as set by the boards. An
13 application for licensure made by a physician assistant must
14 include:

- 15 a. A certificate of completion of a physician
16 assistant training program specified in subsection (6).
17 b. A sworn statement of any prior felony convictions.
18 c. A sworn statement of any previous revocation or
19 denial of licensure or certification in any state.
20 d. Two letters of recommendation.

21 (b)1. Notwithstanding subparagraph (a)2. and
22 sub-subparagraph (a)3.a., the department shall examine each
23 applicant who the Board of Medicine certifies:

24 a. Has completed the application form and remitted a
25 nonrefundable application fee not to exceed \$500 and an
26 examination fee not to exceed \$300, plus the actual cost to
27 the department to provide the examination. The examination
28 fee is refundable if the applicant is found to be ineligible
29 to take the examination. The department shall not require the
30 applicant to pass a separate practical component of the
31 examination. For examinations given after July 1, 1998,

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1 competencies measured through practical examinations shall be
2 incorporated into the written examination through a
3 multiple-choice format. The department shall translate the
4 examination into the native language of any applicant who
5 requests and agrees to pay all costs of such translation,
6 provided that the translation request is filed with the board
7 office no later than 9 months before the scheduled examination
8 and the applicant remits translation fees as specified by the
9 department no later than 6 months before the scheduled
10 examination, and provided that the applicant demonstrates to
11 the department the ability to communicate orally in basic
12 English. If the applicant is unable to pay translation costs,
13 the applicant may take the next available examination in
14 English if the applicant submits a request in writing by the
15 application deadline and if the applicant is otherwise
16 eligible under this section. To demonstrate the ability to
17 communicate orally in basic English, a passing score or grade
18 is required, as determined by the department or organization
19 that developed it, on one of the following English
20 examinations:

- 21 (I) The test for spoken English (TSE) by the
22 Educational Testing Service (ETS);
23 (II) The test of English as a foreign language
24 (TOEFL), by ETS;
25 (III) A high school or college level English course;
26 (IV) The English examination for citizenship,
27 Immigration and Naturalization Service.

28

29 A notarized copy of an Educational Commission for Foreign
30 Medical Graduates (ECFMG) certificate may also be used to
31 demonstrate the ability to communicate in basic English.

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1 b. Is an unlicensed physician who graduated from a
2 foreign medical school listed with the World Health
3 Organization who has not previously taken and failed the
4 examination of the National Commission on Certification of
5 Physician Assistants and who has been certified by the Board
6 of Medicine as having met the requirements for licensure as a
7 medical doctor by examination as set forth in s. 458.311(1),
8 (3), (4), and (5), with the exception that the applicant is
9 not required to have completed an approved residency of at
10 least 1 year and the applicant is not required to have passed
11 the licensing examination specified under s. 458.311 or hold a
12 valid, active certificate issued by the Educational Commission
13 for Foreign Medical Graduates.

14 c. Was eligible and made initial application for
15 certification as a physician assistant in this state between
16 July 1, 1990, and June 30, 1991.

17 d. Was a resident of this state on July 1, 1990, or
18 was licensed or certified in any state in the United States as
19 a physician assistant on July 1, 1990.

20 2. The department may grant temporary licensure to an
21 applicant who meets the requirements of subparagraph 1.
22 Between meetings of the council, the department may grant
23 temporary licensure to practice based on the completion of all
24 temporary licensure requirements. All such administratively
25 issued licenses shall be reviewed and acted on at the next
26 regular meeting of the council. A temporary license expires
27 30 days after ~~upon~~ receipt and notice of scores to the
28 licenseholder from the first available examination specified
29 in subparagraph 1. following licensure by the department. An
30 applicant who fails the proficiency examination is no longer
31 temporarily licensed, but may apply for a one-time extension

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1 of temporary licensure after reapplying for the next available
2 examination. Extended licensure shall expire upon failure of
3 the licenseholder to sit for the next available examination or
4 upon receipt and notice of scores to the licenseholder from
5 such examination.

6 3. Notwithstanding any other provision of law, the
7 examination specified pursuant to subparagraph 1. shall be
8 administered by the department only five times. Applicants
9 certified by the board for examination shall receive at least
10 6 months' notice of eligibility prior to the administration of
11 the initial examination. Subsequent examinations shall be
12 administered at 1-year intervals following the reporting of
13 the scores of the first and subsequent examinations. For the
14 purposes of this paragraph, the department may develop,
15 contract for the development of, purchase, or approve an
16 examination, ~~including a practical component,~~ that adequately
17 measures an applicant's ability to practice with reasonable
18 skill and safety. The minimum passing score on the
19 examination shall be established by the department, with the
20 advice of the board. Those applicants failing to pass that
21 examination or any subsequent examination shall receive notice
22 of the administration of the next examination with the notice
23 of scores following such examination. Any applicant who
24 passes the examination and meets the requirements of this
25 section shall be licensed as a physician assistant with all
26 rights defined thereby.

27 (c) The license must be renewed biennially. Each
28 renewal must include:

29 1. A renewal fee not to exceed \$500 as set by the
30 boards.

31 2. A sworn statement of no felony convictions in the

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1 previous 2 years.

2 (d) Each licensed physician assistant shall biennially
3 complete 100 hours of continuing medical education or shall
4 hold a current certificate issued by the National Commission
5 on Certification of Physician Assistants.

6 (e) Upon employment as a physician assistant, a
7 licensed physician assistant must notify the department in
8 writing within 30 days after such employment or after any
9 subsequent changes in the supervising physician. The
10 notification must include the full name, Florida medical
11 license number, specialty, and address of the supervising
12 physician.

13 (f) Notwithstanding subparagraph (a)2., the department
14 may grant to a recent graduate of an approved program, as
15 specified in subsection (6), who expects to take the first
16 examination administered by the National Commission on
17 Certification of Physician Assistants available for
18 registration after the applicant's graduation, a temporary
19 license. The temporary license shall ~~to~~ expire 30 days after
20 upon receipt of scores of the proficiency examination
21 administered by the National Commission on Certification of
22 Physician Assistants. Between meetings of the council, the
23 department may grant a temporary license to practice based on
24 the completion of all temporary licensure requirements. All
25 such administratively issued licenses shall be reviewed and
26 acted on at the next regular meeting of the council. The
27 recent graduate may be licensed prior to employment, but must
28 comply with paragraph (e). An applicant who has passed the
29 proficiency examination may be granted permanent licensure. An
30 applicant failing the proficiency examination is no longer
31 temporarily licensed, but may reapply for a 1-year extension

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1 of temporary licensure. An applicant may not be granted more
2 than two temporary licenses and may not be licensed as a
3 physician assistant until he or she passes the examination
4 administered by the National Commission on Certification of
5 Physician Assistants. As prescribed by board rule, the council
6 may require an applicant who does not pass the licensing
7 examination after five or more attempts to complete additional
8 remedial education or training. The council shall prescribe
9 the additional requirements in a manner that permits the
10 applicant to complete the requirements and be reexamined
11 within 2 years after the date the applicant petitions the
12 council to retake the examination a sixth or subsequent time.

13 (g) The Board of Medicine may impose any of the
14 penalties specified in ss. 455.624 and 458.331(2) upon a
15 physician assistant if the physician assistant or the
16 supervising physician has been found guilty of or is being
17 investigated for any act that constitutes a violation of this
18 chapter or part II of chapter 455.

19 Section 36. Section 459.005, Florida Statutes, 1998
20 Supplement, is amended to read:

21 459.005 Rulemaking authority.--

22 (1) The board has authority to adopt rules pursuant to
23 ss. 120.536(1) and 120.54 to implement the provisions of this
24 chapter conferring duties upon it.

25 (2) All physicians which perform level 2 procedures
26 lasting more than 5 minutes and all level 3 surgical
27 procedures in an office setting must register the office with
28 the department unless that office is licensed as a facility
29 pursuant to chapter 395. The department shall inspect the
30 physician's office annually unless the office is accredited
31 by a nationally recognized accrediting agency or an

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1 accrediting organization subsequently approved by the Board of
2 Osteopathic Medicine. The actual costs for registration and
3 inspection or accreditation shall be paid by the person
4 seeking to register and operate the office setting in which
5 office surgery is performed.

6 Section 37. Subsection (7) is added to section
7 459.0075, Florida Statutes, to read:

8 459.0075 Limited licenses.--

9 (7) Any person holding an active license to practice
10 osteopathic medicine in the state may convert that license to
11 a limited license for the purpose of providing volunteer,
12 uncompensated care for low-income Floridians. The applicant
13 must submit a statement from the employing agency or
14 institution stating that he or she will not receive
15 compensation for any service involving the practice of
16 osteopathic medicine. The application and all licensure fees,
17 including neurological injury compensation assessments, shall
18 be waived.

19 Section 38. Subsection (1) of section 459.008, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 459.008 Renewal of licenses and certificates.--

22 (1) The department shall renew a license or
23 certificate upon receipt of the renewal application and fee.
24 An applicant for a renewed license must also submit the
25 information required under s. 455.565 to the department on a
26 form and under procedures specified by the department, along
27 with payment in an amount equal to the costs incurred by the
28 Department of Health for the statewide criminal background
29 check of the applicant. An ~~The~~ applicant for a renewed license
30 who received an initial license in this state after January 1,
31 1992, must submit a set of fingerprints to the Department of

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1 Health on a form and under procedures specified by the
2 department, along with payment in an amount equal to the costs
3 incurred by the department for a national criminal background
4 check of the applicant for the initial renewal of his or her
5 license after January 1, 2000. If the applicant fails to
6 submit either the information required under s. 455.565 or a
7 set of fingerprints to the department as required by this
8 section, the department shall issue a notice of noncompliance,
9 and the applicant will be given 30 additional days to comply.
10 If the applicant fails to comply within 30 days after the
11 notice of noncompliance is issued, the department or board, as
12 appropriate, may issue a citation to the applicant and may
13 fine the applicant up to \$50 for each day that the applicant
14 is not in compliance with the requirements of s. 455.565. The
15 citation must clearly state that the applicant may choose, in
16 lieu of accepting the citation, to follow the procedure under
17 s. 455.621. If the applicant disputes the matter in the
18 citation, the procedures set forth in s. 455.621 must be
19 followed. However, if the applicant does not dispute the
20 matter in the citation with the department within 30 days
21 after the citation is served, the citation becomes a final
22 order and constitutes discipline. Service of a citation may be
23 made by personal service or certified mail, restricted
24 delivery, to the subject at the applicant's last known
25 address. The department may not delay renewing a license due
26 to the processing of a statewide criminal history check or a
27 national criminal background check. If an applicant has
28 received an initial license to practice in this state after
29 January 1, 1992, and has submitted fingerprints to the
30 department for a national criminal history check ~~upon initial~~
31 ~~licensure~~ and is renewing his or her license ~~for the first~~

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1 ~~time~~, then the applicant need only submit the information and
2 fee required for a statewide criminal history check.

3 Section 39. Paragraph (oo) is added to subsection (1)
4 of section 459.015, F.S., 1998 supplement, and subsection (2)
5 of this section is amended to read:

6 459.015 Grounds for disciplinary action by the
7 board.--

8 (1) The following acts shall constitute grounds for
9 which the disciplinary actions specified in subsection (2) may
10 be taken:

11 (oo) Failing to comply with the requirements of ss.
12 381.026 and 381.0261 to provide patients with information
13 about their patient rights and how to file a patient
14 complaint.

15 (2) When the board finds any person guilty of any of
16 the grounds set forth in subsection (1), it may enter an order
17 imposing one or more of the following penalties:

18 (a) Refusal to certify, or certify with restrictions,
19 to the department an application for certification, licensure,
20 renewal, or reactivation.

21 (b) Revocation or suspension of a license or
22 certificate.

23 (c) Restriction of practice.

24 (d) Imposition of an administrative fine not to exceed
25 \$10,000~~\$5,000~~ for each count or separate offense.

26 (e) Issuance of a reprimand.

27 (f) Issuance of a letter of concern.

28 (g) Placement of the osteopathic physician on
29 probation for a period of time and subject to such conditions
30 as the board may specify, including, but not limited to,
31 requiring the osteopathic physician to submit to treatment,

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1 attend continuing education courses, submit to reexamination,
2 or work under the supervision of another osteopathic
3 physician.

4 (h) Corrective action.

5 (i) Refund of fees billed to and collected from the
6 patient.

7 (j) Imposition of an administrative fine in accordance
8 with s. 381.0261 for violations regarding patient rights.

9
10 In determining what action is appropriate, the board must
11 first consider what sanctions are necessary to protect the
12 public or to compensate the patient. Only after those
13 sanctions have been imposed may the disciplining authority
14 consider and include in the order requirements designed to
15 rehabilitate the physician. All costs associated with
16 compliance with orders issued under this subsection are the
17 obligation of the physician.

18 Section 40. Subsection (6) is added to section
19 460.402, Florida Statutes, to read:

20 460.402 Exceptions.--The provisions of this chapter
21 shall not apply to:

22 (6) A chiropractic student enrolled in a chiropractic
23 college accredited by the Council on Chiropractic Education
24 and participating in a community-based internship under the
25 direct supervision of a doctor of chiropractic medicine who is
26 credentialed as an adjunct faculty member of a chiropractic
27 college in which the student is enrolled.

28 Section 41. Present subsections (4) through (10) of
29 section 460.403, Florida Statutes, 1998 Supplement, are
30 renumbered as subsections (5) through (11), respectively, a
31 new subsection (4) is added to that section, and present

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1 subsections (6) and (9) are amended, to read:

2 460.403 Definitions.--As used in this chapter, the
3 term:

4 (4) "Community-based internship" means a program in
5 which a student enrolled in the last year of a chiropractic
6 college accredited by the Council on Chiropractic Education is
7 approved to obtain required pregraduation clinical experience
8 in a chiropractic clinic or practice under the direct
9 supervision of a doctor of chiropractic medicine approved as
10 an adjunct faculty member of the chiropractic college in which
11 the student is enrolled, according to the teaching protocols
12 for the clinical practice requirements of the college.

13 ~~(7)(6)~~ "Direct supervision" means responsible
14 supervision and control, with the licensed chiropractic
15 physician assuming legal liability for the services rendered
16 by a registered chiropractic assistant or a chiropractic
17 student enrolled in a community-based intern program. Except
18 in cases of emergency, direct supervision shall require the
19 physical presence of the licensed chiropractic physician for
20 consultation and direction of the actions of the registered
21 chiropractic assistant or a chiropractic student enrolled in a
22 community-based intern program. The board shall further
23 establish rules as to what constitutes responsible direct
24 supervision of a registered chiropractic assistant.

25 ~~(10)(9)~~ "Registered chiropractic assistant" means a
26 person who is registered by the board to perform chiropractic
27 services under the direct supervision of a chiropractic
28 physician or certified chiropractic physician's assistant.

29 Section 42. Subsection (1) of section 460.406, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 460.406 Licensure by examination.--

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1 (1) Any person desiring to be licensed as a
2 chiropractic physician shall apply to the department to take
3 the licensure examination. There shall be an application fee
4 set by the board not to exceed \$100 which shall be
5 nonrefundable. There shall also be an examination fee not to
6 exceed \$500 plus the actual per applicant cost to the
7 department for purchase of portions of the examination from
8 the National Board of Chiropractic Examiners or a similar
9 national organization, which may be refundable if the
10 applicant is found ineligible to take the examination. The
11 department shall examine each applicant who the board
12 certifies has:

13 (a) Completed the application form and remitted the
14 appropriate fee.

15 (b) Submitted proof satisfactory to the department
16 that he or she is not less than 18 years of age.

17 (c) Submitted proof satisfactory to the department
18 that he or she is a graduate of a chiropractic college which
19 is accredited by or has status with the Council on
20 Chiropractic Education or its predecessor agency. However, any
21 applicant who is a graduate of a chiropractic college that was
22 initially accredited by the Council on Chiropractic Education
23 in 1995, who graduated from such college within the 4 years
24 immediately preceding such accreditation, and who is otherwise
25 qualified shall be eligible to take the examination. No
26 application for a license to practice chiropractic medicine
27 shall be denied solely because the applicant is a graduate of
28 a chiropractic college that subscribes to one philosophy of
29 chiropractic medicine as distinguished from another.

30 (d)1. For an applicant who has matriculated in a
31 chiropractic college prior to July 2, 1990, completed at least

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1 2 years of residence college work, consisting of a minimum of
2 one-half the work acceptable for a bachelor's degree granted
3 on the basis of a 4-year period of study, in a college or
4 university accredited by an accrediting agency recognized and
5 approved by the United States Department of Education.
6 However, prior to being certified by the board to sit for the
7 examination, each applicant who has matriculated in a
8 chiropractic college after July 1, 1990, shall have been
9 granted a bachelor's degree, based upon 4 academic years of
10 study, by a college or university accredited by a regional
11 accrediting agency which is a member of the Commission on
12 Recognition of Postsecondary Accreditation.

13 2. Effective July 1, 2000, completed, prior to
14 matriculation in a chiropractic college, at least 3 years of
15 residence college work, consisting of a minimum of 90 semester
16 hours leading to a bachelor's degree in a liberal arts college
17 or university accredited by an accrediting agency recognized
18 and approved by the United States Department of Education.
19 However, prior to being certified by the board to sit for the
20 examination, each applicant who has matriculated in a
21 chiropractic college after July 1, 2000, shall have been
22 granted a bachelor's degree from an institution holding
23 accreditation for that degree from a regional accrediting
24 agency which is recognized by the United States Department of
25 Education. The applicant's chiropractic degree must consist
26 of credits earned in the chiropractic program and may not
27 include academic credit for courses from the bachelor's
28 degree.

29 ~~(e) Completed not less than a 3-month training program~~
30 ~~in this state of not less than 300 hours with a chiropractic~~
31 ~~physician licensed in this state. The chiropractic physician~~

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1 ~~candidate may perform all services offered by the licensed~~
2 ~~chiropractic physician, but must be under the supervision of~~
3 ~~the licensed chiropractic physician until the results of the~~
4 ~~first licensure examination for which the candidate has~~
5 ~~qualified have been received, at which time the candidate's~~
6 ~~training program shall be terminated. However, an applicant~~
7 ~~who has practiced chiropractic medicine in any other state,~~
8 ~~territory, or jurisdiction of the United States or any foreign~~
9 ~~national jurisdiction for at least 5 years as a licensed~~
10 ~~chiropractic physician need not be required to complete the~~
11 ~~3-month training program as a requirement for licensure.~~

12 (e)~~(f)~~ Successfully completed the National Board of
13 Chiropractic Examiners certification examination in parts I
14 and II and clinical competency, with a score approved by the
15 board, within 10 years immediately preceding application to
16 the department for licensure.

17 (f)~~(g)~~ Submitted to the department a set of
18 fingerprints on a form and under procedures specified by the
19 department, along with payment in an amount equal to the costs
20 incurred by the Department of Health for the criminal
21 background check of the applicant.

22 Section 43. Subsection (1) of section 460.407, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 460.407 Renewal of license.--

25 (1) The department shall renew a license upon receipt
26 of the renewal application and the fee set by the board not to
27 exceed \$500. An applicant for a renewed license must also
28 submit the information required under s. 455.565 to the
29 department on a form and under procedures specified by the
30 department, along with payment in an amount equal to the costs
31 incurred by the Department of Health for the statewide

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1 criminal background check of the applicant. An ~~The~~ applicant
2 for a renewed license who received an initial license in this
3 state after January 1, 1992, must submit a set of fingerprints
4 to the Department of Health on a form and under procedures
5 specified by the department, along with payment in an amount
6 equal to the costs incurred by the department for a national
7 criminal background check of the applicant for the initial
8 renewal of his or her license after January 1, 2000. If the
9 applicant fails to submit either the information required
10 under s. 455.565 or a set of fingerprints to the department as
11 required by this section, the department shall issue a notice
12 of noncompliance, and the applicant will be given 30
13 additional days to comply. If the applicant fails to comply
14 within 30 days after the notice of noncompliance is issued,
15 the department or board, as appropriate, may issue a citation
16 to the applicant and may fine the applicant up to \$50 for each
17 day that the applicant is not in compliance with the
18 requirements of s. 455.565. The citation must clearly state
19 that the applicant may choose, in lieu of accepting the
20 citation, to follow the procedure under s. 455.621. If the
21 applicant disputes the matter in the citation, the procedures
22 set forth in s. 455.621 must be followed. However, if the
23 applicant does not dispute the matter in the citation with the
24 department within 30 days after the citation is served, the
25 citation becomes a final order and constitutes discipline.
26 Service of a citation may be made by personal service or
27 certified mail, restricted delivery, to the subject at the
28 applicant's last known address. The department may not delay
29 renewing a license due to the processing of a statewide
30 criminal history check or a national criminal background
31 check. If an applicant has received an initial license to

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1 practice in this state after January 1, 1992, and has
2 submitted fingerprints to the department for a national
3 criminal history check ~~upon initial licensure~~ and is renewing
4 his or her license ~~for the first time~~, then the applicant need
5 only submit the information and fee required for a statewide
6 criminal history check.

7 Section 44. Paragraphs (p) and (dd) of subsection (1)
8 and paragraph (b) of subsection (2) of section 460.413,
9 Florida Statutes, 1998 Supplement, are amended to read:

10 460.413 Grounds for disciplinary action; action by the
11 board.--

12 (1) The following acts shall constitute grounds for
13 which the disciplinary actions specified in subsection (2) may
14 be taken:

15 (p) Prescribing, dispensing, or administering any
16 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~
17 ~~460.403(8)(c)2.~~, performing any surgery, or practicing
18 obstetrics.

19 (dd) Using acupuncture without being certified
20 pursuant to s. 460.403(9)(f)~~s. 460.403(8)(f)~~.

21 (2) When the board finds any person guilty of any of
22 the grounds set forth in subsection (1), it may enter an order
23 imposing one or more of the following penalties:

24 (d) Imposition of an administrative fine not to exceed
25 \$10,000~~\$2,000~~ for each count or separate offense.

26
27 In determining what action is appropriate, the board must
28 first consider what sanctions are necessary to protect the
29 public or to compensate the patient. Only after those
30 sanctions have been imposed may the disciplining authority
31 consider and include in the order requirements designed to

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1 rehabilitate the chiropractic physician. All costs associated
2 with compliance with orders issued under this subsection are
3 the obligation of the chiropractic physician.

4 Section 45. Section 460.4165, Florida Statutes, is
5 amended to read:

6 460.4165 Certified chiropractic physician's
7 assistants.--

8 (1) LEGISLATIVE INTENT.--The purpose of this section
9 is to encourage the more effective utilization of the skills
10 of chiropractic physicians by enabling them to delegate health
11 care tasks to qualified assistants when such delegation is
12 consistent with the patient's health and welfare and to allow
13 for innovative development of programs for the education of
14 physician's assistants.

15 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
16 ASSISTANT.--Notwithstanding any other provision of law, a
17 certified chiropractic physician's assistant may perform
18 chiropractic services in the specialty area or areas for which
19 the certified chiropractic physician's assistant is trained or
20 experienced when such services are rendered under the
21 supervision of a licensed chiropractic physician or group of
22 chiropractic physicians certified by the board. Any certified
23 chiropractic physician's assistant certified under this
24 section to perform services may perform those services only:

25 (a) In the office of the chiropractic physician to
26 whom the certified chiropractic physician's assistant has been
27 assigned, in which office such physician maintains her or his
28 primary practice;

29 (b) Under indirect supervision of ~~when~~ the
30 chiropractic physician to whom she or he is assigned as
31 defined by rule of the board ~~is present~~;

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1 (c) In a hospital in which the chiropractic physician
2 to whom she or he is assigned is a member of the staff; or

3 (d) On calls outside of the said office of the
4 chiropractic physician to whom she or he is assigned, on the
5 direct order of the chiropractic physician to whom she or he
6 is assigned.

7 (3) THIRD-PARTY PAYORS.--This chapter does not prevent
8 third-party payors from reimbursing employers of chiropractic
9 physicians' assistants for covered services rendered by
10 certified chiropractic physicians' assistants.

11 (4)(3) PERFORMANCE BY TRAINEES.--Notwithstanding any
12 other provision of law, a trainee may perform chiropractic
13 services when such services are rendered within the scope of
14 an approved program.

15 (5)(4) PROGRAM APPROVAL.--The department shall issue
16 certificates of approval for programs for the education and
17 training of certified chiropractic physician's assistants
18 which meet board standards. Any basic program curriculum
19 certified by the board shall cover a period of 24 months. The
20 curriculum must consist of at least 200 didactic classroom
21 hours during those 24 months.

22 (a) In developing criteria for program approval, the
23 board shall give consideration to, and encourage, the
24 utilization of equivalency and proficiency testing and other
25 mechanisms whereby full credit is given to trainees for past
26 education and experience in health fields.

27 (b) The board shall create groups of specialty
28 classifications of training for certified chiropractic
29 physician's assistants. These classifications shall reflect
30 the training and experience of the certified chiropractic
31 physician's assistant. The certified chiropractic physician's

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1 assistant may receive training in one or more such
2 classifications, which shall be shown on the certificate
3 issued.

4 (c) The board shall adopt and publish standards to
5 ensure that such programs operate in a manner which does not
6 endanger the health and welfare of the patients who receive
7 services within the scope of the program. The board shall
8 review the quality of the curricula, faculties, and facilities
9 of such programs; issue certificates of approval; and take
10 whatever other action is necessary to determine that the
11 purposes of this section are being met.

12 (6)(5) APPLICATION APPROVAL.--Any person desiring to
13 be licensed as a certified chiropractic physician's assistant
14 must apply to the department. The department shall issue a
15 certificate to any person certified by the board as having met
16 the following requirements:

17 (a) Is at least 18 years of age.

18 (b) Is a graduate of an approved program or its
19 equivalent and is fully certified by reason of experience and
20 education, as defined by board rule, to perform chiropractic
21 services under the responsible supervision of a licensed
22 chiropractic physician and when the board is satisfied that
23 the public will be adequately protected by the arrangement
24 proposed in the application.

25 (c) Has completed the application form and remitted an
26 application fee set by the board pursuant to this section. An
27 application for certification made by a chiropractic
28 physician's assistant must include:

29 1. A certificate of completion of a physician's
30 assistant training program specified in subsection (5).

31 2. A sworn statement of any prior felony conviction in

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1 any jurisdiction.

2 3. A sworn statement of any previous revocation or
3 denial of licensure or certification in any state or
4 jurisdiction.

5 ~~(a) The board shall adopt rules for the consideration~~
6 ~~of applications by a licensed chiropractic physician or a~~
7 ~~group of licensed chiropractic physicians to supervise~~
8 ~~certified chiropractic physician's assistants. Each~~
9 ~~application made by a chiropractic physician or group of~~
10 ~~chiropractic physicians shall include all of the following:~~

11 ~~1. The qualifications, including related experience,~~
12 ~~of the certified chiropractic physician's assistant intended~~
13 ~~to be employed.~~

14 ~~2. The professional background and specialty of the~~
15 ~~chiropractic physician or the group of chiropractic~~
16 ~~physicians.~~

17 ~~3. A description by the chiropractic physician of her~~
18 ~~or his practice, or by the chiropractic physicians of their~~
19 ~~practice, and of the way in which the assistant or assistants~~
20 ~~are to be utilized.~~

21
22 ~~The board shall certify an application by a licensed~~
23 ~~chiropractic physician to supervise a certified chiropractic~~
24 ~~physician's assistant when the proposed assistant is a~~
25 ~~graduate of an approved program or its equivalent and is fully~~
26 ~~qualified by reason of experience and education to perform~~
27 ~~chiropractic services under the responsible supervision of a~~
28 ~~licensed chiropractic physician and when the board is~~
29 ~~satisfied that the public will be adequately protected by the~~
30 ~~arrangement proposed in the application.~~

31 ~~(b) The board shall certify no more than two certified~~

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1 ~~chiropractic physician's assistants for any chiropractic~~
2 ~~physician practicing alone; no more than four chiropractic~~
3 ~~physician's assistants for two chiropractic physicians~~
4 ~~practicing together formally or informally; or no more than a~~
5 ~~ratio of two certified chiropractic physician's assistants to~~
6 ~~three chiropractic physicians in any group of chiropractic~~
7 ~~physicians practicing together formally or informally.~~

8 (7)~~(6)~~ PENALTY.--Any person who has not been certified
9 by the board and approved by the department and who represents
10 herself or himself as a certified chiropractic physician's
11 assistant or who uses any other term in indicating or implying
12 that she or he is a certified chiropractic physician's
13 assistant is guilty of a felony of the third degree,
14 punishable as provided in s. 775.082 or s. 775.084 or by a
15 fine not exceeding \$5,000.

16 (8)~~(7)~~ REVOCATION OF APPROVAL.--The certificate of
17 approval to supervise a certified chiropractic physician's
18 assistant held by any chiropractic physician or group of
19 chiropractic physicians may be revoked when the board
20 determines that the intent of this section is not being
21 carried out.

22 (9)~~(8)~~ FEES.--

23 (a) A fee not to exceed \$100 set by the board shall
24 accompany the application by a chiropractic physician for
25 authorization to supervise a certified chiropractic
26 physician's assistant.

27 (b) Upon approval of an application for certification
28 of a certified chiropractic physician's assistant in a
29 specialty area, the applicant shall be charged an initial
30 certification fee for the first biennium not to exceed \$250;
31 and a biennial renewal fee not to exceed \$250 shall accompany

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1 each application for renewal of the certified chiropractic
2 physician's assistant certificate.

3 (10)~~(9)~~ EXISTING PROGRAMS.--Nothing in this section
4 shall be construed to eliminate or supersede existing laws
5 relating to other paramedical professions or services. It is
6 the intent of this section to supplement all such existing
7 programs relating to the certification and the practice of
8 paramedical professions as may be authorized by law.

9 (11)~~(10)~~ LIABILITY.--Each chiropractic physician or
10 group of chiropractic physicians utilizing certified
11 chiropractic physician's assistants shall be liable for any
12 act or omission of any physician's assistant acting under her
13 or his or its supervision and control.

14 (12) SUPERVISION OF REGISTERED CHIROPRACTIC
15 ASSISTANT.--A certified chiropractic physician's assistant may
16 directly supervise a registered chiropractic assistant and
17 other persons who are not licensed as chiropractic physicians
18 who are employed or supervised by the chiropractic physician
19 to whom the certified chiropractic physician's assistant is
20 assigned.

21 (13) CERTIFIED CHIROPRACTIC ASSISTANT CERTIFICATION
22 RENEWAL.--The certification must be renewed biennially.

23 (a) Each renewal must include:

24 1. A renewal fee as set by board pursuant to this
25 section.

26 2. A sworn statement of no felony convictions in the
27 previous 2 years in any jurisdiction.

28 (b) Each certified chiropractic physician's assistant
29 shall biennially complete 24 hours of continuing education
30 courses sponsored by chiropractic colleges accredited by the
31 Council on Chiropractic Education and approved by the board.

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1 The board shall approve those courses that build upon the
2 basic courses required for the practice of chiropractic
3 medicine, and the board may also approve courses in adjunctive
4 modalities. The board may make exception from the requirements
5 of this section in emergency or hardship cases. The board may
6 adopt rules within the requirements of this section which are
7 necessary for its implementation.

8 (c) Upon employment as a certified chiropractic
9 physician's assistant, a certified chiropractic physician's
10 assistant must notify the department in writing within 30 days
11 after such employment or any change of the supervising
12 chiropractic physician. The notification must include the full
13 name, Florida chiropractic medical license number, specialty,
14 and address of the supervising chiropractic physician.

15 Section 46. Persons holding certificates as certified
16 chiropractic physicians' assistants on the effective date of
17 this act need not reapply for certification, but must comply
18 with biennial renewal requirements as provided in section
19 460.4165(6), Florida Statutes. The requirement for completion
20 of the continuing education requirements for biennial renewal
21 of the certificate shall not take effect until the beginning
22 of the next biennial renewal period following the effective
23 date of this act.

24 Section 47. Section 460.4166, Florida Statutes, is
25 amended to read:

26 460.4166 Registered chiropractic assistants.--

27 (1) DEFINITION.--As used in this section, "registered
28 chiropractic assistant" means a professional, multiskilled
29 person dedicated to assisting in all aspects of chiropractic
30 medical practice under the direct supervision and
31 responsibility of a chiropractic physician or certified

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1 chiropractic physician's assistant. A registered chiropractic
2 assistant assists with patient care management, executes
3 administrative and clinical procedures, and often performs
4 managerial and supervisory functions. Competence in the field
5 also requires that a registered chiropractic assistant adhere
6 to ethical and legal standards of professional practice,
7 recognize and respond to emergencies, and demonstrate
8 professional characteristics.

9 (2) DUTIES.--Under the direct supervision and
10 responsibility of a licensed chiropractic physician or
11 certified chiropractic physician's assistant, a registered
12 chiropractic assistant may:

13 (a) Perform clinical procedures, which include:

- 14 1. Preparing patients for the chiropractic physician's
15 care.
16 2. Taking vital signs.
17 3. Observing and reporting patients' signs or
18 symptoms.

19 (b) Administer basic first aid.

20 (c) Assist with patient examinations or treatments
21 other than manipulations or adjustments.

22 (d) Operate office equipment.

23 (e) Collect routine laboratory specimens as directed
24 by the chiropractic physician or certified chiropractic
25 physician's assistant.

26 (f) Administer nutritional supplements as directed by
27 the chiropractic physician or certified chiropractic
28 physician's assistant.

29 (g) Perform office procedures required by the
30 chiropractic physician or certified chiropractic physician's
31 assistant under direct supervision of the chiropractic

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1 physician or certified chiropractic physician's assistant.

2 (3) REGISTRATION.--Registered chiropractic assistants
3 may be registered by the board for a biennial fee not to
4 exceed \$25.

5 Section 48. Section 461.003, Florida Statutes, 1998
6 Supplement, is amended to read:

7 461.003 Definitions.--As used in this chapter:

8 ~~(1) "Department" means the Department of Health.~~

9 (1)(2) "Board" means the Board of Podiatric Medicine
10 as created in this chapter.

11 (2) "Certified podiatric X-ray assistant" means a
12 person who is employed by and under the direct supervision of
13 a licensed podiatric physician to perform only those
14 radiographic functions that are within the scope of practice
15 of a podiatric physician licensed under this chapter. For
16 purposes of this subsection, the term "direct supervision"
17 means supervision whereby a podiatric physician orders the X
18 ray, remains on the premises while the X ray is being
19 performed and exposed, and approves the work performed before
20 dismissal of the patient.

21 (3) "Department" means the Department of Health.

22 ~~(3) "Practice of podiatric medicine" means the~~
23 ~~diagnosis or medical, surgical, palliative, and mechanical~~
24 ~~treatment of ailments of the human foot and leg. The surgical~~
25 ~~treatment of ailments of the human foot and leg shall be~~
26 ~~limited anatomically to that part below the anterior tibial~~
27 ~~tubercle. The practice of podiatric medicine shall include~~
28 ~~the amputation of the toes or other parts of the foot but~~
29 ~~shall not include the amputation of the foot or leg in its~~
30 ~~entirety. A podiatric physician may prescribe drugs that~~
31 ~~relate specifically to the scope of practice authorized~~

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1 ~~herein.~~

2 (4) "Podiatric physician" means any person licensed to
3 practice podiatric medicine pursuant to this chapter.

4 (5) "Practice of podiatric medicine" means the
5 diagnosis or medical, surgical, palliative, and mechanical
6 treatment of ailments of the human foot and leg. The surgical
7 treatment of ailments of the human foot and leg shall be
8 limited anatomically to that part below the anterior tibial
9 tubercle. The practice of podiatric medicine shall include
10 the amputation of the toes or other parts of the foot but
11 shall not include the amputation of the foot or leg in its
12 entirety. A podiatric physician may prescribe drugs that
13 relate specifically to the scope of practice authorized
14 herein.

15 Section 49. Paragraph (d) of subsection (1) of section
16 461.006, Florida Statutes, 1998 Supplement, is amended to
17 read:

18 461.006 Licensure by examination.--

19 (1) Any person desiring to be licensed as a podiatric
20 physician shall apply to the department to take the licensure
21 examination. The department shall examine each applicant who
22 the board certifies:

23 (d) ~~Beginning October 1, 1995,~~Has satisfactorily
24 completed one of the following clinical experience
25 requirements:

26 1. One year of residency in a residency program
27 approved by the board, and if it has been 4 or more years
28 since the completion of that residency, active licensed
29 practice of podiatric medicine in another jurisdiction for at
30 least 2 of the immediately preceding 4 years, or successful
31 completion of a board-approved postgraduate program or

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1 board-approved course within the year preceding the filing of
2 the application. For the purpose of this subparagraph, "active
3 licensed practice" means the licensed practice of podiatric
4 medicine as defined in s. 461.003(5) by podiatric physicians,
5 including podiatric physicians employed by any governmental
6 entity, on the active teaching faculty of an accredited school
7 of podiatric medicine, or practicing administrative podiatric
8 medicine.

9 2. Ten years of continuous, active licensed practice
10 of podiatric medicine in another state immediately preceding
11 the submission of the application and completion of at least
12 the same continuing educational requirements during those 10
13 years as are required of podiatric physicians licensed in this
14 state.

15 Section 50. Subsection (1) of section 461.007, Florida
16 Statutes, 1998 Supplement, is amended to read:

17 461.007 Renewal of license.--

18 (1) The department shall renew a license upon receipt
19 of the renewal application and a fee not to exceed \$350 set by
20 the board, and evidence that the applicant has actively
21 practiced podiatric medicine or has been on the active
22 teaching faculty of an accredited school of podiatric medicine
23 for at least 2 years of the immediately preceding 4 years. If
24 the licensee has not actively practiced podiatric medicine for
25 at least 2 years of the immediately preceding 4 years, the
26 board shall require that the licensee successfully complete a
27 board-approved course prior to renewal of the license. For
28 purposes of this subsection, "actively practiced podiatric
29 medicine" means the licensed practice of podiatric medicine as
30 defined in s. 461.003(5) by podiatric physicians, including
31 podiatric physicians employed by any governmental entity, on

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1 the active teaching faculty of an accredited school of
2 podiatric medicine, or practicing administrative podiatric
3 medicine. An applicant for a renewed license must also submit
4 the information required under s. 455.565 to the department on
5 a form and under procedures specified by the department, along
6 with payment in an amount equal to the costs incurred by the
7 Department of Health for the statewide criminal background
8 check of the applicant. An ~~The~~ applicant for a renewed license
9 who received an initial license in this state after January 1,
10 1992, must submit a set of fingerprints to the Department of
11 Health on a form and under procedures specified by the
12 department, along with payment in an amount equal to the costs
13 incurred by the department for a national criminal background
14 check of the applicant for the initial renewal of his or her
15 license after January 1, 2000. If the applicant fails to
16 submit either the information required under s. 455.565 or a
17 set of fingerprints to the department as required by this
18 section, the department shall issue a notice of noncompliance,
19 and the applicant will be given 30 additional days to comply.
20 If the applicant fails to comply within 30 days after the
21 notice of noncompliance is issued, the department or board, as
22 appropriate, may issue a citation to the applicant and may
23 fine the applicant up to \$50 for each day that the applicant
24 is not in compliance with the requirements of s. 455.565. The
25 citation must clearly state that the applicant may choose, in
26 lieu of accepting the citation, to follow the procedure under
27 s. 455.621. If the applicant disputes the matter in the
28 citation, the procedures set forth in s. 455.621 must be
29 followed. However, if the applicant does not dispute the
30 matter in the citation with the department within 30 days
31 after the citation is served, the citation becomes a final

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1 order and constitutes discipline. Service of a citation may be
2 made by personal service or certified mail, restricted
3 delivery, to the subject at the applicant's last known
4 address. The department may not delay renewing a license due
5 to the processing of a statewide criminal history check or a
6 national criminal background check. If an applicant has
7 received an initial license to practice in this state after
8 January 1, 1992, and has submitted fingerprints to the
9 department for a national criminal history check ~~upon initial~~
10 ~~licensure~~ and is renewing his or her license ~~for the first~~
11 ~~time~~, then the applicant need only submit the information and
12 fee required for a statewide criminal history check.

13 Section 51. Paragraph (bb) is added to subsection (1)
14 of section 461.013, Florida Statutes, 1998 Supplement, and
15 subsection (2) of that section is amended, to read:

16 461.013 Grounds for disciplinary action; action by the
17 board; investigations by department.--

18 (1) The following acts shall constitute grounds for
19 which the disciplinary actions specified in subsection (2) may
20 be taken:

21 (bb) Failing to comply with the requirements of ss.
22 381.026 and 381.0261 to provide patients with information
23 about their patient rights and how to file a patient
24 complaint.

25 (2) When the board finds any person guilty of any of
26 the grounds set forth in subsection (1), it may enter an order
27 imposing one or more of the following penalties:

28 (a) Refusal to certify to the department an
29 application for licensure.

30 (b) Revocation or suspension of a license.

31 (c) Restriction of practice.

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1 (d) Imposition of an administrative fine not to exceed
2 ~~\$10,000~~~~\$1,000~~ for each count or separate offense.

3 (e) Issuance of a reprimand.

4 (f) Placing the podiatric physician on probation for a
5 period of time and subject to such conditions as the board may
6 specify, including requiring the podiatric physician to submit
7 to treatment, to attend continuing education courses, to
8 submit to reexamination, and to work under the supervision of
9 another podiatric physician.

10 (g) Imposition of an administrative fine in accordance
11 with s. 381.0261 for violations regarding patient rights.

12 Section 52. Section 461.0135, Florida Statutes, is
13 created to read:

14 461.0135 Operation of X-ray machines by podiatric
15 X-ray assistants.--A licensed podiatric physician may utilize
16 an X-ray machine, expose X-ray films, and interpret or read
17 such films. The provision of part IV of chapter 468 to the
18 contrary notwithstanding, a licensed podiatric physician may
19 authorize or direct a certified podiatric X-ray assistant to
20 operate such equipment and expose such films under the
21 licensed podiatric physician's direction and supervision,
22 pursuant to rules adopted by the board in accordance with s.
23 461.004, which ensures that such certified podiatric X-ray
24 assistant is competent to operate such equipment in a safe and
25 efficient manner by reason of training, experience, and
26 passage of a board-approved course which includes an
27 examination. The board shall issue a certificate to an
28 individual who successfully completes the board-approved
29 course and passes the examination to be administered by the
30 training authority upon completion of such course.

31 Section 53. Subsection (3) is added to section

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1 464.008, Florida Statutes, to read:

2 464.008 Licensure by examination.--

3 (3) Any applicant who fails the examination three
4 consecutive times, regardless of the jurisdiction in which the
5 examination is taken, shall be required to complete a
6 board-approved remedial course before the applicant will be
7 approved for reexamination. After taking the remedial course,
8 the applicant may be approved to retake the examination up to
9 three additional times before the applicant is required to
10 retake remediation. The applicant shall apply for
11 reexamination within 6 months after completion of remediation.
12 The board shall by rule establish guidelines for remedial
13 courses.

14 Section 54. Subsection (13) is added to section
15 464.022, Florida Statutes, to read:

16 464.022 Exceptions.--No provision of this chapter
17 shall be construed to prohibit:

18 (13) The practice of nursing by individuals enrolled
19 in board-approved remedial courses.

20 Section 55. Subsections (4) through (14) of section
21 465.003, Florida Statutes, are renumbered as subsections (5)
22 through (15), respectively, and a new subsection (4) is added
23 to that section, to read:

24 465.003 Definitions.--As used in this chapter, the
25 term:

26 (4) "Data communication device" means an electronic
27 device that receives electronic information from one source
28 and transmits or routes it to another, including, but not
29 limited to, any such bridge, router, switch, or gateway.

30 Section 56. Paragraph (1) of subsection (1) and
31 paragraph (c) of subsection (2) of section 465.016, Florida

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1 Statutes, are amended, and paragraph (q) is added to
2 subsection (1) of that section, to read:

3 465.016 Disciplinary actions.--

4 (1) The following acts shall be grounds for
5 disciplinary action set forth in this section:

6 (1) Placing in the stock of any pharmacy any part of
7 any prescription compounded or dispensed which is returned by
8 a patient; however, in a hospital, nursing home, correctional
9 facility, or extended care facility in which unit-dose
10 medication is dispensed to inpatients, each dose being
11 individually sealed and the individual unit dose or unit-dose
12 system labeled with the name of the drug, dosage strength,
13 manufacturer's control number, and expiration date, if any,
14 the unused unit dose of medication may be returned to the
15 pharmacy for redispensing. Each pharmacist shall maintain
16 appropriate records for any unused or returned medicinal
17 drugs.

18 (q) Using or releasing a patient's records except as
19 authorized by this chapter and chapter 455.

20 (2) When the board finds any person guilty of any of
21 the grounds set forth in subsection (1), it may enter an order
22 imposing one or more of the following penalties:

23 (c) Imposition of an administrative fine not to exceed
24 \$5,000~~\$1,000~~ for each count or separate offense.

25 Section 57. Section 465.014, Florida Statutes, is
26 amended to read:

27 465.014 Pharmacy technician.--No person other than a
28 licensed pharmacist or pharmacy intern may engage in the
29 practice of the profession of pharmacy, except that a licensed
30 pharmacist may delegate to nonlicensed pharmacy technicians
31 those duties, tasks, and functions which do not fall within

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1 the purview of s. 465.003(13)(12). All such delegated acts
2 shall be performed under the direct supervision of a licensed
3 pharmacist who shall be responsible for all such acts
4 performed by persons under his or her supervision. A pharmacy
5 technician, under the supervision of a pharmacist, may
6 initiate or receive communications with a practitioner or his
7 or her agent, on behalf of a patient, regarding refill
8 authorization requests. No licensed pharmacist shall
9 supervise more than one pharmacy technician unless otherwise
10 permitted by the guidelines adopted by the board. The board
11 shall establish guidelines to be followed by licensees or
12 permittees in determining the circumstances under which a
13 licensed pharmacist may supervise more than one but not more
14 than three pharmacy technicians.

15 Section 58. Paragraph (c) of subsection (2) of section
16 465.015, Florida Statutes, is amended to read:

17 465.015 Violations and penalties.--

18 (2) It is unlawful for any person:

19 (c) To sell or dispense drugs as defined in s.
20 465.003(8)(7)without first being furnished with a
21 prescription.

22 Section 59. Section 465.0196, Florida Statutes, is
23 amended to read:

24 465.0196 Special pharmacy permits.--Any person
25 desiring a permit to operate a pharmacy which does not fall
26 within the definitions set forth in s. 465.003(11)(10)(a)1.,
27 2., and 3. shall apply to the department for a special
28 pharmacy permit. If the board certifies that the application
29 complies with the applicable laws and rules of the board
30 governing the practice of the profession of pharmacy, the
31 department shall issue the permit. No permit shall be issued

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1 unless a licensed pharmacist is designated to undertake the
2 professional supervision of the compounding and dispensing of
3 all drugs dispensed by the pharmacy. The licensed pharmacist
4 shall be responsible for maintaining all drug records and for
5 providing for the security of the area in the facility in
6 which the compounding, storing, and dispensing of medicinal
7 drugs occurs. The permittee shall notify the department
8 within 10 days of any change of the licensed pharmacist
9 responsible for such duties.

10 Section 60. Subsection (3) of section 468.812, Florida
11 Statutes, is amended to read:

12 468.812 Exemptions from licensure.--

13 (3) The provisions of this act relating to orthotics
14 or pedorthics do not apply to any licensed pharmacist or to
15 any person acting under the supervision of a licensed
16 pharmacist. The practice of orthotics or pedorthics by a
17 pharmacist or any of the pharmacist's employees acting under
18 the supervision of a pharmacist shall be construed to be
19 within the meaning of the term "practice of the profession of
20 pharmacy" as set forth in s. 465.003(13)~~(12)~~, and shall be
21 subject to regulation in the same manner as any other pharmacy
22 practice. The Board of Pharmacy shall develop rules regarding
23 the practice of orthotics and pedorthics by a pharmacist. Any
24 pharmacist or person under the supervision of a pharmacist
25 engaged in the practice of orthotics or pedorthics shall not
26 be precluded from continuing that practice pending adoption of
27 these rules.

28 Section 61. Subsection (19) of section 499.003,
29 Florida Statutes, is amended to read:

30 499.003 Definitions of terms used in ss.

31 499.001-499.081.--As used in ss. 499.001-499.081, the term:

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1 (19) "Legend drug," "prescription drug," or "medicinal
2 drug" means any drug, including, but not limited to, finished
3 dosage forms, or active ingredients subject to, defined by, or
4 described by s. 503(b) of the Federal Food, Drug, and Cosmetic
5 Act or s. 465.003(8)~~(7)~~, s. 499.007(12), or s. 499.0122(1)(b)
6 or (c).

7 Section 62. (1) There is created within the
8 Department of Health a Task Force for the Study of
9 Collaborative Drug Therapy Management. The department shall
10 provide staff support for the task force. The task force shall
11 consist of not more than 10 members nominated by the
12 associations and entities named in this section and appointed
13 by the Secretary of Health. Members of the task force shall
14 not receive compensation, per diem, or reimbursement for
15 travel expenses for service on the task force. Participation
16 in the task force is optional and at the discretion of each
17 identified group or entity. The task force shall include:

18 (a) One representative from each of the following
19 associations:

- 20 1. Florida Society of Health-System Pharmacists.
- 21 2. Florida Pharmacy Association.
- 22 3. Florida Medical Association.
- 23 4. Florida Osteopathic Medical Association.
- 24 5. Florida Retail Federation.

25 (b) One representative from each of the following
26 entities:

- 27 1. Department of Health.
- 28 2. Board of Medicine, which representative must be a
29 member of the board who is licensed under chapter 458, Florida
30 Statutes.
- 31 3. Board of Osteopathic Medicine, which representative

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1 must be a member of the board who is licensed under chapter
2 459, Florida Statutes.

3 4. Board of Pharmacy, which representative must be a
4 member of the board who is licensed under chapter 465, Florida
5 Statutes.

6 5. Agency for Health Care Administration.

7 (2) The task force shall hold its first meeting no
8 later than August 1, 1999, and shall report its findings to
9 the President of the Senate, the Speaker of the House of
10 Representatives, and the chairs of the applicable legislative
11 committees of substance not later than December 31, 1999. All
12 task force meetings must be held in Tallahassee at the
13 department in order to minimize costs to the state.

14 (3) The task force shall be charged with the
15 responsibility to:

16 (a) Determine the states in which collaborative drug
17 therapy management has been enacted by law or administrative
18 rule and summarize the content of all such laws and rules.

19 (b) Receive testimony from interested parties and
20 identify the extent to which collaborative drug therapy
21 management is currently being practiced in this state and
22 other states.

23 (c) Determine the efficacy of collaborative drug
24 therapy management in improving health care outcomes of
25 patients.

26 Section 63. Section 466.021, Florida Statutes, is
27 amended to read:

28 466.021 Employment of unlicensed persons by dentist;
29 penalty.--Every duly licensed dentist who uses the services of
30 any unlicensed person for the purpose of constructing,
31 altering, repairing, or duplicating any denture, partial

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1 denture, bridge splint, or orthodontic or prosthetic appliance
2 shall be required to furnish such unlicensed person with a
3 written work order in such form as prescribed ~~shall be~~
4 ~~approved by rule of the board department. This form shall be~~
5 ~~supplied to the dentist by the department at a cost not to~~
6 ~~exceed that of printing and handling. The work order blanks~~
7 ~~shall be assigned to individual dentists and are not~~
8 ~~transferable.~~ This form shall be dated and signed by such
9 dentist and shall include the patient's name or number with
10 sufficient descriptive information to clearly identify the
11 case for each separate and individual piece of work. A ~~said~~
12 ~~work order shall be made in duplicate form, the duplicate copy~~
13 of such work order shall ~~to~~ be retained in a permanent file in
14 the dentist's office for a period of 2 years, and the original
15 work order shall ~~to~~ be retained in a permanent file for a
16 period of 2 years by such ~~said~~ unlicensed person in her or his
17 place of business. Such permanent file of work orders to be
18 kept by such dentist or by such unlicensed person shall be
19 open to inspection at any reasonable time by the department or
20 its duly constituted agent. Failure of the dentist to keep
21 such permanent records of such ~~said~~ work orders shall subject
22 the dentist to suspension or revocation of her or his license
23 to practice dentistry. Failure of such unlicensed person to
24 have in her or his possession a work order as required by this
25 section ~~above defined~~ shall be admissible evidence of a
26 violation of this chapter and shall constitute a misdemeanor
27 of the second degree, punishable as provided in s. 775.082 or
28 s. 775.083. Nothing in this section shall preclude a
29 registered dental laboratory from working for another
30 registered dental laboratory, provided that such work is
31 performed pursuant to written authorization, in a form to be

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1 prescribed by rule of the board ~~department~~, which evidences
2 that the originating laboratory has obtained a valid work
3 order and which sets forth the work to be performed.
4 Furthermore, nothing in this section shall preclude a
5 registered laboratory from providing its services to dentists
6 licensed and practicing in another state, provided that such
7 work is requested or otherwise authorized in written form
8 which clearly identifies the name and address of the
9 requesting dentist and which sets forth the work to be
10 performed.

11 Section 64. Paragraph (b) of subsection (2), paragraph
12 (b) of subsection (3), and subsection (4) of section 468.1155,
13 Florida Statutes, are amended to read:

14 468.1155 Provisional license; requirements.--

15 (2) The department shall issue a provisional license
16 to practice speech-language pathology to each applicant who
17 the board certifies has:

18 (b) Received a master's degree or doctoral degree with
19 a major emphasis in speech-language pathology from an
20 institution of higher learning which, at the time the
21 applicant was enrolled and graduated, was accredited by an
22 accrediting agency recognized by the Commission on Recognition
23 of Postsecondary Accreditation or from an institution which is
24 publicly recognized as a member in good standing with the
25 Association of Universities and Colleges of Canada. An
26 applicant who graduated from a program at a university or
27 college outside the United States or Canada must present
28 documentation of the determination of equivalency to standards
29 established by the Commission on Recognition of Postsecondary
30 Accreditation in order to qualify. The applicant must have
31 completed 60 semester hours that include:

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1 1. Fundamental information applicable to the normal
2 development and use of speech, hearing, and language;
3 information about training in management of speech, hearing,
4 and language disorders; and information supplementary to these
5 fields.

6 2. Six semester hours in audiology.

7 3. Thirty of the required 60 semester hours in courses
8 acceptable toward a graduate degree by the college or
9 university in which these courses were taken, of which 24
10 semester hours must be in speech-language pathology.

11 (3) The department shall issue a provisional license
12 to practice audiology to each applicant who the board
13 certifies has:

14 (b) Received a master's degree or doctoral degree with
15 a major emphasis in audiology from an institution of higher
16 learning which at the time the applicant was enrolled and
17 graduated was accredited by an accrediting agency recognized
18 by the Commission on Recognition of Postsecondary
19 Accreditation or from an institution which is publicly
20 recognized as a member in good standing with the Association
21 of Universities and Colleges of Canada. An applicant who
22 graduated from a program at a university or college outside
23 the United States or Canada must present documentation of the
24 determination of equivalency to standards established by the
25 Commission on Recognition of Postsecondary Accreditation in
26 order to qualify. The applicant must have completed 60
27 semester hours that include:

28 1. Fundamental information applicable to the normal
29 development and use of speech, hearing, and language;
30 information about training in management of speech, hearing,
31 and language disorders; and information supplementary to these

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1 fields.

2 2. Six semester hours in speech-language pathology.

3 3. Thirty of the required 60 semester hours in courses
4 acceptable toward a graduate degree by the college or
5 university in which these courses were taken, of which 24
6 semester hours must be in audiology.

7 (4) An applicant for a provisional license who has
8 received a master's degree or doctoral degree with a major
9 emphasis in speech-language pathology as provided in
10 subsection (2), or audiology as provided in subsection (3),
11 and who seeks licensure in the area in which the applicant is
12 not currently licensed, must have completed 30 semester hours
13 in courses acceptable toward a graduate degree and 200
14 supervised clinical clock hours in the second discipline from
15 an accredited institution.

16 Section 65. Section 468.1215, Florida Statutes, is
17 amended to read:

18 468.1215 Speech-language pathology assistant and
19 audiology assistant; certification.--

20 ~~(1) A person desiring to be certified as a~~
21 ~~speech-language pathology assistant or audiology assistant~~
22 ~~shall apply to the department.~~

23 (1)~~(2)~~ The department shall issue a certificate as a
24 speech-language pathology assistant ~~or as an audiology~~
25 ~~assistant~~ to each applicant who the board certifies has:

26 (a) Completed the application form and remitted the
27 required fees, including a nonrefundable application fee.

28 (b) Earned a bachelor's degree from a college or
29 university accredited by a regional association of colleges
30 and schools recognized by the Department of Education which
31 includes at least 24 semester hours of coursework as approved

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1 by the board at an institution accredited by an accrediting
2 agency recognized by the Commission on Recognition of
3 Postsecondary Accreditation.

4 (2) The department shall issue a certificate as an
5 audiology assistant to each applicant who the board certifies
6 has:

7 (a) Completed the application form and remitted the
8 required fees, including a nonrefundable application fee.

9 (b) Completed at least 24 semester hours of coursework
10 as approved by the board at an institution accredited by an
11 accrediting agency recognized by the Commission on Recognition
12 of Postsecondary Accreditation.

13 (3) The board, by rule, shall establish minimum
14 education and on-the-job training and supervision requirements
15 for certification as a speech-language pathology assistant or
16 audiology assistant.

17 (4) The provisions of this section shall not apply to
18 any student, intern, or trainee performing speech-language
19 pathology or audiology services while completing the
20 supervised clinical clock hours as required in s. 468.1155.

21 Section 66. Subsection (1) of section 468.307, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 468.307 Certificate; issuance; possession; display.--

24 (1) The department shall issue a certificate to each
25 candidate who has met the requirements of ss. 468.304 and
26 468.306 or has qualified under s. 468.3065. The department may
27 by rule establish a subcategory of a certificate issued under
28 this part limiting the certificateholder to a specific
29 procedure or specific type of equipment.

30 Section 67. Section 468.506, Florida Statutes, 1998
31 Supplement, is amended to read:

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1 468.506 Dietetics and Nutrition Practice
2 Council.--There is created the Dietetics and Nutrition
3 Practice Council under the supervision of the board. The
4 council shall consist of four persons licensed under this part
5 and one consumer who is 60 years of age or older. Council
6 members shall be appointed by the board. Licensed members
7 shall be appointed based on the proportion of licensees within
8 each of the respective disciplines. Members shall be
9 appointed for 4-year staggered terms. In order to be eligible
10 for appointment, each licensed member must have been a
11 licensee under this part for at least 3 years prior to his or
12 her appointment. No council member shall serve more than two
13 successive terms. The board may delegate such powers and
14 duties to the council as it may deem proper to carry out the
15 operations and procedures necessary to effectuate the
16 provisions of this part. However, the powers and duties
17 delegated to the council by the board must encompass both
18 dietetics and nutrition practice and nutrition counseling. Any
19 time there is a vacancy on the council, any professional
20 association composed of persons licensed under this part may
21 recommend licensees to fill the vacancy to the board in a
22 number at least twice the number of vacancies to be filled,
23 and the board may appoint from the submitted list, in its
24 discretion, any of those persons so recommended. Any
25 professional association composed of persons licensed under
26 this part may file an appeal regarding a council appointment
27 with the secretary ~~director~~ of the department ~~agency~~, whose
28 decision shall be final. The board shall fix council members'
29 compensation and pay their expenses in the same manner as
30 provided in s. 455.534.

31 Section 68. Section 468.701, Florida Statutes, 1998

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1 Supplement, is amended to read:

2 468.701 Definitions.--As used in this part, the term:

3 (1) "Athlete" means a person who participates in an
4 athletic activity.

5 (2) "Athletic activity" means the participation in an
6 activity, conducted by an educational institution, a
7 professional athletic organization, or an amateur athletic
8 organization, involving exercises, sports, games, or
9 recreation requiring any of the physical attributes of
10 strength, agility, flexibility, range of motion, speed, and
11 stamina.

12 (3) "Athletic injury" means an injury sustained which
13 affects the athlete's ability to participate or perform in
14 athletic activity.

15 (4) "Athletic trainer" means a person licensed under
16 this part.

17 (5) "Athletic training" means the recognition,
18 prevention, and treatment of athletic injuries.

19 (6) "~~Board Council~~" means the Board Council of
20 Athletic Training.

21 (7) "Department" means the Department of Health.

22 (8) "Direct supervision" means the physical presence
23 of the supervisor on the premises so that the supervisor is
24 immediately available to the trainee when needed.

25 ~~(9) "Secretary" means the Secretary of Health.~~

26 (9)~~(10)~~ "Supervision" means the easy availability of
27 the supervisor to the athletic trainer, which includes the
28 ability to communicate by telecommunications.

29 Section 69. Section 468.703, Florida Statutes, 1998
30 Supplement, is amended to read:

31 468.703 Board Council of Athletic Training.--

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1 (1) The Board ~~Council~~ of Athletic Training is created
2 within the department and shall consist of nine ~~seven~~ members
3 ~~to be~~ appointed by the Governor and confirmed by the Senate
4 ~~secretary.~~

5 (2) Five ~~Four~~ members of the board must ~~council shall~~
6 be licensed athletic trainers. One member of the board must
7 ~~council shall~~ be a physician licensed under chapter 458 or
8 chapter 459. One member of the board must ~~council shall~~ be a
9 physician licensed under chapter 460. Two members ~~One member~~
10 of the board shall be consumer members, each of whom must
11 ~~council shall~~ be a resident of this state who has never worked
12 as an athletic trainer, who has no financial interest in the
13 practice of athletic training, and who has never been a
14 licensed health care practitioner as defined in s. 455.501(4).
15 ~~Members of the council shall serve staggered 4-year terms as~~
16 ~~determined by rule of the department; however, no member may~~
17 ~~serve more than two consecutive terms.~~

18 (3) For the purpose of staggering terms, the Governor
19 shall appoint the initial members of the board as follows:

20 (a) Three members for terms of 2 years each.

21 (b) Three members for terms of 3 years each.

22 (c) Three members for terms of 4 years each.

23 (4) As the terms of the members expire, the Governor
24 shall appoint successors for terms of 4 years and such members
25 shall serve until their successors are appointed.

26 (5) All provisions of part II of chapter 455 relating
27 to activities of the board shall apply.

28 (6) The board shall maintain its official headquarters
29 in Tallahassee.

30 ~~(3) The council shall advise and assist the department~~
31 ~~in:~~

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1 ~~(a) Developing rules relating to licensure~~
2 ~~requirements, the licensure examination, continuing education~~
3 ~~requirements, fees, records and reports to be filed by~~
4 ~~licensees, and any other requirements necessary to regulate~~
5 ~~the practice of athletic training.~~

6 ~~(b) Monitoring the practice of athletic training in~~
7 ~~other jurisdictions.~~

8 ~~(c) Educating the public about the role of athletic~~
9 ~~trainers.~~

10 ~~(d) Collecting and reviewing data regarding the~~
11 ~~licensed practice of athletic training.~~

12 ~~(e) Addressing concerns and problems of athletic~~
13 ~~trainers in order to promote improved safety in the practice~~
14 ~~of athletic training.~~

15 ~~(4) Members of the council shall be entitled to~~
16 ~~compensation and reimbursement for expenses in the same manner~~
17 ~~as board members are compensated and reimbursed under s.~~
18 ~~455.534.~~

19 Section 70. Section 468.705, Florida Statutes, 1998
20 Supplement, is amended to read:

21 468.705 Rulemaking authority.--The board ~~department~~ is
22 authorized to adopt rules pursuant to ss. 120.536(1) and
23 120.54 to implement provisions of this part conferring duties
24 upon it. Such rules shall include, but not be limited to, the
25 allowable scope of practice regarding the use of equipment,
26 procedures, and medication, and requirements for a written
27 protocol between the athletic trainer and a supervising
28 physician, licensure requirements, licensure examination,
29 continuing education requirements, fees, records, and reports
30 to be filed by licensees, protocols, and any other
31 requirements necessary to regulate the practice of athletic

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1 training.

2 Section 71. Section 468.707, Florida Statutes, 1998
3 Supplement, is amended to read:

4 468.707 Licensure by examination; requirements.--

5 (1) Any person desiring to be licensed as an athletic
6 trainer shall apply to the department on a form approved by
7 the department.

8 (a) The department shall license each applicant who:

9 1. Has completed the application form and remitted the
10 required fees.

11 2. Is at least 21 years of age.

12 3. Has obtained a baccalaureate degree from a college
13 or university accredited by an accrediting agency recognized
14 and approved by the United States Department of Education or
15 the Commission on Recognition of Postsecondary Accreditation,
16 or approved by the board department.

17 4. Has completed coursework from a college or
18 university accredited by an accrediting agency recognized and
19 approved by the United States Department of Education or the
20 Commission on Recognition of Postsecondary Accreditation, or
21 approved by the board department, in each of the following
22 areas, as provided by rule: health, human anatomy,
23 kinesiology/biomechanics, human physiology, physiology of
24 exercise, basic athletic training, and advanced athletic
25 training.

26 5. Has current certification in standard first aid and
27 cardiovascular pulmonary resuscitation from the American Red
28 Cross or an equivalent certification as determined by the
29 board department.

30 6. Has, within 2 of the preceding 5 years, attained a
31 minimum of 800 hours of athletic training experience under the

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1 direct supervision of a licensed athletic trainer or an
2 athletic trainer certified by the National Athletic Trainers'
3 Association or a comparable national athletic standards
4 organization.

5 7. Has passed an examination administered or approved
6 by the board ~~department~~.

7 (b) The department shall also license each applicant
8 who:

9 1. Has completed the application form and remitted the
10 required fees no later than October 1, 1996.

11 2. Is at least 21 years of age.

12 3. Has current certification in standard first aid and
13 cardiovascular pulmonary resuscitation from the American Red
14 Cross or an equivalent certification as determined by the
15 board ~~department~~.

16 4.a. Has practiced athletic training for at least 3 of
17 the 5 years preceding application; or

18 b. Is currently certified by the National Athletic
19 Trainers' Association or a comparable national athletic
20 standards organization.

21 (2) Pursuant to the requirements of s. 455.607
22 ~~455.604~~, each applicant shall complete a continuing education
23 course on human immunodeficiency virus and acquired immune
24 deficiency syndrome as part of initial licensure.

25 Section 72. Section 468.709, Florida Statutes, is
26 amended to read:

27 468.709 Fees.--

28 (1) The board ~~department~~ shall, by rule, establish
29 fees for the following purposes:

30 (a) An application fee, not to exceed \$100.

31 (b) An examination fee, not to exceed \$200.

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- 1 (c) An initial licensure fee, not to exceed \$200.
2 (d) A biennial renewal fee, not to exceed \$200.
3 (e) An inactive fee, not to exceed \$100.
4 (f) A delinquent fee, not to exceed \$100.
5 (g) A reactivation fee, not to exceed \$100.
6 (h) A voluntary inactive fee, not to exceed \$100.
7 (2) The board department shall establish fees at a
8 level, not to exceed the statutory fee cap, that is adequate
9 to ensure the continued operation of the regulatory program
10 under this part. The board department shall neither set nor
11 maintain the fees at a level that will substantially exceed
12 this need.

13 Section 73. Subsections (2) and (3) of section
14 468.711, Florida Statutes, 1998 Supplement, are amended to
15 read:

16 468.711 Renewal of license; continuing education.--

17 (2) The board department may, by rule, prescribe
18 continuing education requirements, not to exceed 24 hours
19 biennially. The criteria for continuing education shall be
20 approved by the board department and shall include 4 hours in
21 standard first aid and cardiovascular pulmonary resuscitation
22 from the American Red Cross or equivalent training as
23 determined by board department.

24 (3) Pursuant to the requirements of s. 455.607
25 ~~455.604~~, each licensee shall complete a continuing education
26 course on human immunodeficiency virus and acquired immune
27 deficiency syndrome as part of biennial relicensure.

28 Section 74. Subsection (2) of section 468.719, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 468.719 Disciplinary actions.--

31 (2) When the board department finds any person guilty

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1 of any of the acts set forth in subsection (1), the board
2 ~~department~~ may enter an order imposing one or more of the
3 penalties provided in s. 455.624.

4 Section 75. Section 468.721, Florida Statutes, is
5 amended to read:

6 468.721 Saving clause.--

7 ~~(1) An athletic trainer registration which is valid on~~
8 ~~October 1, 1995, shall become for all purposes an athletic~~
9 ~~trainer license as required by this part, subject to any~~
10 ~~disciplinary or administrative action pending on October 1,~~
11 ~~1995, and shall be subject to all the same terms and~~
12 ~~conditions as athletic trainer licenses issued after October~~
13 ~~1, 1995. The department shall retain jurisdiction to impose~~
14 ~~discipline for any violation of this part which occurred prior~~
15 ~~to October 1, 1995, but is discovered after October 1, 1995,~~
16 ~~under the terms of this part prior to October 1, 1995.~~

17 ~~(2) No judicial or administrative proceeding pending~~
18 ~~on July 1, 1995, shall be abated as a result of enactment of~~
19 ~~any provision of this act.~~

20 ~~(3) Rules adopted by the department relating to the~~
21 ~~regulation registration of athletic trainers under this part~~
22 ~~prior to July 1, 1999, shall remain in effect until the board~~
23 ~~department adopts rules relating to the regulation licensure~~
24 ~~of athletic trainers under this part which supersede such~~
25 ~~earlier rules.~~

26 Section 76. Paragraph (g) of subsection (3) of section
27 20.43, Florida Statutes, 1998 Supplement, is amended to read:

28 20.43 Department of Health.--There is created a
29 Department of Health.

30 (3) The following divisions of the Department of
31 Health are established:

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- 1 (g) Division of Medical Quality Assurance, which is
2 responsible for the following boards and professions
3 established within the division:
- 4 1. Nursing assistants, as provided under s. 400.211.
 - 5 2. Health care services pools, as provided under s.
6 402.48.
 - 7 3. The Board of Acupuncture, created under chapter
8 457.
 - 9 4. The Board of Medicine, created under chapter 458.
 - 10 5. The Board of Osteopathic Medicine, created under
11 chapter 459.
 - 12 6. The Board of Chiropractic Medicine, created under
13 chapter 460.
 - 14 7. The Board of Podiatric Medicine, created under
15 chapter 461.
 - 16 8. Naturopathy, as provided under chapter 462.
 - 17 9. The Board of Optometry, created under chapter 463.
 - 18 10. The Board of Nursing, created under chapter 464.
 - 19 11. The Board of Pharmacy, created under chapter 465.
 - 20 12. The Board of Dentistry, created under chapter 466.
 - 21 13. Midwifery, as provided under chapter 467.
 - 22 14. The Board of Speech-Language Pathology and
23 Audiology, created under part I of chapter 468.
 - 24 15. The Board of Nursing Home Administrators, created
25 under part II of chapter 468.
 - 26 16. The Board of Occupational Therapy, created under
27 part III of chapter 468.
 - 28 17. Respiratory therapy, as provided under part V of
29 chapter 468.
 - 30 18. Dietetics and nutrition practice, as provided
31 under part X of chapter 468.

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- 1 19. The Board of Athletic Training ~~trainers~~, created
2 ~~as provided~~ under part XIII of chapter 468.
- 3 20. The Board of Orthotists and Prosthetists, created
4 under part XIV of chapter 468.
- 5 21. Electrolysis, as provided under chapter 478.
- 6 22. The Board of Massage Therapy, created under
7 chapter 480.
- 8 23. The Board of Clinical Laboratory Personnel,
9 created under part III of chapter 483.
- 10 24. Medical physicists, as provided under part IV of
11 chapter 483.
- 12 25. The Board of Opticianry, created under part I of
13 chapter 484.
- 14 26. The Board of Hearing Aid Specialists, created
15 under part II of chapter 484.
- 16 27. The Board of Physical Therapy Practice, created
17 under chapter 486.
- 18 28. The Board of Psychology, created under chapter
19 490.
- 20 29. School psychologists, as provided under chapter
21 490.
- 22 30. The Board of Clinical Social Work, Marriage and
23 Family Therapy, and Mental Health Counseling, created under
24 chapter 491.
- 25
- 26 The department may contract with the Agency for Health Care
27 Administration who shall provide consumer complaint,
28 investigative, and prosecutorial services required by the
29 Division of Medical Quality Assurance, councils, or boards, as
30 appropriate.
- 31 Section 77. The Council of Athletic Training and the

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1 terms of all council members are terminated on July 1, 1999.
2 However, such termination in no way precludes the Governor
3 from considering any former council member for appointment to
4 the Board of Athletic Training created by this act.

5 Section 78. Section 468.805, Florida Statutes, is
6 amended to read:

7 468.805 Grandfathering ~~Licensure without examination;~~
8 ~~provisional licensure.--~~

9 (1) A person who has practiced orthotics, prosthetics,
10 or pedorthics in this state for the required period since July
11 1, 1990, who, before March 1, 1998, applies to the department
12 for a license to practice orthotics, prosthetics, or
13 pedorthics, may be licensed as a prosthetist, orthotist,
14 prosthetist-orthotist, orthotic fitter, orthotic fitter
15 assistant, or pedorthist, as determined from the person's
16 experience, certification, and educational preparation,
17 without meeting the educational requirements set forth in s.
18 468.803, upon receipt of the application fee and licensing fee
19 and after the board has completed an investigation into the
20 applicant's background and experience. The board shall require
21 an application fee not to exceed \$500, which shall be
22 nonrefundable. The board shall complete its investigation
23 within 6 months after receipt of the completed application.
24 The period of experience required for licensure under this
25 section subsection is 5 years for a prosthetist; 2 years for
26 an orthotic fitter, an orthotic fitter assistant, or a
27 pedorthist; and 5 years for an orthotist whose scope of
28 practice is defined under s. 468.80(7).

29 (2)(a) A person who has received certification as an
30 orthotist, a prosthetist, or a prosthetist-orthotist from a
31 national certifying body and who has practiced orthotics or

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1 prosthetics in this state for at least 2 years but less than 5
2 years is eligible for a provisional license.

3 (b) An applicant for provisional licensure shall
4 submit proof that he or she has been actively practicing as a
5 nationally certified orthotist, prosthetist, or
6 prosthetist-orthotist, an application fee, and a provisional
7 license fee.

8 (c) A provisional licensee is required to practice
9 under supervision of a fully licensed orthotist, prosthetist,
10 or prosthetist-orthotist for up to 3 years in order to meet
11 the 5-year experience requirement of subsection (1) to be
12 licensed as an orthotist, prosthetist, or
13 prosthetist-orthotist.

14 (d) After appropriate investigation, the board shall
15 license as an orthotist, prosthetist, or prosthetist-orthotist
16 the provisional licensee who has successfully completed the
17 period of experience required and otherwise meets the
18 requirements of subsection (1).

19 (e) The board shall require an application fee, not to
20 exceed \$500, which is nonrefundable, and a provisional
21 licensure fee, not to exceed \$500.

22 (3) An applicant who has received certification as an
23 orthotist, a prosthetist, a prosthetist-orthotist, or a
24 pedorthist from a national certifying body which requires the
25 successful completion of an examination, may be licensed under
26 this section without taking an additional examination. An
27 applicant who has not received certification from a national
28 certifying body which requires the successful completion of an
29 examination shall be required to take an examination as
30 determined by the board. This examination shall be designed to
31 determine if the applicant has the minimum qualifications

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1 needed to be licensed under this section. The board may charge
2 an examination fee and the actual per applicant cost to the
3 department for purchase or development of the examination.

4 (4) An applicant who successfully completed prior to
5 March 1, 1998, at least one-half of the examination required
6 for national certification and successfully completed the
7 remaining portion of the examination and became certified
8 prior to July 1, 1998, shall be considered as nationally
9 certified by March 1, 1998, for purposes of this section.

10 (5)(4) This section is repealed July 1, 2002.

11 Section 79. Subsection (3) of section 468.806, Florida
12 Statutes, is amended to read:

13 468.806 Biennial renewal of license.--

14 (3) The board may by rule prescribe continuing
15 education requirements and approve course criteria, not to
16 exceed 30 hours biennially, as a condition for license
17 renewal. The board shall establish a procedure for approving
18 continuing education courses and providers and may set a fee
19 for continuing education course and provider approval.

20 Section 80. Subsection (5) of section 478.42, Florida
21 Statutes, is amended to read:

22 478.42 Definitions.--As used in this chapter, the
23 term:

24 (5) "Electrolysis or electrology" means the permanent
25 removal of hair by destroying ~~introducing, into and beneath~~
26 ~~the skin, ionizing (galvanic current) or nonionizing radiation~~
27 ~~(thermolysis or high-frequency current) to destroy the~~
28 hair-producing cells of the skin and vascular system, using
29 equipment and needle-type epilation devices approved by the
30 board which have been cleared by and that are registered with
31 the United States Food and Drug Administration and that are

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1 used pursuant to protocols approved by the ~~council and the~~
2 board.

3 Section 81. Subsection (6) of chapter 483.041, Florida
4 Statutes, is amended to read:

5 483.041 Definitions.--As used in this part, the term:

6 (6) "Licensed practitioner" means a physician licensed
7 under chapter 458, chapter 459, chapter 460, or chapter 461; a
8 dentist licensed under chapter 466; a person licensed under
9 chapter 462; or an advanced registered nurse practitioner
10 licensed under chapter 464 or a duly licensed practitioner
11 from another state licensed under similar statutes who orders
12 examinations on materials or specimens for non residents of
13 the State of Florida, but who reside in the same state as the
14 requesting licensed practitioner.

15 Section 82. Subsection (9) of section 483.807, Florida
16 Statutes, 1998 Supplement, is amended to read:

17 483.807 Fees; establishment; disposition.--

18 (9) The initial application and renewal fee for
19 approval as a laboratory training program may not exceed \$300.
20 The fee for late filing of a renewal application shall be \$50.

21 Section 83. Subsections (2) and (3) of section
22 483.809, Florida Statutes, are amended to read:

23 483.809 Licensure; examinations; registration of
24 trainees; approval of curricula.--

25 (2) EXAMINATIONS.--The department shall conduct
26 examinations required by board rules to determine in part the
27 qualification of clinical laboratory personnel for licensure.
28 The board by rule may designate a ~~An approved~~ national
29 certification examination that may be accepted in lieu of
30 state examination for clinical laboratory personnel or public
31 health scientists.

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1 (3) REGISTRATION OF TRAINEES.--The department shall
2 provide for ~~annual~~ registration of clinical laboratory
3 trainees who are enrolled in a training program ~~employed by~~
4 ~~laboratories~~ approved pursuant to s. 483.811, which
5 registration may not be renewed except upon special
6 authorization of the board.

7 Section 84. Section 483.812, Florida Statutes, is
8 amended to read:

9 483.812 Public health laboratory scientists;
10 licensure.--

11 (1) Applicants at the director level in the category
12 of public health shall qualify under s. 483.824.

13 (2)(1) Applicants at the ~~director and~~ supervisor level
14 in the category of public health who are certified ~~registered~~
15 by the National Registry in ~~of~~ Clinical Chemistry
16 ~~Certification~~ or the American Society for ~~of~~ Microbiology,
17 licensed as a technologist, and have 5 years of pertinent
18 clinical laboratory experience may qualify ~~under board rules~~
19 by passing the state-administered ~~appropriate~~ supervision and
20 administration examination.

21 (3)(2)(a) A technologist applicant for licensure in
22 the category of public health microbiology, with a
23 baccalaureate degree in one of the biological sciences from an
24 accredited institution, may use the American Society for ~~of~~
25 Microbiology or the National Registry in ~~of~~ Microbiology
26 Certification in Public Health Microbiology to qualify for a
27 technologist license in public health microbiology. Such a
28 technologist may work in a public health microbiology
29 laboratory.

30 (b) A technologist applicant for licensure in the
31 category of public health chemistry, with a baccalaureate

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1 degree in one of the chemical, biological, or physical
2 sciences from an accredited institution, may use the National
3 Registry of Clinical Chemistry Certification to qualify for a
4 technologist license in public health chemistry. Such a
5 technologist may work in a public health chemistry laboratory.

6 (c) A technician applicant for licensure in the
7 category of public health, with a baccalaureate degree in one
8 of the chemical or biological sciences from an accredited
9 institution, may obtain a 2-year ~~one-time, 3-year,~~ conditional
10 public health technician license, which may be renewed once
11 ~~pending national certification by the American Society of~~
12 ~~Microbiology or the National Registry of Clinical Chemistry~~
13 ~~Certification~~. Such a technician may perform testing only
14 under the direct supervision of a licensed pathologist,
15 director, supervisor, or technologist.

16 (4)~~(3)~~ A person licensed by the Board of Clinical
17 Laboratory Personnel may work in a public health laboratory at
18 the appropriate level and specialty.

19 Section 85. Section 483.813, Florida Statutes, is
20 amended to read:

21 483.813 Clinical laboratory personnel license.--A
22 person may not conduct a clinical laboratory examination or
23 report the results of such examination unless such person is
24 licensed under this part to perform such procedures. However,
25 this provision does not apply to any practitioner of the
26 healing arts authorized to practice in this state or to
27 persons engaged in testing performed by laboratories regulated
28 under s. 483.035(1) or exempt from regulation under s.
29 483.031(2). The department may grant a temporary license to
30 any candidate it deems properly qualified, for a period not to
31 exceed 1 year, ~~or a conditional license for a period not to~~

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1 ~~exceed 3 years.~~

2 Section 86. Subsection (3) is added to section
3 483.821, Florida Statutes, to read:

4 483.821 Periodic demonstration of competency;
5 continuing education or reexamination.--

6 (3) The board may, by rule, provide for continuing
7 education or retraining requirements for candidates failing an
8 examination two or more times.

9 Section 87. Section 483.824, Florida Statutes, is
10 amended to read:

11 483.824 Qualifications of clinical laboratory
12 director.--A clinical laboratory director must have 4 years of
13 clinical laboratory experience with 2 years of experience in
14 the speciality to be directed or be nationally board certified
15 in the specialty to be directed, and must meet one of the
16 following requirements:

17 (1) Be a physician licensed under chapter 458 or
18 chapter 459;

19 (2) Hold an earned doctoral degree in a chemical,
20 physical, or biological science from a regionally accredited
21 institution and be nationally certified; or

22 (3) For the subspecialty of oral pathology, be a
23 physician licensed under chapter 458 or chapter 459 or a
24 dentist licensed under chapter 466.

25 Section 88. Section 483.825, Florida Statutes, is
26 amended to read:

27 483.825 Grounds for disciplinary action.--The
28 following acts constitute grounds for which disciplinary
29 actions specified in s. 483.827 may be taken against
30 applicants, registrants, and licensees under this part:

31 (1) Attempting to obtain, obtaining, or renewing a

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1 license or registration under this part by bribery, by
2 fraudulent misrepresentation, or through an error of the
3 department or the board.

4 (2) Engaging in or attempting to engage in, or
5 representing herself or himself as entitled to perform, any
6 clinical laboratory procedure or category of procedures not
7 authorized pursuant to her or his license.

8 (3) Demonstrating incompetence or making consistent
9 errors in the performance of clinical laboratory examinations
10 or procedures or erroneous reporting.

11 (4) Performing a test and rendering a report thereon
12 to a person not authorized by law to receive such services.

13 (5) Has been convicted or found guilty of, or entered
14 a plea of nolo contendere to, regardless of adjudication, a
15 crime in any jurisdiction which directly relates to the
16 activities of clinical laboratory personnel or involves moral
17 turpitude or fraudulent or dishonest dealing. The record of a
18 conviction certified or authenticated in such form as to be
19 admissible in evidence under the laws of the state shall be
20 admissible as prima facie evidence of such guilt.~~Having been~~
21 ~~convicted of a felony or of any crime involving moral~~
22 ~~turpitude under the laws of any state or of the United States.~~
23 ~~The record of conviction or a certified copy thereof shall be~~
24 ~~conclusive evidence of such conviction.~~

25 (6) Having been adjudged mentally or physically
26 incompetent.

27 (7) Violating or aiding and abetting in the violation
28 of any provision of this part or the rules adopted hereunder.

29 (8) Reporting a test result when no laboratory test
30 was performed on a clinical specimen.

31 (9) Knowingly advertising false services or

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1 credentials.

2 (10) Having a license revoked, suspended, or otherwise
3 acted against, including the denial of licensure, by the
4 licensing authority of another jurisdiction. The licensing
5 authority's acceptance of a relinquishment of a license,
6 stipulation, consent order, or other settlement, offered in
7 response to or in anticipation of the filing of administrative
8 charges against the licensee, shall be construed as action
9 against the licensee.

10 (11) Failing to report to the board, in writing,
11 within 30 days that an if action under subsection (5),
12 subsection (6), or subsection (10) has been taken against the
13 licensee or one's license to practice as clinical laboratory
14 personnel in another state, territory, or country, or other
15 jurisdiction.

16 (12) Being unable to perform or report clinical
17 laboratory examinations with reasonable skill and safety to
18 patients by reason of illness or use of alcohol, drugs,
19 narcotics, chemicals, or any other type of material or as a
20 result of any mental or physical condition. In enforcing this
21 subsection, the department shall have, upon a finding of the
22 secretary or his or her designee that probable cause exists to
23 believe that the licensee is unable to practice because of the
24 reasons stated in this subsection, the authority to issue an
25 order to compel a licensee to submit to a mental or physical
26 examination by physicians designated by the department. If
27 the licensee refuses to comply with such order, the
28 department's order directing such examination may be enforced
29 by filing a petition for enforcement in the circuit court
30 where the licensee resides or does business. The department
31 shall be entitled to the summary procedure provided in s.

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1 51.011. A licensee affected under this subsection shall at
2 reasonable intervals be afforded an opportunity to demonstrate
3 that he or she can resume competent practice with reasonable
4 skill and safety to patients.

5 (13) Delegating professional responsibilities to a
6 person when the licensee delegating such responsibilities
7 knows, or has reason to know, that such person is not
8 qualified by training, experience, or licensure to perform
9 them.

10 (14) Violating a previous order of the board entered
11 in a disciplinary proceeding.

12 (15) Failing to report to the department a person or
13 other licensee who the licensee knows is in violation of this
14 chapter or the rules of the department or board adopted
15 hereunder.

16 (16) Making or filing a report which the licensee
17 knows to be false, intentionally or negligently failing to
18 file a report or record required by state or federal law,
19 willfully impeding or obstructing such filing or inducing
20 another person to do so, including, but not limited to,
21 impeding an agent of the state from obtaining a report or
22 record for investigative purposes. Such reports or records
23 shall include only those generated in the capacity as a
24 licensed clinical laboratory personnel.

25 (17) Paying or receiving any commission, bonus,
26 kickback, or rebate, or engaging in any split-fee arrangement
27 in any form whatsoever with a physician, organization, agency,
28 or person, either directly or indirectly for patients referred
29 to providers of health care goods and services including, but
30 not limited to, hospitals, nursing homes, clinical
31 laboratories, ambulatory surgical centers, or pharmacies. The

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1 provisions of this subsection shall not be construed to
2 prevent a clinical laboratory professional from receiving a
3 fee for professional consultation services.

4 (18) Exercising influence on a patient or client in
5 such a manner as to exploit the patient or client for the
6 financial gain of the licensee or other third party, which
7 shall include, but not be limited to, the promoting, selling,
8 or withholding of services, goods, appliances, referrals, or
9 drugs.

10 (19) Practicing or offering to practice beyond the
11 scope permitted by law or rule, or accepting or performing
12 professional services or responsibilities which the licensee
13 knows or has reason to know that he or she is not competent to
14 perform.

15 (20) Misrepresenting or concealing a material fact at
16 any time during any phase of the licensing, investigative, or
17 disciplinary process, procedure, or proceeding.

18 (21) Improperly interfering with an investigation or
19 any disciplinary proceeding.

20 (22) Engaging in or attempting to engage in sexual
21 misconduct, causing undue embarrassment or using disparaging
22 language or language of a sexual nature towards a patient,
23 exploiting superior/subordinate, professional/patient,
24 instructor/student relationships for personal gain, sexual
25 gratification, or advantage.

26 Section 89. Paragraph (g) of subsection (4) and
27 subsections (6) and (8) of section 483.901, Florida Statutes,
28 1998 Supplement, are amended to read:

29 483.901 Medical physicists; definitions; licensure.--

30 (4) COUNCIL.--The Advisory Council of Medical
31 Physicists is created in the Department of Health to advise

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1 the department in regulating the practice of medical physics
2 in this state.

3 (g) If a vacancy on the council occurs, the secretary
4 ~~director~~ shall appoint a member to serve for a 4-year term.

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

11 (a) The department shall adopt rules to administer
12 this section which specify license application and renewal
13 fees, continuing education requirements, and standards for
14 practicing medical physics. The council shall recommend to
15 the department continuing education requirements that shall be
16 a condition of license renewal. The department shall require
17 a minimum of 24 hours per biennium of continuing education
18 offered by an organization recommended by the council and
19 approved by the department. The department, upon
20 recommendation of the council, may adopt rules to specify
21 continuing education requirements for persons who hold a
22 license in more than one specialty.

23 (b) In order to apply for a medical physicist license
24 in one or more specialties, a person must file an individual
25 application for each specialty with the department. The
26 application must be on a form prescribed by the department and
27 must be accompanied by a nonrefundable application fee for
28 each specialty.

29 (c) The department may issue a license to an eligible
30 applicant if the applicant meets all license requirements. At
31 any time before the department issues a license, the applicant

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1 may request in writing that the application be withdrawn. To
2 reapply, the applicant must submit a new application and an
3 additional nonrefundable application fee and must meet all
4 current licensure requirements.

5 (d) The department shall review each completed
6 application for a license which the department receives.

7 (e) On receipt of an application and fee as specified
8 in this section, the department may issue a license to
9 practice medical physics in this state:

10 1. Until October 1, 1998, to a person who meets any of
11 the following requirements:

12 a. Earned from an accredited college or university a
13 doctoral degree in physics, medical physics, biophysics,
14 radiological physics, medical health physics, or nuclear
15 engineering and has at least 2 years' experience in the
16 practice of the medical physics specialty for which
17 application is made.

18 b. Earned from an accredited college or university a
19 master's degree in physics, medical physics, biophysics,
20 radiological physics, medical health physics, or nuclear
21 engineering and has at least 3 years' experience in the
22 practice of the medical physics specialty for which
23 application is made.

24 c. Earned from an accredited college or university a
25 bachelor's degree in physics and has at least 5 years'
26 experience in the practice of the medical physics specialty
27 for which application is made.

28 d. Has at least 8 years' experience in the practice of
29 the medical physics specialty for which application is made, 2
30 years of which must have been earned within the 4 years
31 immediately preceding application for licensure.

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1 e. Is board certified in the medical physics specialty
2 in which the applicant applies to practice by the American
3 Board of Radiology for diagnostic radiological physics,
4 therapeutic radiological physics, or medical nuclear
5 radiological physics; by the American Board of Medical Physics
6 or the Canadian Board of Medical Physics for diagnostic
7 radiological physics, therapeutic radiological physics, or
8 medical nuclear radiological physics; or by the American Board
9 of Health Physics or an equivalent certifying body approved by
10 the agency.

11 2. On or after October 1, 1997, to a person who is
12 board certified in the medical physics specialty in which the
13 applicant applies to practice by the American Board of
14 Radiology for diagnostic radiological physics, therapeutic
15 radiological physics, or medical nuclear radiological physics;
16 by the American Board of Medical Physics for diagnostic
17 radiological physics, therapeutic radiological physics, or
18 medical nuclear radiological physics; or by the American Board
19 of Health Physics or an equivalent certifying body approved by
20 the department.

21 (f) A licensee shall:

22 1. Display the license in a place accessible to the
23 public; and

24 2. Report immediately any change in the licensee's
25 address or name to the department.

26 (g) The following acts are grounds for which the
27 disciplinary actions in paragraph (h) may be taken:

28 1. Obtaining or attempting to obtain a license by
29 bribery, fraud, knowing misrepresentation, or concealment of
30 material fact or through an error of the department.

31 2. Having a license denied, revoked, suspended, or

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- 1 otherwise acted against in another jurisdiction.
- 2 3. Being convicted or found guilty of, or entering a
3 plea of nolo contendere to, regardless of adjudication, a
4 crime in any jurisdiction which relates to the practice of, or
5 the ability to practice, the profession of medical physics.
- 6 4. Willfully failing to file a report or record
7 required for medical physics or willfully impeding or
8 obstructing the filing of a report or record required by this
9 section or inducing another person to do so.
- 10 5. Making misleading, deceptive, or fraudulent
11 representations in or related to the practice of medical
12 physics.
- 13 6. Willfully failing to report any known violation of
14 this section or any rule adopted thereunder.
- 15 7. Willfully or repeatedly violating a rule adopted
16 under this section or an order of the department.
- 17 8. Failing to perform any statutory or legal
18 obligation placed upon a licensee.
- 19 9. Aiding, assisting, procuring, employing, or
20 advising any unlicensed person to practice medical physics
21 contrary to this section or any rule adopted thereunder.
- 22 10. Delegating or contracting for the performance of
23 professional responsibilities by a person when the licensee
24 delegating or contracting such responsibilities knows, or has
25 reason to know, such person is not qualified by training,
26 experience, and authorization to perform them.
- 27 11. Practicing or offering to practice beyond the
28 scope permitted by law or accepting and performing
29 professional responsibilities the licensee knows, or has
30 reason to know, the licensee is not competent to perform.
- 31 12. Gross or repeated malpractice or the inability to

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1 practice medical physics with reasonable skill and safety.

2 13. Judicially determined mental incompetency.

3 14. Being unable to practice medical physics with
4 reasonable skill and safety because of a mental or physical
5 condition or illness or the use of alcohol, controlled
6 substances, or any other substance which impairs one's ability
7 to practice.

8 a. The department may, upon probable cause, compel a
9 licensee to submit to a mental or physical examination by
10 physicians designated by the department. The cost of an
11 examination shall be borne by the licensee, and the licensee's
12 failure to submit to such an examination constitutes an
13 admission of the allegations against the licensee, consequent
14 upon which a default and a final order may be entered without
15 the taking of testimony or presentation of evidence, unless
16 the failure was due to circumstances beyond the licensee's
17 control.

18 b. A licensee who is disciplined under this
19 subparagraph shall, at reasonable intervals, be afforded an
20 opportunity to demonstrate that the licensee can resume the
21 practice of medical physics with reasonable skill and safety.

22 c. With respect to any proceeding under this
23 subparagraph, the record of proceedings or the orders entered
24 by the department may not be used against a licensee in any
25 other proceeding.

26 (h) When the department finds any person guilty of any
27 of the grounds set forth in paragraph (g), including conduct
28 that would constitute a substantial violation of paragraph (g)
29 which occurred prior to licensure, it may enter an order
30 imposing one or more of the following penalties:

31 1. Deny the application for licensure.

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- 1 2. Revoke or suspend the license.
- 2 3. Impose an administrative fine for each count or
3 separate offense.
- 4 4. Place the licensee on probation for a specified
5 time and subject the licensee to such conditions as the
6 department determines necessary, including requiring
7 treatment, continuing education courses, or working under the
8 monitoring or supervision of another licensee.
- 9 5. Restrict a licensee's practice.
- 10 6. Issue a reprimand to the licensee.
- 11 (i) The department may not issue or reinstate a
12 license to a person it has deemed unqualified until it is
13 satisfied that such person has complied with the terms and
14 conditions of the final order and that the licensee can safely
15 practice medical physics.
- 16 ~~(j) The department may issue a temporary license to an~~
17 ~~applicant pending completion of the application process for~~
18 ~~board certification.~~
- 19 (j)~~(k)~~ Upon receipt of a complete application and the
20 fee set forth by rule, the department may issue a
21 physicist-in-training certificate to a person qualified to
22 practice medical physics under direct supervision. The
23 department may establish by rule requirements for initial
24 certification and renewal of a physicist-in-training
25 certificate.
- 26 (8) DISPOSITION OF FEES.--The department shall deposit
27 all funds received into the Medical Quality Assurance Health
28 ~~Care~~ Trust Fund.
- 29 Section 90. Paragraph (d) of subsection (1) of section
30 484.007, Florida Statutes, is amended to read:
- 31 484.007 Licensure of opticians; permitting of optical

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1 establishments.--

2 (1) Any person desiring to practice opticianry shall
3 apply to the department, upon forms prescribed by it, to take
4 a licensure examination. The department shall examine each
5 applicant who the board certifies:

6 (d)1. Has received an associate degree, or its
7 equivalent, in opticianry from an educational institution the
8 curriculum of which is accredited by an accrediting agency
9 recognized and approved by the United States Department of
10 Education or the Council on Postsecondary Education or
11 approved by the board;

12 2. Is an individual licensed to practice the
13 profession of opticianry pursuant to a regulatory licensing
14 law of another state, territory, or jurisdiction of the United
15 States, who has actively practiced in such other state,
16 territory, or jurisdiction for more than 3 years immediately
17 preceding application, and who meets the examination
18 qualifications as provided in this subsection;

19 3. Is an individual who has actively practiced in
20 another state, territory, or jurisdiction of the United States
21 for more than 5 years immediately preceding application and
22 who provides tax or business records, affidavits, or other
23 satisfactory documentation of such practice and who meets the
24 examination qualifications as provided in this subsection; or

25 4. Has registered as an apprentice with the department
26 and paid a registration fee not to exceed \$60, as set by rule
27 of the board. The apprentice shall complete 6,240 hours of
28 training under the supervision of an optician licensed in this
29 state for at least 1 year or of a physician or an
30 optometrist licensed under the laws of this state. These
31 requirements must be met within 5 years after the date of

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1 registration. However, any time spent in a recognized school
2 may be considered as part of the apprenticeship program
3 provided herein. The board may establish administrative
4 processing fees sufficient to cover the cost of administering
5 apprentice rules as promulgated by the board.

6 Section 91. Subsection (3) is added to section
7 484.0512, Florida Statutes, to read:

8 484.0512 Thirty-day trial period; purchaser's right to
9 cancel; notice; refund; cancellation fee.--

10 (3) Within 30 days after the return or attempted
11 return of the hearing aid, the seller shall refund all moneys
12 that must be refunded to a purchaser pursuant to this section.

13 Section 92. Section 484.053, Florida Statutes, is
14 amended to read:

15 484.053 Prohibitions; penalties.--

16 (1) A person may not:

17 (a) Practice dispensing hearing aids unless the person
18 is a licensed hearing aid specialist;

19 (b) Use the name or title "hearing aid specialist"
20 when the person has not been licensed under this part;

21 (c) Present as her or his own the license of another;

22 (d) Give false, incomplete, or forged evidence to the
23 board or a member thereof for the purposes of obtaining a
24 license;

25 (e) Use or attempt to use a hearing aid specialist
26 license that is delinquent or has been suspended, revoked, or
27 placed on inactive ~~or delinquent~~ status;

28 (f) Knowingly employ unlicensed persons in the
29 practice of dispensing hearing aids; or

30 (g) Knowingly conceal information relative to
31 violations of this part.

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1 (2) Any person who violates any of the provisions of
2 this section is guilty of a felony ~~misdemeanor~~ of the third
3 ~~second degree~~, punishable as provided in s. 775.082 or s.
4 775.083.

5 (3) If a person licensed under this part allows the
6 sale of a hearing aid by an unlicensed person not registered
7 as a trainee or fails to comply with the requirements of s.
8 484.0445(2) relating to supervision of trainees, the board
9 shall, upon determination of that violation, order the full
10 refund of moneys paid by the purchaser upon return of the
11 hearing aid to the seller's place of business.

12 Section 93. Paragraph (a) of subsection (1) of section
13 484.056, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 484.056 Disciplinary proceedings.--

16 (1) The following acts relating to the practice of
17 dispensing hearing aids shall be grounds for both disciplinary
18 action against a hearing aid specialist as set forth in this
19 section and cease and desist or other related action by the
20 department as set forth in s. 455.637 against any person
21 owning or operating a hearing aid establishment who engages
22 in, aids, or abets any such violation:

23 (a) Violation of any provision of s. 455.624(1), s.
24 484.0512, or s. 484.053.

25 Section 94. Section 486.041, Florida Statutes, is
26 amended to read:

27 486.041 Physical therapist; application for license;
28 ~~fee; temporary permit.~~--

29 ~~(1)~~ A person who desires to be licensed as a physical
30 therapist shall apply to the department in writing on a form
31 furnished by the department. She or he shall embody in that

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1 application evidence under oath, satisfactory to the board, of
2 possession of the qualifications preliminary to examination
3 required by s. 486.031. The applicant shall pay to the
4 department at the time of filing the application a fee not to
5 exceed \$100, as fixed by the board.

6 ~~(2) If a person desires to practice physical therapy~~
7 ~~before becoming licensed through examination, she or he shall~~
8 ~~apply for a temporary permit in accordance with rules adopted~~
9 ~~pursuant to this chapter.~~

10 ~~(a) A temporary permit shall only be issued for a~~
11 ~~limited period of time, not to exceed 1 year, and shall not be~~
12 ~~renewable. A temporary permit shall automatically expire if an~~
13 ~~applicant fails the examination.~~

14 ~~(b) An applicant for licensure by examination and~~
15 ~~practicing under a temporary permit shall do so only under the~~
16 ~~direct supervision of a licensed physical therapist.~~

17 Section 95. Section 486.081, Florida Statutes, is
18 amended to read:

19 486.081 Physical therapist; issuance of license
20 without examination to person passing examination of another
21 authorized examining board; ~~temporary permit; fee.--~~

22 (1) The board may cause a license to be issued through
23 the department without examination to any applicant who
24 presents evidence satisfactory to the board of having passed
25 the American Registry Examination prior to 1971 or an
26 examination in physical therapy before a similar lawfully
27 authorized examining board of another state, the District of
28 Columbia, a territory, or a foreign country, if the standards
29 for licensure in physical therapy in such other state,
30 district, territory, or foreign country are determined by the
31 board to be as high as those of this state, as established by

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1 rules adopted pursuant to this chapter. Any person who holds a
2 license pursuant to this section may use the words "physical
3 therapist" or "physiotherapist," or the letters "P.T.," in
4 connection with her or his name or place of business to denote
5 her or his licensure hereunder.

6 (2) At the time of making application for licensure
7 without examination pursuant to the terms of this section, the
8 applicant shall pay to the department a fee not to exceed \$175
9 as fixed by the board, no part of which will be returned.

10 ~~(3) If a person desires to practice physical therapy~~
11 ~~before becoming licensed through endorsement, she or he shall~~
12 ~~apply to the board for a temporary permit in accordance with~~
13 ~~rules adopted pursuant to this chapter. A temporary permit~~
14 ~~shall only be issued for a limited period of time, not to~~
15 ~~exceed 1 year, and shall not be renewable.~~

16 Section 96. Section 486.103, Florida Statutes, is
17 amended to read:

18 486.103 Physical therapist assistant; application for
19 license; fee; ~~temporary permit.~~--

20 ~~(1)~~ A person who desires to be licensed as a physical
21 therapist assistant shall apply to the department in writing
22 on a form furnished by the department. She or he shall embody
23 in that application evidence under oath, satisfactory to the
24 board, of possession of the qualifications preliminary to
25 examination required by s. 486.104. The applicant shall pay to
26 the department at the time of filing the application a fee not
27 to exceed \$100, as fixed by the board.

28 ~~(2) If a person desires to work as a physical~~
29 ~~therapist assistant before being licensed through examination,~~
30 ~~she or he shall apply for a temporary permit in accordance~~
31 ~~with rules adopted pursuant to this chapter.~~

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1 ~~(a) A temporary permit shall only be issued for a~~
2 ~~limited period of time, not to exceed 1 year, and shall not be~~
3 ~~renewable. A temporary permit shall automatically expire if an~~
4 ~~applicant fails the examination.~~

5 ~~(b) An applicant for licensure by examination who is~~
6 ~~practicing under a temporary permit shall do so only under the~~
7 ~~direct supervision of a licensed physical therapist.~~

8 Section 97. Section 486.107, Florida Statutes, is
9 amended to read:

10 486.107 Physical therapist assistant; issuance of
11 license without examination to person licensed in another
12 jurisdiction; ~~temporary permit; fee.--~~

13 (1) The board may cause a license to be issued through
14 the department without examination to any applicant who
15 presents evidence to the board, under oath, of licensure in
16 another state, the District of Columbia, or a territory, if
17 the standards for registering as a physical therapist
18 assistant or licensing of a physical therapist assistant, as
19 the case may be, in such other state are determined by the
20 board to be as high as those of this state, as established by
21 rules adopted pursuant to this chapter. Any person who holds a
22 license pursuant to this section may use the words "physical
23 therapist assistant," or the letters "P.T.A.," in connection
24 with her or his name to denote licensure hereunder.

25 (2) At the time of making application for licensing
26 without examination pursuant to the terms of this section, the
27 applicant shall pay to the department a fee not to exceed \$175
28 as fixed by the board, no part of which will be returned.

29 ~~(3) If a person desires to work as a physical~~
30 ~~therapist assistant before being licensed through endorsement,~~
31 ~~she or he shall apply for a temporary permit in accordance~~

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1 ~~with rules adopted pursuant to this chapter. A temporary~~
2 ~~permit shall only be issued for a limited period of time, not~~
3 ~~to exceed 1 year, and shall not be renewable.~~

4 Section 98. Paragraph (b) of subsection (1) of section
5 490.005, Florida Statutes, 1998 Supplement, is amended to
6 read:

7 490.005 Licensure by examination.--

8 (1) Any person desiring to be licensed as a
9 psychologist shall apply to the department to take the
10 licensure examination. The department shall license each
11 applicant who the board certifies has:

12 (b) Submitted proof satisfactory to the board that the
13 applicant has:

14 1. Received doctoral-level psychological education, as
15 defined in s. 490.003(3);

16 2. Received the equivalent of a doctoral-level
17 psychological education, as defined in s. 490.003(3), from a
18 program at a school or university located outside the United
19 States of America and Canada, which was officially recognized
20 by the government of the country in which it is located as an
21 institution or program to train students to practice
22 professional psychology. The burden of establishing that the
23 requirements of this provision have been met shall be upon the
24 applicant;

25 3. Received and submitted to the board, prior to July
26 1, 1999, certification of an augmented doctoral-level
27 psychological education from the program director of a
28 doctoral-level psychology program accredited by a programmatic
29 agency recognized and approved by the United States Department
30 of Education; or

31 4. Received and submitted to the board, prior to

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1 August 31, 2001 ~~July 1, 2001~~, certification of a
2 doctoral-level program that at the time the applicant was
3 enrolled and graduated maintained a standard of education and
4 training comparable to the standard of training of programs
5 accredited by a programmatic agency recognized and approved by
6 the United States Department of Education, ~~as such~~
7 ~~comparability was determined by the Board of Psychological~~
8 ~~Examiners immediately prior to the amendment of s. 490.005,~~
9 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
10 ~~Laws of Florida.~~ Such certification of comparability shall be
11 provided by the program director of a doctoral-level
12 psychology program accredited by a programmatic agency
13 recognized and approved by the United States Department of
14 Education.

15 Section 99. Subsection (1) of section 490.006, Florida
16 Statutes, is amended to read:

17 490.006 Licensure by endorsement.--

18 (1) The department shall license a person as a
19 psychologist or school psychologist who, upon applying to the
20 department and remitting the appropriate fee, demonstrates to
21 the department or, in the case of psychologists, to the board
22 that the applicant:

23 (a) Holds a valid license or certificate in another
24 state to practice psychology or school psychology, as
25 applicable, provided that, when the applicant secured such
26 license or certificate, the requirements were substantially
27 equivalent to or more stringent than those set forth in this
28 chapter at that time; and, if no Florida law existed at that
29 time, then the requirements in the other state must have been
30 substantially equivalent to or more stringent than those set
31 forth in this chapter at the present time; ~~or~~

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1 (b) Is a diplomate in good standing with the American
2 Board of Professional Psychology, Inc.; or

3 (c) Possesses a doctoral degree in psychology as
4 described in s. 490.003 and has at least 20 years of
5 experience as a licensed psychologist in any jurisdiction or
6 territory of the United States within 25 years preceding the
7 date of application.

8 Section 100. Subsection (2) of section 490.0085,
9 Florida Statutes, is amended to read:

10 490.0085 Continuing education; approval of providers,
11 programs, and courses; proof of completion.--

12 (2) The department or, in the case of psychologists,
13 the board has the authority to set a fee not to exceed \$500
14 for each applicant who applies for or renews provider status.
15 Such fees shall be deposited into the Medical Quality
16 Assurance ~~Health Care~~ Trust Fund.

17 Section 101. Section 490.0148, Florida Statutes, is
18 amended to read:

19 490.0148 Psychologist and school psychologist
20 records.--Each psychologist and school psychologist who
21 provides services as defined in this chapter shall maintain
22 records. The board or, in the case of a school psychologist,
23 the department may adopt rules defining the minimum
24 requirements for such records, including content, length of
25 time such records shall be maintained, and transfer of such
26 records or of a summary of such records, or both, to a
27 subsequent treating practitioner or other individual with the
28 written consent of the client or clients. A patient's
29 psychological report may be released to an employer or
30 carrier, or the attorney for either, pursuant to s. 440.13.

31 Section 102. Section 491.0045, Florida Statutes, is

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1 amended to read:

2 491.0045 Intern registration; requirements.--

3 (1) Effective January 1, 1998, an individual who
4 intends to practice in Florida to satisfy the postgraduate or
5 post-master's level experience requirements, as specified in
6 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an
7 intern in the profession for which he or she is seeking
8 licensure prior to commencing the post-master's experience
9 requirement or an individual who intends to satisfy part of
10 the required graduate-level practicum, internship, or field
11 experience, outside the academic arena for any profession,
12 must register as an intern in the profession for which he or
13 she is seeking licensure prior to commencing the practicum,
14 internship, or field experience.

15 (2) The department shall register as a clinical social
16 worker intern, marriage and family therapist intern, or mental
17 health counselor intern each applicant who the board certifies
18 has:

19 (a) Completed the application form and remitted a
20 nonrefundable application fee not to exceed \$200, as set by
21 board rule;

22 (b)1. Completed the education requirements as
23 specified in s. 491.005(1)(c), (3)(c), or (4)(c)for the
24 profession for which he or she is applying for licensure, if
25 needed; and

26 2. Submitted an acceptable supervision plan, as
27 determined by the board, for meeting the practicum,
28 internship, or field work required for licensure that was not
29 satisfied in his or her graduate program.

30 (c) Identified a qualified supervisor.

31 (3) An individual registered under this section must

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1 remain under supervision until he or she is in receipt of a
2 license or a letter from the department stating that he or she
3 is licensed to practice the profession for which he or she
4 applied.

5 (4) An individual who has applied for intern
6 registration on or before December 31, 2001, and has satisfied
7 the education requirements of s. 491.005 that are in effect
8 through December 31, 2000, will have met the educational
9 requirements for licensure for the profession for which he or
10 she has applied.

11 (5) Individuals who have commenced the experience
12 requirement as specified in s. 491.005(1)(c), (3)(c), or
13 (4)(c) but failed to register as required by subsection (1)
14 shall register with the department before January 1, 2000.
15 Individuals who fail to comply with this subsection shall not
16 be granted a license, and any time spent by the individual
17 completing the experience requirement prior to registering as
18 an intern shall not count toward completion of such
19 requirement.

20 Section 103. Subsections (1) and (2) of section
21 491.0046, Florida Statutes, are amended to read:

22 491.0046 Provisional license; requirements.--

23 (1) An individual applying for licensure by
24 examination who has satisfied the clinical experience
25 requirements of s. 491.005 or an individual applying for
26 licensure by endorsement pursuant to s. 491.006 intending to
27 provide clinical social work, marriage and family therapy, or
28 mental health counseling services in Florida while satisfying
29 coursework or examination requirements for licensure must be
30 provisionally licensed in the profession for which he or she
31 is seeking licensure prior to beginning practice.

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1 (2) The department shall issue a provisional clinical
2 social worker license, provisional marriage and family
3 therapist license, or provisional mental health counselor
4 license to each applicant who the board certifies has:

5 (a) Completed the application form and remitted a
6 nonrefundable application fee not to exceed \$100, as set by
7 board rule; and

8 (b) ~~1. Earned a graduate degree in social work, a~~
9 ~~graduate degree with a major emphasis in marriage and family~~
10 ~~therapy or a closely related field, or a graduate degree in a~~
11 ~~major related to the practice of mental health counseling;~~
12 ~~and, and satisfied the clinical experience requirements for~~
13 ~~licensure pursuant to s. 491.005; or~~

14 ~~2. Been approved for examination under the provisions~~
15 ~~for licensure by endorsement pursuant to s. 491.006.~~

16 (c) Has met the following minimum coursework
17 requirements:

18 1. For clinical social work, a minimum of 15 semester
19 hours or 22 quarter hours of the coursework required by s.
20 491.005(1)(b)2.b.

21 2. For marriage and family therapy, ten of the courses
22 required by s. 491.005(3)(b)1.a.-c., as determined by the
23 board, and at least 6 semester hours or 9 quarter hours of the
24 course credits must have been completed in the area of
25 marriage and family systems, theories, or techniques.

26 3. For mental health counseling, a minimum of seven of
27 the courses required under s. 491.005(b)1.a.-c.

28 Section 104. Section 491.005, Florida Statutes, is
29 amended to read:

30 491.005 Licensure by examination.--

31 (1) CLINICAL SOCIAL WORK.--Upon verification of

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1 documentation and payment of a fee not to exceed \$200, as set
2 by board rule, plus the actual per applicant cost to the
3 department for purchase of the examination from the American
4 Association of State Social Worker's Boards or a similar
5 national organization, the department shall issue a license as
6 a clinical social worker to an applicant who the board
7 certifies:

8 (a) Has made application therefor and paid the
9 appropriate fee.

10 (b)1. Has received a doctoral degree in social work
11 from a graduate school of social work which at the time the
12 applicant graduated was accredited by an accrediting agency
13 recognized by the United States Department of Education or has
14 received a master's degree in social work from a graduate
15 school of social work which at the time the applicant
16 graduated:

17 a. Was accredited by the Council on Social Work
18 Education;

19 b. Was accredited by the Canadian Association of
20 Schools of Social Work; or

21 c. Has been determined to have been a program
22 equivalent to programs approved by the Council on Social Work
23 Education by the Foreign Equivalency Determination Service of
24 the Council on Social Work Education. An applicant who
25 graduated from a program at a university or college outside of
26 the United States or Canada must present documentation of the
27 equivalency determination from the council in order to
28 qualify.

29 2. The applicant's graduate program must have
30 emphasized direct clinical patient or client health care
31 services, including, but not limited to, coursework in

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1 clinical social work, psychiatric social work, medical social
2 work, social casework, psychotherapy, or group therapy. The
3 applicant's graduate program must have included all of the
4 following coursework:

5 a. A supervised field placement which was part of the
6 applicant's advanced concentration in direct practice, during
7 which the applicant provided clinical services directly to
8 clients.

9 b. Completion of 24 semester hours or 32 ~~37~~ quarter
10 hours in theory of human behavior and practice methods as
11 courses in clinically oriented services, including a minimum
12 of one course in psychopathology, and no more than one course
13 in research, taken in a school of social work accredited or
14 approved pursuant to subparagraph 1.

15 3. If the course title which appears on the
16 applicant's transcript does not clearly identify the content
17 of the coursework, the applicant shall be required to provide
18 additional documentation, including, but not limited to, a
19 syllabus or catalog description published for the course.

20 (c) Has had not less than 2 years of clinical social
21 work experience, which took place subsequent to completion of
22 a graduate degree in social work at an institution meeting the
23 accreditation requirements of this section, under the
24 supervision of a licensed clinical social worker or the
25 equivalent who is a qualified supervisor as determined by the
26 board. An individual who intends to practice in Florida to
27 satisfy clinical experience requirements must register
28 pursuant to s. 491.0045 prior to commencing practice. If the
29 applicant's graduate program was not a program which
30 emphasized direct clinical patient or client health care
31 services as described in subparagraph (b)2.s. 491.003, the

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1 supervised experience requirement must take place after the
2 applicant has completed a minimum of 15 semester hours or 22
3 quarter hours of the coursework required. A doctoral
4 internship may be applied toward the clinical social work
5 experience requirement. The experience requirement may be met
6 by work performed on or off the premises of the supervising
7 clinical social worker or the equivalent, provided the
8 off-premises work is not the independent private practice
9 rendering of clinical social work that does not have a
10 licensed mental health professional, as determined by the
11 board, on the premises at the same time the intern is
12 providing services.

13 (d) Has passed a theory and practice examination
14 provided by the department for this purpose.

15 (e) Has demonstrated, in a manner designated by rule
16 of the board, knowledge of the laws and rules governing the
17 practice of clinical social work, marriage and family therapy,
18 and mental health counseling.

19 (2) CLINICAL SOCIAL WORK.--

20 (a) Notwithstanding the provisions of paragraph
21 (1)(b), coursework which was taken at a baccalaureate level
22 shall not be considered toward completion of education
23 requirements for licensure unless an official of the graduate
24 program certifies in writing on the graduate school's
25 stationery that a specific course, which students enrolled in
26 the same graduate program were ordinarily required to complete
27 at the graduate level, was waived or exempted based on
28 completion of a similar course at the baccalaureate level. If
29 this condition is met, the board shall apply the baccalaureate
30 course named toward the education requirements.

31 (b) An applicant from a master's or doctoral program

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1 in social work which did not emphasize direct patient or
2 client services may complete the clinical curriculum content
3 requirement by returning to a graduate program accredited by
4 the Council on Social Work Education or the Canadian
5 Association of Schools of Social Work, or to a clinical social
6 work graduate program with comparable standards, in order to
7 complete the education requirements for examination. However,
8 a maximum of 6 semester or 9 quarter hours of the clinical
9 curriculum content requirement may be completed by credit
10 awarded for independent study coursework as defined by board
11 rule.

12 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification
13 of documentation and payment of a fee not to exceed \$200, as
14 set by board rule, plus the actual cost to the department for
15 the purchase of the examination from the Association of
16 Marital and Family Therapy Regulatory Board, or similar
17 national organization, the department shall issue a license as
18 a marriage and family therapist to an applicant who the board
19 certifies:

20 (a) Has made application therefor and paid the
21 appropriate fee.

22 (b)1. Has a minimum of a master's degree with major
23 emphasis in marriage and family therapy, or a closely related
24 field, and has completed all of the following requirements:

25 a. Twenty-seven semester hours or 41 quarter hours of
26 graduate coursework, which must include a minimum of 2
27 semester hours or 3 quarter hours of graduate-level course
28 credits in each of the following nine areas: dynamics of
29 marriage and family systems; marriage therapy and counseling
30 theory and techniques; family therapy and counseling theory
31 and techniques; individual human development theories

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1 throughout the life cycle; personality theory;
2 psychopathology; human sexuality theory and counseling
3 techniques; general counseling theory and techniques; and
4 psychosocial theory. Content may be combined, provided no more
5 than two of the nine content areas are included in any one
6 graduate-level course and the applicant can document that the
7 equivalent of 2 semester hours of coursework was devoted to
8 each content area. Courses in research, evaluation, appraisal,
9 assessment, or testing theories and procedures; thesis or
10 dissertation work; or practicums, internships, or fieldwork
11 may not be applied toward this requirement.

12 b. A minimum of one graduate-level course of 2
13 semester hours or 3 quarter hours in legal, ethical, and
14 professional standards issues in the practice of marriage and
15 family therapy or a course determined by the board to be
16 equivalent.

17 c. A minimum of one graduate-level course of 2
18 semester hours or 3 quarter hours in diagnosis, appraisal,
19 assessment, and testing for individual or interpersonal
20 disorder or dysfunction; and a minimum of one 2-semester-hour
21 or 3-quarter-hour graduate-level course in behavioral research
22 which focuses on the interpretation and application of
23 research data as it applies to clinical practice. Credit for
24 thesis or dissertation work, practicums, internships, or
25 fieldwork may not be applied toward this requirement.

26 d. A minimum of one supervised clinical practicum,
27 internship, or field experience in a marriage and family
28 counseling setting, during which the student provided 180
29 direct client contact hours of marriage and family therapy
30 services under the supervision of an individual who met the
31 requirements for supervision under paragraph (c). This

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1 requirement may be met by a supervised practice experience
2 which took place outside the academic arena, but which is
3 certified as equivalent to a graduate-level practicum or
4 internship program which required a minimum of 180 direct
5 client contact hours of marriage and family therapy services
6 currently offered within an academic program of a college or
7 university accredited by an accrediting agency approved by the
8 United States Department of Education, or an institution which
9 is publicly recognized as a member in good standing with the
10 Association of Universities and Colleges of Canada or a
11 training institution accredited by the Commission on
12 Accreditation for Marriage and Family Therapy Education
13 recognized by the United States Department of Education.
14 Certification shall be required from an official of such
15 college, university, or training institution.

16 2. If the course title which appears on the
17 applicant's transcript does not clearly identify the content
18 of the coursework, the applicant shall be required to provide
19 additional documentation, including, but not limited to, a
20 syllabus or catalog description published for the course.

21
22 The required master's degree must have been received in an
23 institution of higher education which at the time the
24 applicant graduated was: fully accredited by a regional
25 accrediting body recognized by the Commission on Recognition
26 of Postsecondary Accreditation; publicly recognized as a
27 member in good standing with the Association of Universities
28 and Colleges of Canada; or an institution of higher education
29 located outside the United States and Canada, which at the
30 time the applicant was enrolled and at the time the applicant
31 graduated maintained a standard of training substantially

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1 equivalent to the standards of training of those institutions
2 in the United States which are accredited by a regional
3 accrediting body recognized by the Commission on Recognition
4 of Postsecondary Accreditation. Such foreign education and
5 training must have been received in an institution or program
6 of higher education officially recognized by the government of
7 the country in which it is located as an institution or
8 program to train students to practice as professional marriage
9 and family therapists or psychotherapists. The burden of
10 establishing that the requirements of this provision have been
11 met shall be upon the applicant, and the board shall require
12 documentation, such as, but not limited to, an evaluation by a
13 foreign equivalency determination service, as evidence that
14 the applicant's graduate degree program and education were
15 equivalent to an accredited program in this country. An
16 applicant with a master's degree from a program which did not
17 emphasize marriage and family therapy may complete the
18 coursework requirement in a training institution fully
19 accredited by the Commission on Accreditation for Marriage and
20 Family Therapy Education recognized by the United States
21 Department of Education.

22 (c) Has had not less than 2 years of clinical
23 experience during which 50 percent of the applicant's clients
24 were receiving marriage and family therapy services, which
25 must be at the post-master's level under the supervision of a
26 licensed marriage and family therapist with at least 5 years
27 of experience, or the equivalent, who is a qualified
28 supervisor as determined by the board. An individual who
29 intends to practice in Florida to satisfy the clinical
30 experience requirements must register pursuant to s. 491.0045
31 prior to commencing practice. If a graduate has a master's

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1 degree with a major emphasis in marriage and family therapy or
2 a closely related field that did not include all the
3 coursework required under sub-subparagraphs (b)1.a.-c., credit
4 for the post-master's level clinical experience shall not
5 commence until the applicant has completed a minimum of 10 of
6 the courses required under sub-subparagraphs (b)1.a.-c., as
7 determined by the board, and at least 6 semester hours or 9
8 quarter hours of the course credits must have been completed
9 in the area of marriage and family systems, theories, or
10 techniques. Within the 3 years of required experience, the
11 applicant shall provide direct individual, group, or family
12 therapy and counseling, to include the following categories of
13 cases: unmarried dyads, married couples, separating and
14 divorcing couples, and family groups including children. A
15 doctoral internship may be applied toward the clinical
16 experience requirement. The clinical experience requirement
17 may be met by work performed on or off the premises of the
18 supervising marriage and family therapist or the equivalent,
19 provided the off-premises work is not the independent private
20 practice rendering of marriage and family therapy services
21 that does not have a licensed mental health professional, as
22 determined by the board, on the premises at the same time the
23 intern is providing services.

24 (d) Has passed a theory and practice examination
25 provided by the department for this purpose.

26 (e) Has demonstrated, in a manner designated by rule
27 of the board, knowledge of the laws and rules governing the
28 practice of clinical social work, marriage and family therapy,
29 and mental health counseling.

30 (f) For the purposes of dual licensure, the department
31 shall license as a marriage and family therapist any person

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1 who meets the requirements of s. 491.0057. Fees for dual
2 licensure shall not exceed those stated in this subsection.

3 (4) MENTAL HEALTH COUNSELING.--Upon verification of
4 documentation and payment of a fee not to exceed \$200, as set
5 by board rule, plus the actual per applicant cost to the
6 department for purchase of the examination from the
7 Professional Examination Service for the National Academy of
8 Certified Clinical Mental Health Counselors or a similar
9 national organization, the department shall issue a license as
10 a mental health counselor to an applicant who the board
11 certifies:

12 (a) Has made application therefor and paid the
13 appropriate fee.

14 (b)1. Has received a minimum of an earned master's
15 degree with a major related to the practice of mental health
16 counseling, and has completed all of the following
17 requirements:

18 a. Twenty-one semester hours or 32 quarter hours of
19 graduate coursework, which must include a minimum of 2
20 semester hours or 3 quarter hours of graduate-level coursework
21 in each of the following seven content areas: counseling
22 theories and practice; human development theories; personality
23 theory; psychopathology or abnormal psychology; human
24 sexuality theories; group theories and practice; and
25 individual evaluation and assessment. Content may be
26 combined, provided no more than two of the seven content areas
27 are included in any one graduate-level course and the
28 applicant can document that the equivalent of 2 semester hours
29 of content was devoted to each content area. Courses in
30 research, thesis or dissertation work, practicums,
31 internships, or fieldwork may not be applied toward this

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1 requirement.

2 b. A minimum of one 2-semester-hour or 3-quarter-hour
3 graduate-level course in research or in career or vocational
4 counseling. Credit for thesis or dissertation work,
5 practicums, internships, or fieldwork may not be applied
6 toward this requirement.

7 c. A minimum of 2 semester hours or 3 quarter hours of
8 graduate-level coursework in legal, ethical, and professional
9 standards issues in the practice of mental health counseling,
10 which includes goals and objectives of professional counseling
11 organizations, codes of ethics, legal considerations,
12 standards of preparation, certifications and licensing, and
13 the role identity of counselors. Courses in research, thesis
14 or dissertation work, practicums, internships, or fieldwork
15 may not be applied toward this requirement.

16 d. A minimum of one supervised practicum, internship,
17 or field experience in a counseling setting. This requirement
18 may be met by a supervised practice experience which takes
19 place outside the academic arena, but which is certified as
20 equivalent to a graduate-level practicum in a clinical mental
21 health counseling setting currently offered within an academic
22 program of a college or university accredited by an
23 accrediting agency approved by the United States Department of
24 Education. Such certification shall be required from an
25 official of such college or university.

26 2. If the course title which appears on the
27 applicant's transcript does not clearly identify the content
28 of the coursework, the applicant shall be required to provide
29 additional documentation, including, but not limited to, a
30 syllabus or catalog description published for the course.

31

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1 Except as provided in sub-subparagraph 1.d., education and
2 training in mental health counseling must have been received
3 in an institution of higher education which at the time the
4 applicant graduated was: fully accredited by a regional
5 accrediting body recognized by the Commission on Recognition
6 of Postsecondary Accreditation; publicly recognized as a
7 member in good standing with the Association of Universities
8 and Colleges of Canada; or an institution of higher education
9 located outside the United States and Canada, which at the
10 time the applicant was enrolled and at the time the applicant
11 graduated maintained a standard of training substantially
12 equivalent to the standards of training of those institutions
13 in the United States which are accredited by a regional
14 accrediting body recognized by the Commission on Recognition
15 of Postsecondary Accreditation. Such foreign education and
16 training must have been received in an institution or program
17 of higher education officially recognized by the government of
18 the country in which it is located as an institution or
19 program to train students to practice as mental health
20 counselors. The burden of establishing that the requirements
21 of this provision have been met shall be upon the applicant,
22 and the board shall require documentation, such as, but not
23 limited to, an evaluation by a foreign equivalency
24 determination service, as evidence that the applicant's
25 graduate degree program and education were equivalent to an
26 accredited program in this country.

27 (c) Has had not less than 2 years of clinical
28 experience in mental health counseling, which must be at the
29 post-master's level under the supervision of a licensed mental
30 health counselor or the equivalent who is a qualified
31 supervisor as determined by the board. An individual who

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1 intends to practice in Florida to satisfy the clinical
2 experience requirements must register pursuant to s. 491.0045
3 prior to commencing practice. If a graduate has a master's
4 degree with a major related to the practice of mental health
5 counseling which did not include all the coursework required
6 under sub-subparagraphs (b)1.a.-c., credit for the
7 post-master's level clinical experience shall not commence
8 until the applicant has completed a minimum of seven of the
9 courses required under sub-subparagraphs (b)1.a.-c., as
10 determined by the board, one of which must be a course in
11 psychopathology or abnormal psychology. A doctoral internship
12 may be applied toward the clinical experience requirement. The
13 clinical experience requirement may be met by work performed
14 on or off the premises of the supervising mental health
15 counselor or the equivalent, provided the off-premises work is
16 not the independent private practice rendering of services
17 that does not have a licensed mental health professional, as
18 determined by the board, on the premises at the same time the
19 intern is providing services.

20 (d) Has passed a theory and practice examination
21 provided by the department for this purpose.

22 (e) Has demonstrated, in a manner designated by rule
23 of the board, knowledge of the laws and rules governing the
24 practice of clinical social work, marriage and family therapy,
25 and mental health counseling.

26 (5) INTERNSHIP.--An individual who is registered as an
27 intern and has satisfied all of the educational requirements
28 for the profession for which the applicant seeks licensure
29 shall be certified as having met the educational requirements
30 for licensure under this section.

31 (6) RULES.--The board may adopt rules necessary to

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1 implement any education or experience requirement of this
2 section for licensure as a clinical social worker, marriage
3 and family therapist, or mental health counselor.

4 Section 105. Effective January 1, 2001, paragraph (b)
5 of subsection (4) of section 491.005, Florida Statutes, as
6 amended by section 13 of chapter 97-198 and section 205 of
7 chapter 97-264, Laws of Florida, is amended, and subsection
8 (6) of that section is reenacted, to read:

9 491.005 Licensure by examination.--

10 (4) Upon verification of documentation and payment of
11 a fee not to exceed \$200, as set by board rule, plus the
12 actual per applicant cost to the department for purchase of
13 the examination from the Professional Examination Service for
14 the National Academy of Certified Clinical Mental Health
15 Counselors or a similar national organization, the department
16 shall issue a license as a mental health counselor to an
17 applicant who the board certifies:

18 (b)1. Has a minimum of an earned master's degree from
19 a mental health counseling program accredited by the Council
20 for the Accreditation of Counseling and Related Educational
21 Programs that consists of at least 60 semester hours or 80
22 quarter hours of clinical and didactic instruction, including
23 a course in human sexuality and a course in substance abuse.
24 If the master's degree is earned from a program related to the
25 practice of mental health counseling that is not accredited by
26 the Council for the Accreditation of Counseling and Related
27 Educational Programs, then the coursework and practicum,
28 internship, or fieldwork must consist of at least 60 semester
29 hours or 80 quarter hours and meet the following requirements:

30 a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~
31 quarter hours of graduate coursework, which must include a

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1 minimum of 3 semester hours or 4 quarter hours of
2 graduate-level coursework in each of the following 11 ~~12~~
3 content areas: counseling theories and practice; human growth
4 and development; diagnosis and treatment of psychopathology;
5 human sexuality; group theories and practice; individual
6 evaluation and assessment; career and lifestyle assessment;
7 research and program evaluation; social and cultural
8 foundations; ~~foundations of mental health counseling;~~
9 counseling in community settings; and substance abuse. Courses
10 in research, thesis or dissertation work, practicums,
11 internships, or fieldwork may not be applied toward this
12 requirement.

13 b. A minimum of 3 semester hours or 4 quarter hours of
14 graduate-level coursework in legal, ethical, and professional
15 standards issues in the practice of mental health counseling,
16 which includes goals, objectives, and practices of
17 professional counseling organizations, codes of ethics, legal
18 considerations, standards of preparation, certifications and
19 licensing, and the role identity and professional obligations
20 of mental health counselors. Courses in research, thesis or
21 dissertation work, practicums, internships, or fieldwork may
22 not be applied toward this requirement.

23 c. The equivalent, as determined by the board,of at
24 least 1,000 hours of university-sponsored supervised clinical
25 practicum, internship, or field experience as required in the
26 accrediting standards of the Council for Accreditation of
27 Counseling and Related Educational Programs for mental health
28 counseling programs. ~~If the academic practicum, internship, or~~
29 ~~field experience was less than 1,000 hours, experience gained~~
30 ~~outside the academic arena in clinical mental health settings~~
31 ~~under the supervision of a qualified supervisor as determined~~

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1 ~~by the board may be applied.~~ This experience may not be used
2 to satisfy the post-master's clinical experience requirement.

3 2. If the course title which appears on the
4 applicant's transcript does not clearly identify the content
5 of the coursework, the applicant shall be required to provide
6 additional documentation, including, but not limited to, a
7 syllabus or catalog description published for the course.

8
9 Education and training in mental health counseling must have
10 been received in an institution of higher education which at
11 the time the applicant graduated was: fully accredited by a
12 regional accrediting body recognized by the Commission on
13 Recognition of Postsecondary Accreditation; publicly
14 recognized as a member in good standing with the Association
15 of Universities and Colleges of Canada; or an institution of
16 higher education located outside the United States and Canada,
17 which at the time the applicant was enrolled and at the time
18 the applicant graduated maintained a standard of training
19 substantially equivalent to the standards of training of those
20 institutions in the United States which are accredited by a
21 regional accrediting body recognized by the Commission on
22 Recognition of Postsecondary Accreditation. Such foreign
23 education and training must have been received in an
24 institution or program of higher education officially
25 recognized by the government of the country in which it is
26 located as an institution or program to train students to
27 practice as mental health counselors. The burden of
28 establishing that the requirements of this provision have been
29 met shall be upon the applicant, and the board shall require
30 documentation, such as, but not limited to, an evaluation by a
31 foreign equivalency determination service, as evidence that

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1 the applicant's graduate degree program and education were
2 equivalent to an accredited program in this country.

3 (6) The board may adopt rules necessary to implement
4 any education or experience requirement of this section for
5 licensure as a clinical social worker, marriage and family
6 therapist, or mental health counselor.

7 Section 106. Paragraph (b) of subsection (1) of
8 section 491.006, Florida Statutes, is amended to read:

9 491.006 Licensure or certification by endorsement.--

10 (1) The department shall license or grant a
11 certificate to a person in a profession regulated by this
12 chapter who, upon applying to the department and remitting the
13 appropriate fee, demonstrates to the board that he or she:

14 (b)1. Holds an active valid license to practice and
15 has actively practiced the profession for which licensure is
16 applied in another state for 3 of the last 5 years immediately
17 preceding licensure.

18 2. Meets the education requirements of this chapter
19 for the profession for which licensure is applied.

20 3. Has passed a substantially equivalent licensing
21 examination in another state or has passed the licensure
22 examination in this state in the profession for which the
23 applicant seeks licensure.

24 4. Holds a license in good standing, is not under
25 investigation for an act which would constitute a violation of
26 this chapter, and has not been found to have committed any act
27 which would constitute a violation of this chapter.

28 Section 107. Section 491.0085, Florida Statutes, is
29 amended to read:

30 491.0085 Continuing education and laws and rules
31 courses; approval of providers, programs, and courses; proof

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1 of completion.--

2 (1) Continuing education providers, programs, and
3 courses and laws and rules courses and their providers and
4 programs shall be approved by the department or the board.

5 (2) The department or the board has the authority to
6 set a fee not to exceed \$200 for each applicant who applies
7 for or renews provider status. Such fees shall be deposited
8 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

9 (3) Proof of completion of the required number of
10 hours of continuing education and completion of the laws and
11 rules course shall be submitted to the department or the board
12 in the manner and time specified by rule and on forms provided
13 by the department or the board.

14 (4) The department or the board shall adopt rules and
15 guidelines to administer and enforce the provisions of this
16 section.

17 Section 108. Paragraph (d) of subsection (4) of
18 section 491.014, Florida Statutes, 1998 Supplement, is amended
19 to read:

20 491.014 Exemptions.--

21 (4) No person shall be required to be licensed,
22 provisionally licensed, registered, or certified under this
23 chapter who:

24 (d) Is not a resident of this state but offers
25 services in this state, provided:

26 1. Such services are performed for no more than ~~5 days~~
27 ~~in any month and no more than~~ 15 days in any calendar year;
28 and

29 2. Such nonresident is licensed or certified to
30 practice the services provided by a state or territory of the
31 United States or by a foreign country or province.

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1 Section 109. Paragraph (a) of subsection (1) and
2 subsection (5) of section 499.012, Florida Statutes, 1998
3 Supplement, are amended to read:

4 499.012 Wholesale distribution; definitions; permits;
5 general requirements.--

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

7 (a) "Wholesale distribution" means distribution of
8 prescription drugs to persons other than a consumer or
9 patient, but does not include:

10 1. Any of the following activities, which is not a
11 violation of s. 499.005(21) if such activity is conducted in
12 accordance with s. 499.014:

13 a. The purchase or other acquisition by a hospital or
14 other health care entity that is a member of a group
15 purchasing organization of a prescription drug for its own use
16 from the group purchasing organization or from other hospitals
17 or health care entities that are members of that organization.

18 b. The sale, purchase, or trade of a prescription drug
19 or an offer to sell, purchase, or trade a prescription drug by
20 a charitable organization described in s. 501(c)(3) of the
21 Internal Revenue Code of 1986, as amended and revised, to a
22 nonprofit affiliate of the organization to the extent
23 otherwise permitted by law.

24 c. The sale, purchase, or trade of a prescription drug
25 or an offer to sell, purchase, or trade a prescription drug
26 among hospitals or other health care entities that are under
27 common control. For purposes of this section, "common control"
28 means the power to direct or cause the direction of the
29 management and policies of a person or an organization,
30 whether by ownership of stock, by voting rights, by contract,
31 or otherwise.

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1 d. The sale, purchase, trade, or other transfer of a
2 prescription drug from or for any federal, state, or local
3 government agency or any entity eligible to purchase
4 prescription drugs at public health services prices pursuant
5 to s. 602 of Pub. L. No. 102-585 to a contract provider or its
6 subcontractor for eligible patients of the agency or entity
7 under the following conditions:

8 (I) The agency or entity must obtain written
9 authorization for the sale, purchase, trade, or other transfer
10 of a prescription drug under this sub-subparagraph from the
11 Secretary of Health or his or her designee.

12 (II) The contract provider or subcontractor must be
13 authorized by law to administer or dispense prescription
14 drugs.

15 (III) In the case of a subcontractor, the agency or
16 entity must be a party to and execute the subcontract.

17 (IV) A contract provider or subcontractor must
18 maintain separate and apart from other prescription drug
19 inventory any prescription drugs of the agency or entity in
20 its possession.

21 (V) The contract provider and subcontractor must
22 maintain and produce immediately for inspection all records of
23 movement or transfer of all the prescription drugs belonging
24 to the agency or entity, including, but not limited to, the
25 records of receipt and disposition of prescription drugs.
26 Each contractor and subcontractor dispensing or administering
27 these drugs must maintain and produce records documenting the
28 dispensing or administration. Records that are required to be
29 maintained include, but are not limited to, a perpetual
30 inventory itemizing drugs received and drugs dispensed by
31 prescription number or administered by patient identifier,

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1 which must be submitted to the agency or entity quarterly.

2 (VI) The contract provider or subcontractor may
3 administer or dispense the prescription drugs only to the
4 eligible patients of the agency or entity or must return the
5 prescription drugs for or to the agency or entity. The
6 contract provider or subcontractor must require proof from
7 each person seeking to fill a prescription or obtain treatment
8 that the person is an eligible patient of the agency or entity
9 and must, at a minimum, maintain a copy of this proof as part
10 of the records of the contractor or subcontractor required
11 under sub-sub-subparagraph (V).

12 (VII) The prescription drugs transferred pursuant to
13 this sub-subparagraph may not be billed to Medicaid.

14 (VIII) In addition to the departmental inspection
15 authority set forth in s. 499.051, the establishment of the
16 contract provider and subcontractor and all records pertaining
17 to prescription drugs subject to this sub-subparagraph shall
18 be subject to inspection by the agency or entity. All records
19 relating to prescription drugs of a manufacturer under this
20 sub-subparagraph shall be subject to audit by the manufacturer
21 of those drugs, without identifying individual patient
22 information.

23 2. Any of the following activities, which is not a
24 violation of s. 499.005(21) if such activity is conducted in
25 accordance with rules established by the department:

26 a. The sale, purchase, or trade of a prescription drug
27 among federal, state, or local government health care entities
28 that are under common control and are authorized to purchase
29 such prescription drug.

30 b. The sale, purchase, or trade of a prescription drug
31 or an offer to sell, purchase, or trade a prescription drug

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1 for emergency medical reasons.~~For purposes of this~~
2 ~~sub-subparagraph~~ ~~subparagraph~~, the term "emergency medical
3 reasons" includes transfers of prescription drugs by a retail
4 pharmacy to another retail pharmacy to alleviate a temporary
5 shortage.

6 c. The ~~transfer~~ ~~purchase or acquisition~~ of a
7 prescription drug acquired by a medical director on behalf of
8 a licensed an emergency medical services provider to that
9 ~~medical director for use by emergency medical services~~
10 provider and its transport vehicles for use in accordance with
11 the provider's license under ~~providers acting within the scope~~
12 ~~of their professional practice pursuant to chapter 401.~~

13 d. The revocation of a sale or the return of a
14 prescription drug to the person's prescription drug wholesale
15 supplier.

16 e. The donation of a prescription drug by a health
17 care entity to a charitable organization that has been granted
18 an exemption under s. 501(c)(3) of the Internal Revenue Code
19 of 1986, as amended, and that is authorized to possess
20 prescription drugs.

21 f. The transfer of a prescription drug by a person
22 authorized to purchase or receive prescription drugs to a
23 person licensed or permitted to handle reverse distributions
24 or destruction under the laws of the jurisdiction in which the
25 person handling the reverse distribution or destruction
26 receives the drug.

27 ~~3. The dispensing of a prescription drug pursuant to a~~
28 ~~prescription.~~

29 ~~3.4.~~ The distribution of prescription drug samples by
30 manufacturers' representatives or distributors'
31 representatives conducted in accordance with s. 499.028. ~~or~~

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1 ~~4.5.~~ The sale, purchase, or trade of blood and blood
2 components intended for transfusion. As used in this
3 subparagraph section, the term "blood" means whole blood
4 collected from a single donor and processed either for
5 transfusion or further manufacturing, and the term "blood
6 components" means that part of the blood separated by physical
7 or mechanical means.

8 5. The lawful dispensing of a prescription drug in
9 accordance with chapter 465.

10 (5) The department may adopt rules governing the
11 recordkeeping, storage, and handling with respect to each of
12 the distributions of prescription drugs specified in
13 subparagraphs ~~(1)(a)1.-4.(1)(a)1., 2., 4., and 5.~~

14 Section 110. Subsection (6) is added to section
15 626.883, Florida Statutes, to read:

16 626.883 Administrator as intermediary; collections
17 held in fiduciary capacity; establishment of account;
18 disbursement; payments on behalf of insurer.--

19 (6) All payments to a health care provider by a fiscal
20 intermediary for noncapitated providers must include an
21 explanation of services being reimbursed which includes, at a
22 minimum, the patient's name, the date of service, the
23 procedure code, the amount of reimbursement, and the
24 identification of the plan on whose behalf the payment is
25 being made. For capitated providers, the statement of services
26 must include the number of patients covered by the contract,
27 the rate per patient, the total amount of the payment, and the
28 identification of the plan on whose behalf the payment is
29 being made.

30 Section 111. Paragraph (a) of subsection (2) of
31 section 641.316, Florida Statutes, 1998 Supplement, is amended

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1 to read:

2 641.316 Fiscal intermediary services.--

3 (2)(a) The term "fiduciary" or "fiscal intermediary
4 services" means reimbursements received or collected on behalf
5 of health care professionals for services rendered, patient
6 and provider accounting, financial reporting and auditing,
7 receipts and collections management, compensation and
8 reimbursement disbursement services, or other related
9 fiduciary services pursuant to health care professional
10 contracts with health maintenance organizations. All payments
11 to a health care provider by a fiscal intermediary for
12 noncapitated providers must include an explanation of services
13 being reimbursed which includes, at a minimum, the patient's
14 name, the date of service, the procedure code, the amount of
15 reimbursement, and the identification of the plan on whose
16 behalf the payment is being made. For capitated providers, the
17 statement of services must include the number of patients
18 covered by the contract, the rate per patient, the total
19 amount of the payment, and the identification of the plan on
20 whose behalf the payment is being made.

21 Section 112. Task Force on Telehealth.--

22 (1) Because telecommunications technology has made it
23 possible to provide a wide range of health care services
24 across state lines between healthcare practitioners and
25 patients, it is the intent of the Legislature to protect the
26 health and safety of all patients in this state receiving
27 services by means of such technology and to ensure the
28 accountability of the healthcare profession with respect to
29 unsafe and incompetent practitioners using such technology to
30 provide health care services to patients in this state.

31 (2) The Secretary of Health shall appoint a task force

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1 consisting of representatives from the affected medical and
2 allied health professions and other affected health care
3 industries.

4 (3) The task force shall address the following:

5 (a) Identification of various electronic
6 communications or telecommunications technologies currently
7 used within the state and by other states to provide
8 healthcare information.

9 (b) Identification of laws, regulations, and
10 reimbursement practices that serve as barriers to
11 implementation of electronic communications related to health
12 care.

13 (c) Recommendation of the appropriate level of
14 regulation of health care professionals necessary to protect
15 the health and safety of patients in this state, including
16 analysis of existing provisions governing in-state
17 professionals such as licensing, financial responsibility, and
18 medical malpractice insurance requirements.

19 (d) Potential preemption of state regulation by the
20 Commerce Clause of the United States Constitution.

21 (e) The effect of telehealth on access to health care
22 in rural and under-served areas.

23 (f) Potential antitrust concerns.

24 (g) The effect of regulations by other states or
25 jurisdictions on health care professionals in this state who
26 provide consultative services through telehealth to entities
27 and patients outside the state.

28 (h) Research on other public and private data and
29 initiatives related to telehealth.

30 (i) Any other issue affecting the health, safety, and
31 welfare of patients through telehealth identified by the task

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1 force.

2 (4) The task force shall submit a report of its
3 findings and recommendations by January 1, 2000, to the
4 Governor, the President of the Senate, and the Speaker of the
5 House of Representatives.

6 Section 113. Subsection (1) of section 468.352,
7 Florida Statutes, is amended to read:

8 468.352 Definitions.--As used in this part, unless the
9 context otherwise requires, the term:

10 (1) "Board" means the Board of Respiratory Care
11 Medicine.

12 Section 114. Section 468.353, Florida Statutes, is
13 amended to read:

14 468.353 Board of Respiratory Care ~~Medicine~~; powers and
15 duties.--

16 (1) The board, ~~with the assistance of the Advisory~~
17 ~~Council on Respiratory Care,~~ is authorized to establish
18 minimum standards for the delivery of respiratory care
19 services and to adopt those rules necessary to administer this
20 part.

21 (2) The board may administer oaths, summon witnesses,
22 and take testimony in all matters relating to its duties under
23 this part.

24 (3) The board may adopt rules to administer this part,
25 including rules governing the investigation, inspection, and
26 review of schools and colleges that offer courses in
27 respiratory care in order to ascertain their compliance with
28 standards established by the board or appropriate accrediting
29 agencies ~~delegate such powers and duties to the council as it~~
30 ~~may deem proper.~~

31 Section 115. Section 468.354, Florida Statutes, is

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1 amended to read:

2 468.354 Board of ~~Advisory Council on~~ Respiratory Care;
3 organization; function.--

4 (1) There is created within the department, the Board
5 of Advisory Council on Respiratory Care, composed of seven
6 members appointed by the Governor and confirmed by the Senate
7 ~~under the supervision of the board.~~

8 (2) The board council shall consist of five members
9 ~~appointed by the board~~ and shall include:

10 (a) A registered respiratory therapist.

11 (b) A certified respiratory therapist care
12 practitioner.

13 (c) A respiratory care professional from each of the
14 following areas:

15 1. Respiratory care education.

16 2. Respiratory care management and supervision.

17 3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

18 (d) Two consumer members, who are residents of this
19 state and have never been licensed as health care
20 practitioners.

21
22 Each ~~member of the council shall be a~~ respiratory care
23 professional on the board must have ~~who has~~ been actively
24 engaged in the delivery of respiratory care services in this
25 state for at least 4 consecutive years prior to appointment.

26 (3)(a) Except as provided in paragraph (b), the term
27 of office for each board council member shall be 4 years. No
28 member shall serve for more than two consecutive terms. Any
29 time there is a vacancy to be filled ~~on the council~~, all
30 professional organizations dealing with respiratory therapy
31 incorporated within the state as not for profit which register

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1 their interest ~~with the board~~ shall recommend at least twice
2 as many persons to fill the vacancy ~~to the council~~ as the
3 number of vacancies to be filled, and the Governor board may
4 appoint from the submitted list, in his ~~its~~ discretion, any of
5 those persons so recommended. The Governor board shall,
6 insofar as possible, appoint persons from different
7 geographical areas.

8 (b) ~~In order~~ To achieve staggering of terms, within
9 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor
10 ~~board~~ shall appoint the board members ~~of the council~~ as
11 follows:

12 1. Two members ~~One member~~ shall be appointed for terms
13 ~~a term~~ of 2 years.

14 2. Two members shall be appointed for terms of 3
15 years.

16 3. Three ~~Two~~ members shall be appointed for terms of 4
17 years.

18 (c) All provisions of part II of chapter 455, relating
19 to boards apply to this part.

20 (4)(a) The board council shall annually elect from
21 among its members a chair and vice chair.

22 (b) The board council shall meet at least twice a year
23 and shall hold ~~such~~ additional meetings as are deemed
24 necessary ~~by the board~~. Four ~~Three~~ members of the council
25 constitute a quorum.

26 (c) Unless otherwise provided by law, a board council
27 member shall be compensated \$50 for each day he or she attends
28 an official board meeting ~~of the council~~ and for each day he
29 or she participates in any other board business ~~involving the~~
30 ~~council~~. A board council member shall also be entitled to
31 reimbursement for expenses pursuant to s. 112.061. Travel out

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1 of the state shall require the prior approval of the secretary
2 of the department.

3 (5)(a) The board may ~~council shall~~ recommend to the
4 department a code of ethics for those persons licensed
5 pursuant to this part.

6 ~~(b) The council shall make recommendations to the~~
7 ~~department for the approval of continuing education courses.~~

8 Section 116. Section 468.355, Florida Statutes, is
9 amended to read:

10 468.355 Eligibility for licensure; temporary
11 licensure.--

12 (1) To be eligible for licensure by the board as a
13 respiratory care practitioner, an applicant must:

14 (a) Be at least 18 years old.

15 (b) Possess a high school diploma or a graduate
16 equivalency diploma.

17 (c) Meet at least one of the following criteria:

18 1. The applicant has successfully completed a training
19 program for respiratory therapy technicians or respiratory
20 therapists approved by the Commission on Accreditation of
21 Allied Health Education Programs, or the equivalent thereof,
22 as accepted by the board.

23 2. The applicant is currently a "Certified Respiratory
24 Therapy Technician" certified by the National Board for
25 Respiratory Care, or the equivalent thereof, as accepted by
26 the board.

27 3. The applicant is currently a "Registered
28 Respiratory Therapist" registered by the National Board for
29 Respiratory Care, or the equivalent thereof, as accepted by
30 the board.

31 ~~4. The applicant is currently employed in this state~~

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1 ~~as a respiratory care practitioner or respiratory therapist on~~
2 ~~October 1, 1984.~~

3
4 The criteria set forth in subparagraphs 2. and 3.
5 notwithstanding, the board shall periodically ~~annually~~ review
6 the examinations and standards of the National Board for
7 Respiratory Care and may reject those examinations and
8 standards if they are deemed inappropriate.

9 (2) To be eligible for licensure by the board as a
10 respiratory therapist, an applicant must:

11 (a) Be at least 18 years old.

12 (b) Possess a high school diploma or a graduate
13 equivalency diploma.

14 (c) Meet at least one of the following criteria:

15 1. The applicant has successfully completed a training
16 program for respiratory therapists approved by the Commission
17 on Accreditation of Allied Health Education Programs, or the
18 equivalent thereof, as accepted by the board.

19 2. The applicant is currently a "Registered
20 Respiratory Therapist" registered by the National Board for
21 Respiratory Care, or the equivalent thereof, as accepted by
22 the board.

23
24 The criteria set forth in subparagraphs 1. and 2.
25 notwithstanding, the board shall periodically ~~annually~~ review
26 the examinations and standards of the National Board for
27 Respiratory Care and may reject those examinations and
28 standards if they are deemed inappropriate.

29 (3) With respect to the delivery of respiratory care
30 services, the board shall establish procedures for temporary
31 licensure of eligible individuals entering the state and

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1 temporary licensure of those persons who have graduated from a
2 program approved by the board. Such temporary licensure shall
3 be for a period not to exceed 1 year.

4 Section 117. Section 468.357, Florida Statutes, is
5 amended to read:

6 468.357 Licensure by examination.--

7 (1) A person who desires to be licensed as a
8 respiratory care practitioner may submit an application ~~to the~~
9 ~~department to take the examination, in accordance with board~~
10 ~~rule to be administered by the department.~~

11 (a) ~~The department shall examine~~ Each applicant may
12 take the examination who is determined by the board to have:

- 13 1. Completed the application form and remitted the
14 applicable fee set by the board;
- 15 2. Submitted required documentation as required in s.
16 468.355; and
- 17 3. Remitted an examination fee set by the examination
18 provider board.

19 (b) ~~The department shall conduct~~ Examinations for
20 licensure of respiratory care practitioners must be conducted
21 no less than two times a year in such geographical locations
22 or by such methods as are deemed advantageous to the majority
23 of the applicants.

24 (c) The examination given for respiratory care
25 practitioners shall be the same as that given by the National
26 Board for Respiratory Care for entry-level certification of
27 respiratory therapy technicians. However, an equivalent
28 examination may be accepted by the board in lieu of that
29 examination.

30 (2) Each applicant who passes the examination shall be
31 entitled to licensure as a respiratory care practitioner, and

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1 the department shall issue a license pursuant to this part to
2 any applicant who successfully completes the examination in
3 accordance with this section. However, the department shall
4 not issue a license to any applicant who is under
5 investigation in another jurisdiction for an offense which
6 would constitute a violation of this part. Upon completion of
7 such an investigation, if the applicant is found guilty of
8 such an offense, the applicable provisions of s. 468.365 will
9 apply.

10 ~~(3) Any person who was employed in this state on or~~
11 ~~before September 30, 1983, as a respiratory therapy technician~~
12 ~~or respiratory therapist, and who has performed services in~~
13 ~~such professional capacity for 4 years or more by October 1,~~
14 ~~1987, under the supervision of a licensed physician or in a~~
15 ~~hospital or licensed health care facility, shall be issued a~~
16 ~~license without examination, if such person provides~~
17 ~~acceptable documentation of performance of such services to~~
18 ~~the board. Such documentation shall include certification by~~
19 ~~a physician licensed pursuant to chapter 458 or chapter 459~~
20 ~~who has direct knowledge of the practice of, or who has~~
21 ~~supervised, the person. If such person is not determined to~~
22 ~~have performed critical care respiratory services for at least~~
23 ~~4 years, the board may limit the license of such person to the~~
24 ~~performance of noncritical care respiratory services.~~

25 Section 118. Section 468.364, Florida Statutes, 1998
26 Supplement, is amended to read:

27 468.364 Fees; establishment; disposition.--

28 (1) The board shall establish by rule fees for the
29 following purposes:

30 (a) Application, a fee not to exceed \$50.

31 ~~(b) Examination, a fee not to exceed \$125 plus the~~

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1 ~~actual per applicant cost to the department for purchase of~~
2 ~~the examination from the National Board for Respiratory Care~~
3 ~~or a similar national organization.~~

4 (b)~~(c)~~ Initial licensure, a fee not to exceed \$200.

5 (c)~~(d)~~ Renewal of licensure, a fee not to exceed \$200
6 biennially.

7 (d)~~(e)~~ Renewal of inactive licensure, a fee not to
8 exceed \$50.

9 (e)~~(f)~~ Reactivation, a fee not to exceed \$50.

10 (2) The fees established pursuant to subsection (1)
11 shall be based upon the actual costs incurred by the
12 department in carrying out its responsibilities under this
13 part.

14 (3) All moneys collected by the department under this
15 part shall be deposited as required by s. 455.587.

16 Section 119. Paragraph (f) of subsection (1) of
17 section 468.365, Florida Statutes, 1998 Supplement, is amended
18 to read:

19 468.365 Disciplinary grounds and actions.--

20 (1) The following acts constitute grounds for which
21 the disciplinary actions in subsection (2) may be taken:

22 (f) Unprofessional conduct, which includes, but is not
23 limited to, any departure from, or failure to conform to,
24 acceptable standards related to the delivery of respiratory
25 care services, as set forth by the board ~~and the Advisory~~
26 ~~Council on Respiratory Care~~ in rules adopted pursuant to this
27 part.

28 Section 120. Paragraph (a) of subsection (2) of
29 section 464.016, Florida Statutes, is amended to read:

30 464.016 Violations and penalties.--

31 (2) Each of the following acts constitutes a

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1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083:

3 (a) Using the name or title "Nurse," "Registered
4 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse
5 Practitioner," or any other name or title which implies that a
6 person was licensed or certified as same, unless such person
7 is duly licensed or certified.

8 Section 121. Paragraphs (b) and (c) of subsection (1)
9 of section 458.3115, Florida Statutes, 1998 Supplement, are
10 amended to read:

11 458.3115 Restricted license; certain foreign-licensed
12 physicians; United States Medical Licensing Examination
13 (USMLE) or agency-developed examination; restrictions on
14 practice; full licensure.--

15 (1)

16 (b) A person who is eligible to take and elects to
17 take the USMLE who has previously passed part 1 or part 2 of
18 the previously administered FLEX shall not be required to
19 retake or pass the equivalent parts of the USMLE up to the
20 year 2002 ~~2000~~.

21 (c) A person shall be eligible to take such
22 examination for restricted licensure if the person:

23 1. Has taken, upon approval by the board, and
24 completed, in November 1990 or November 1992, one of the
25 special preparatory medical update courses authorized by the
26 board and the University of Miami Medical School and
27 subsequently passed the final course examination; upon
28 approval by the board to take the course completed in 1990 or
29 in 1992, has a certificate of successful completion of that
30 course from the University of Miami or the Stanley H. Kaplan
31 course; or can document to the department that he or she was

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- 1 one of the persons who took and successfully completed the
2 Stanley H. Kaplan course that was approved by the Board of
3 Medicine and supervised by the University of Miami. At a
4 minimum, the documentation must include class attendance
5 records and the test score on the final course examination;
- 6 2. Applies to the agency and submits an application
7 fee that is nonrefundable and equivalent to the fee required
8 for full licensure;
- 9 3. Documents no less than 2 years of the active
10 practice of medicine in any another jurisdiction;
- 11 4. Submits an examination fee that is nonrefundable
12 and equivalent to the fee required for full licensure plus the
13 actual per-applicant cost to the agency to provide either
14 examination described in this section;
- 15 5. Has not committed any act or offense in this or any
16 other jurisdiction that would constitute a substantial basis
17 for disciplining a physician under this chapter or part II of
18 chapter 455; and
- 19 6. Is not under discipline, investigation, or
20 prosecution in this or any other jurisdiction for an act that
21 would constitute a violation of this chapter or part II of
22 chapter 455 and that substantially threatened or threatens the
23 public health, safety, or welfare.
- 24 Section 122. Subsection (2) of section 458.3124,
25 Florida Statutes, 1998 Supplement, is amended to read:
- 26 458.3124 Restricted license; certain experienced
27 foreign-trained physicians.--
- 28 (2) A person applying for licensure under this section
29 must submit to the Department of Health on or before December
30 31, 2000 ~~1998~~:
- 31 (a) A completed application and documentation required

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1 by the Board of Medicine to prove compliance with subsection
2 (1); and

3 (b) A nonrefundable application fee not to exceed \$500
4 and a nonrefundable examination fee not to exceed \$300 plus
5 the actual cost to purchase and administer the examination.

6 Section 123. Effective upon this act becoming a law,
7 section 301 of chapter 98-166, Laws of Florida, is amended to
8 read:

9 Section 301. The sum of \$1.2 million from the
10 unallocated balance in the Medical Quality Assurance Trust
11 Fund is appropriated to the Department of Health to allow the
12 department to develop the examination required for foreign
13 licensed physicians in section 458.3115(1)(a), Florida
14 Statutes, through a contract with the University of South
15 Florida. The department shall charge examinees a fee not to
16 exceed 25 percent of the cost of the actual costs of the first
17 examination administered pursuant to section 458.3115, Florida
18 Statutes, 1998 Supplement, and a fee not to exceed 75 percent
19 of the actual costs for any subsequent examination
20 administered pursuant to that section.

21 Section 124. Subsection (2) of section 465.017,
22 Florida Statutes, is amended to read:

23 465.017 Authority to inspect.--

24 (2) Except as permitted by this chapter, and chapters
25 406, 409, 455, 499, and 893, records maintained by ~~in~~ a
26 pharmacy relating to the filling of prescriptions and the
27 dispensing of medicinal drugs shall not be furnished, except
28 upon the written authorization of the patient, to any person
29 other than the patient for whom the drugs were dispensed,
30 ~~or her or his legal representative, or to the department~~
31 ~~pursuant to existing law,~~ or, in the event that the patient is

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1 incapacitated or unable to request such said records, her or
2 his spouse; to the department pursuant to law; to health care
3 practitioners and pharmacists consulting with or dispensing to
4 the patient; or to insurance carriers or other payors
5 authorized by the patient to receive such records. For the
6 purposes of this section, records held in a pharmacy shall be
7 considered owned by the owner of the pharmacy. The pharmacy
8 owner may use such records in the aggregate without patient
9 identification data, regardless of where such records are
10 held, for purposes reasonably related to the business and
11 practice of pharmacy ~~except upon the written authorization of~~
12 ~~such patient.~~ Such records may be furnished in any civil or
13 criminal proceeding, upon the issuance of a subpoena from a
14 court of competent jurisdiction and proper notice to the
15 patient or her or his legal representative by the party
16 seeking such records. It is the intent of this subsection to
17 allow the use and sharing of such records to improve patient
18 care, provided the pharmacist acts in the best interests of
19 her or his patient. Nothing in this subsection may be
20 construed to authorize or expand solicitation or marketing to
21 patients or potential patients in any manner not otherwise
22 specifically authorized by law.

23 Section 125. Subsection (1)(a) of section 490.012,
24 Florida Statutes, is amended to read:

25 490.012 Violations; penalties; injunction.--

26 (1)(a) No person shall hold herself or himself out by
27 any title or description incorporating the words, or
28 permutations of them, "psychologist," "psychology,"
29 "psychological," "psychodiagnostic," or "school psychologist,"
30 or describe any test or report as psychological, unless such
31 person holds a valid, active license under this chapter,

Amendment No. 2 (for drafter's use only)

1 ~~chapter 458 or chapter 459 or is exempt from the provisions of~~
2 ~~this chapter.~~

3 Section 126. The Agency for Health Care
4 Administration, in conjunction with the Medicare Fraud
5 Division of the Office of the Attorney General, shall conduct
6 a detailed study and analysis of clinical laboratory services
7 for kidney dialysis patients in the State of Florida. The
8 study shall include, but not be limited to, an analysis of the
9 past and present utilization rates of clinical laboratory
10 services for dialysis patients, financial arrangements among
11 kidney dialysis centers, their medical directors, and any
12 business relationships and affiliations with clinical
13 laboratories, any self referral to clinical labs, the quality
14 and responsiveness of clinical laboratory services for
15 dialysis patients in Florida, and the average annual revenue
16 for dialysis patients for clinical laboratory services for the
17 past ten years. The agency shall report back to the President
18 of the Senate, Speaker of the House of Representatives, and
19 chairs of the appropriate substantive committees of the
20 Legislature on its findings no later than February 1, 2000.

21 Section 127. Except as otherwise provided in this act,
22 this act shall take effect July 1, 1999.

23
24

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

26 And the title is amended as follows:

27 remove: everything before the enacting clause

28

29 and insert in lieu thereof:

30

A bill to be entitled

31

An act relating to regulation of health care

Amendment No. 2 (for drafter's use only)

1 practitioners; amending s. 232.435, F.S.;

2 correcting a reference; amending s. 381.026,

3 F.S.; providing a definition; amending s.

4 381.0261, F.S.; providing that the Department

5 of Health or a regulatory board, rather than

6 the Agency for Health Care Administration, may

7 impose an administrative fine against any

8 health care provider who fails to make

9 available to patients a summary of their rights

10 as required by law; amending s. 455.501, F.S.;

11 redefining the terms "health care practitioner"

12 and "licensee"; amending s. 455.507, F.S.;

13 revising provisions relating to good standing

14 of members of the Armed Forces with

15 administrative boards to provide applicability

16 to the department when there is no board;

17 providing gender neutral language; amending s.

18 455.521, F.S.; providing powers and duties of

19 the department for the professions, rather than

20 boards, under its jurisdiction; amending s.

21 455.544, F.S.; stating the purpose of

22 department and board rules; amending s.

23 455.557, F.S.; redefining the term "health care

24 practitioner" for purposes of standardized

25 credentializing; amending s. 455.564, F.S.;

26 prescribing the expiration date of an

27 incomplete license application; revising the

28 form and style of licenses; providing authority

29 to the department when there is no board to

30 adopt rules; revising and providing

31 requirements relating to obtaining continuing

Amendment No. 2 (for drafter's use only)

1 education credit in risk management; correcting
2 a reference; amending s. 455.565, F.S.;
3 providing exceptions to certain application
4 requirements; revising information required for
5 licensure of designated health care
6 professionals; revising requirements for
7 submitting fingerprints to the department for
8 renewal of licensure; amending s. 455.5651,
9 F.S.; prohibiting inclusion of certain
10 information in practitioner profiles; amending
11 s. 455.567, F.S.; defining sexual misconduct
12 and prohibiting it in the practice of a health
13 care profession; providing penalties; amending
14 s. 455.574, F.S.; revising provisions relating
15 to review of an examination after failure to
16 pass it; amending s. 455.587, F.S.; providing
17 authority to the department when there is no
18 board to determine by rule the amount of
19 license fees for the profession regulated;
20 providing for a fee for issuance of a wall
21 certificate to certain licensees or for a
22 duplicate wall certificate; amending s.
23 455.604, F.S.; requiring instruction on human
24 immunodeficiency virus and acquired immune
25 deficiency syndrome as a condition of licensure
26 and relicensure to practice dietetics and
27 nutrition or nutrition counseling; amending s.
28 455.607, F.S.; correcting a reference; amending
29 s. 455.624, F.S.; revising and providing
30 grounds for discipline; providing penalties;
31 providing for assessment of certain costs;

Amendment No. 2 (for drafter's use only)

1 amending s. 455.664, F.S.; requiring additional
2 health care practitioners to include a certain
3 statement in advertisements for free or
4 discounted services; correcting terminology;
5 amending s. 455.667, F.S.; authorizing the
6 department to obtain patient records, billing
7 records, insurance information, provider
8 contracts, and all attachments thereto under
9 certain circumstances for purposes of
10 disciplinary proceedings; providing for charges
11 for making reports or records available for
12 digital scanning; amending s. 455.687, F.S.;
13 providing for the suspension or restriction of
14 the license of any health care practitioner who
15 tests positive for drugs under certain
16 circumstances; amending s. 455.694, F.S.;
17 providing financial responsibility requirements
18 for midwives; creating s. 455.712, F.S.;
19 providing requirements for active status
20 licensure of certain business establishments;
21 amending s. 457.102, F.S.; defining the term
22 "prescriptive rights" with respect to
23 acupuncture; amending s. 458.307, F.S.;
24 correcting terminology and a reference;
25 removing an obsolete date; amending s. 458.309,
26 F.S.; providing for licensing and inspecting
27 certain offices performing levels 2 and 3
28 surgery; amending s. 458.311, F.S.; revising
29 provisions relating to licensure as a physician
30 by examination; eliminating an obsolete
31 provision relating to licensure of medical

Amendment No. 2 (for drafter's use only)

1 students from Nicaragua and another provision
2 relating to taking the examination without
3 applying for a license; amending s. 458.3115,
4 F.S.; updating terminology; amending s.
5 458.313, F.S.; revising provisions relating to
6 licensure by endorsement; repealing provisions
7 relating to reactivation of certain licenses
8 issued by endorsement; amending s. 458.315,
9 F.S.; providing additional requirements for
10 recipients of a temporary certificate for
11 practice in areas of critical need; amending s.
12 458.3165, F.S.; prescribing authorized
13 employment for holders of public psychiatry
14 certificates; correcting a reference; amending
15 s. 458.317, F.S.; providing for conversion of
16 an active license to a limited license for a
17 specified purpose; amending s. 458.319, F.S.;
18 revising requirements for submitting
19 fingerprints to the department for renewal of
20 licensure as a physician; amending s. 458.331,
21 F.S.; providing grounds for discipline;
22 providing penalties; amending s. 458.347, F.S.;
23 revising provisions relating to temporary
24 licensure as a physician assistant; amending s.
25 459.005, F.S.; providing for licensing and
26 inspecting certain offices performing levels 2
27 and 3 surgery; amending s. 459.0075, F.S.;
28 providing for conversion of an active license
29 to a limited license for a specified purpose;
30 amending s. 459.008, F.S.; revising
31 requirements for submitting fingerprints to the

Amendment No. 2 (for drafter's use only)

1 department for renewal of licensure as an
2 osteopathic physician; amending s. 459.015,
3 F.S.; revising and providing grounds for
4 discipline; providing penalties; amending s.
5 460.402, F.S.; providing an exemption from
6 regulation under ch. 460, F.S., relating to
7 chiropractic, for certain students; amending s.
8 460.403, F.S.; defining the term
9 "community-based internship" for purposes of
10 ch. 460, F.S.; redefining the terms "direct
11 supervision" and "registered chiropractic
12 assistant"; amending s. 460.406, F.S.; revising
13 requirements for licensure as a chiropractic
14 physician by examination to remove a provision
15 relating to a training program; amending s.
16 460.407, F.S.; revising requirements for
17 submitting fingerprints to the department for
18 renewal of licensure as a chiropractic
19 physician; amending s. 460.413, F.S.;
20 increasing the administrative fine; conforming
21 cross-references; amending s. 460.4165, F.S.;
22 revising requirements for certification of
23 chiropractic physician's assistants; providing
24 for supervision of registered chiropractic
25 physician's assistants; providing for biennial
26 renewal; providing fees; providing
27 applicability to current certificateholders;
28 amending s. 460.4166, F.S.; authorizing
29 registered chiropractic assistants to be under
30 the direct supervision of a certified
31 chiropractic physician's assistant; amending s.

Amendment No. 2 (for drafter's use only)

1 461.003, F.S.; defining the term "certified
2 podiatric X-ray assistant" and the term "direct
3 supervision" with respect thereto; redefining
4 the term "practice of podiatric medicine";
5 amending s. 461.006, F.S.; revising the
6 residency requirement to practice podiatric
7 medicine; amending s. 461.007, F.S.; revising
8 requirements for renewal of license to practice
9 podiatric medicine; revising requirements for
10 submitting fingerprints to the department for
11 renewal of licensure; amending s. 461.013,
12 F.S.; revising and providing grounds for
13 discipline; providing penalties; creating s.
14 461.0135, F.S.; providing requirements for
15 operation of X-ray machines by certified
16 podiatric X-ray assistants; amending s.
17 464.008, F.S.; providing for remediation upon
18 failure to pass the examination to practice
19 nursing a specified number of times; amending
20 s. 464.022, F.S.; providing an exemption from
21 regulation relating to remedial courses;
22 amending s. 465.003, F.S.; defining the term
23 "data communication device"; amending s.
24 465.016, F.S.; authorizing the redispensing of
25 unused or returned unit-dose medication by
26 correctional facilities under certain
27 conditions; providing a ground for which a
28 pharmacist may be subject to discipline by the
29 Board of Pharmacy; increasing the
30 administrative fine; amending ss. 465.014,
31 465.015, 465.0196, 468.812, 499.003, F.S.;

Amendment No. 2 (for drafter's use only)

1 correcting cross-references, to conform;
2 creating the Task Force for the Study of
3 Collaborative Drug Therapy Management;
4 providing for staff support from the
5 department; providing for participation by
6 specified associations and entities; providing
7 responsibilities; requiring a report to the
8 Legislature; amending s. 466.021, F.S.;
9 revising requirements relating to dental work
10 orders required of unlicensed persons; amending
11 s. 468.1155, F.S.; revising requirements for
12 provisional licensure to practice
13 speech-language pathology or audiology;
14 amending s. 468.1215, F.S.; revising
15 requirements for certification as a
16 speech-language pathologist or audiologist
17 assistant; amending s. 468.307, F.S.;
18 authorizing the issuance of subcategory
19 certificates in the field of radiologic
20 technology; amending s. 468.506, F.S.;
21 correcting references; amending s. 468.701,
22 F.S.; revising and removing definitions;
23 amending s. 468.703, F.S.; replacing the
24 Council of Athletic Training with a Board of
25 Athletic Training; providing for appointment of
26 board members and their successors; providing
27 for staggering of terms; providing for
28 applicability of other provisions of law
29 relating to activities of regulatory boards;
30 providing for the board's headquarters;
31 amending ss. 468.705, 468.707, 468.709,

Amendment No. 2 (for drafter's use only)

1 468.711, 468.719, 468.721, F.S., relating to
2 rulemaking authority, licensure by examination,
3 fees, continuing education, disciplinary
4 actions, and certain regulatory transition;
5 transferring to the board certain duties of the
6 department relating to regulation of athletic
7 trainers; amending s. 20.43, F.S.; placing the
8 board under the Division of Medical Quality
9 Assurance of the department; providing for
10 termination of the council and the terms of
11 council members; authorizing consideration of
12 former council members for appointment to the
13 board; amending s. 468.805, F.S.; revising
14 grandfathering provisions for the practice of
15 orthotics, prosthetics, or pedorthics; amending
16 s. 468.806, F.S.; providing for approval of
17 continuing education providers; amending s.
18 478.42, F.S.; redefining the term "electrolysis
19 or electrology"; amending subsection (6) of
20 section 483.041, F.S., providing for a duly
21 licensed practitioner from another state to
22 order certain clinical test; amending s.
23 483.807, F.S.; revising provisions relating to
24 fees for approval as a laboratory training
25 program; amending s. 483.809, F.S.; revising
26 requirements relating to examination of
27 clinical laboratory personnel for licensure and
28 to registration of clinical laboratory
29 trainees; amending s. 483.812, F.S.; revising
30 qualification requirements for licensure of
31 public health laboratory scientists; amending

Amendment No. 2 (for drafter's use only)

1 s. 483.813, F.S.; eliminating a provision
2 authorizing conditional licensure of clinical
3 laboratory personnel for a specified period;
4 amending s. 483.821, F.S.; authorizing
5 continuing education or retraining for
6 candidates who fail an examination a specified
7 number of times; amending s. 483.824, F.S.;
8 revising qualifications of clinical laboratory
9 directors; amending s. 483.825, F.S.; revising
10 and providing grounds for discipline; providing
11 penalties; amending s. 483.901, F.S.;
12 correcting a reference; eliminating a provision
13 authorizing temporary licensure as a medical
14 physicist; correcting the name of a trust fund;
15 amending s. 484.007, F.S.; revising
16 requirements for opticians who supervise
17 apprentices; amending s. 484.0512, F.S.;
18 requiring sellers of hearing aids to refund
19 within a specified period all moneys required
20 to be refunded under trial-period provisions;
21 amending s. 484.053, F.S.; increasing the
22 penalty applicable to prohibited acts relating
23 to the dispensing of hearing aids; amending s.
24 484.056, F.S.; providing that violation of
25 trial-period requirements is a ground for
26 disciplinary action; providing penalties;
27 amending ss. 486.041, 486.081, 486.103, and
28 486.107, F.S.; eliminating provisions
29 authorizing issuance of a temporary permit to
30 work as a physical therapist or physical
31 therapist assistant; amending s. 490.005, F.S.;

Amendment No. 2 (for drafter's use only)

1 revising educational requirements for licensure
2 as a psychologist by examination; changing a
3 date, to defer certain educational
4 requirements; amending s. 490.006, F.S.;
5 providing additional requirements for licensure
6 as a psychologist by endorsement; amending s.
7 490.0085, F.S.; correcting the name of a trust
8 fund; amending s. 490.0148, F.S.; authorizing
9 release of a patient's psychological record to
10 certain persons pursuant to workers'
11 compensation provisions; amending s. 491.0045,
12 F.S.; revising requirements for registration as
13 a clinical social worker intern, marriage and
14 family therapist intern, or mental health
15 counselor intern; amending s. 491.0046, F.S.;
16 revising requirements for provisional licensure
17 of clinical social workers, marriage and family
18 therapists, and mental health counselors;
19 amending s. 491.005, F.S.; revising
20 requirements for licensure of clinical social
21 workers, marriage and family therapists, and
22 mental health counselors; providing for
23 certification of education of interns;
24 providing rulemaking authority to implement
25 education and experience requirements for
26 licensure as a clinical social worker, marriage
27 and family therapist, or mental health
28 counselor; revising future licensure
29 requirements for mental health counselors and
30 providing rulemaking authority for
31 implementation thereof; amending s. 491.006,

Amendment No. 2 (for drafter's use only)

1 F.S.; revising requirements for licensure or
2 certification by endorsement; amending s.
3 491.0085, F.S.; requiring laws and rules
4 courses and providing for approval thereof,
5 including providers and programs; correcting
6 the name of a trust fund; amending s. 491.014,
7 F.S.; revising an exemption from regulation
8 relating to certain temporally limited
9 services; amending s. 499.012, F.S.; redefining
10 the term "wholesale distribution," relating to
11 the distribution of prescription drugs, to
12 provide for the exclusion of certain
13 activities; amending ss. 626.883, 641.316,
14 F.S.; requiring payments to a health care
15 provider by a fiscal intermediary to include an
16 explanation of services provided; creating a
17 Task Force on Telehealth; providing its duties;
18 requiring a report; amending s. 468.352, F.S.;
19 redefining the term "board"; amending s.
20 468.353, F.S.; conforming provision; providing
21 for the adoption of rules; amending s. 468.354,
22 F.S.; creating the Board of Respiratory Care;
23 providing for membership, powers, and duties;
24 amending s. 468.355, F.S.; providing for
25 periodic rather than annual review of certain
26 examinations and standards; amending s.
27 458.357, F.S.; conforming provisions; deleting
28 obsolete provisions; amending s. 468.364, F.S.;
29 deleting an examination fee; amending s.
30 468.365, F.S.; conforming provisions; amending
31 s. 464.016, F.S., providing that the use of the

Amendment No. 2 (for drafter's use only)

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title "nurse" without being licensed or
certified is a crime; amending s. 465.017,
F.S., prescribing additional persons entitled
to inspect records of pharmacies; providing for
a detailed study and analysis of clinical
laboratory services for kidney dialysis
patients; providing effective dates.